

**SUBSTITUTE FOR
HOUSE BILL NO. 5992**

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending section 3119 (MCL 289.3119), as amended by 2007 PA
113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3119. (1) Except as otherwise provided for in
2 subsection (2), upon submission of an application, an applicant
3 for a food service establishment license shall pay to the local
4 health department having jurisdiction the required fees
5 authorized by section 2444 of the public health code, MCL
6 333.2444, and an additional state license fee as follows:

7 (a) Vending machine location fee \$ 3.00.

1	(b) Temporary food service establishment...	\$ 3.00.
2	(c) Food service establishment.....	\$ 22.00.
3	(d) Mobile food establishment commissary...	\$ 22.00.
4	(e) Special transitory food unit.....	\$ 35.00.

5 (2) When licensing a special transitory food unit, a local
6 health department shall impose a fee of \$135.00, which includes
7 the additional state license fee imposed under subsection (1)
8 unless exempted under subsection (4) or (5).

9 (3) The state license fee required under subsection (1)
10 shall be collected by the local health department at the time the
11 license application is submitted. The state license fee is due
12 and payable by the local health department to the state within 60
13 days after the fee is collected.

14 (4) A charitable, religious, fraternal, service, civic, or
15 other nonprofit organization that has tax-exempt status under
16 section 501(c)(3) of the internal revenue code, ~~of 1986 is 26 USC~~
17 **501, AND A SCHOOL ARE** exempt from paying additional state license
18 fees imposed under this section except for the vending machine
19 location license fee. **THIS SUBSECTION DOES NOT RESTRICT THE**
20 **ABILITY OF THE GOVERNING BOARD OF A LOCAL HEALTH DEPARTMENT OR**
21 **AUTHORITY TO FIX, REVOKE, OR AMEND FEES AS FURTHER AUTHORIZED AND**
22 **DESCRIBED UNDER SECTION 2444 OF THE PUBLIC HEALTH CODE, MCL**
23 **333.2444.** An organization seeking an exemption under this
24 subsection **AS A TAX-EXEMPT ORGANIZATION UNDER SECTION 501(C)(3)**
25 **OF THE INTERNAL REVENUE CODE, 26 USC 501,** shall furnish to the
26 department or a local health department evidence of its tax-
27 exempt status.

1 (5) A veteran who has a waiver of a license fee under the
2 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
3 exempt from paying the fees prescribed in this section.

4 (6) The department shall adjust on an annual basis the fees
5 prescribed by subsections (1) and (2) by an amount determined by
6 the state treasurer to reflect the cumulative annual percentage
7 change in the Detroit consumer price index but not to exceed 5%.
8 As used in this subsection, "Detroit consumer price index" means
9 the most comprehensive index of consumer prices available for the
10 Detroit area from the bureau of labor statistics of the United
11 States department of labor or its successor. The adjustment shall
12 be rounded to the nearest dollar to set each year's fee under
13 this subsection, but the absolute value shall be carried over and
14 used to calculate the next annual adjustment.

15 (7) The local health department shall forward the license
16 applications to the department with appropriate recommendations.