

HOUSE BILL No. 5992

April 16, 2008, Introduced by Reps. Ball, Sheltroun, Polidori, Garfield, Opsommer, Caul, Moolenaar, Walker, Booher, Hansen, Nofs and Gaffney and referred to the Committee on Agriculture.

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 1986-26 USC~~
17 **501**, is exempt from paying additional state license fees imposed
18 under this section except for the vending machine location
19 license fee. **THIS SUBSECTION DOES NOT RESTRICT THE ABILITY OF THE**
20 **GOVERNING BOARD OF A LOCAL HEALTH DEPARTMENT OR AUTHORITY TO FIX,**
21 **REVOKE, OR AMEND FEES AS FURTHER AUTHORIZED AND DESCRIBED UNDER**
22 **SECTION 2444 OF THE PUBLIC HEALTH CODE, MCL 333.2444.** An
23 organization seeking an exemption under this subsection shall
24 furnish to the department or a local health department evidence
25 of its tax-exempt status.

26 (5) A veteran who has a waiver of a license fee under the
27 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is

1 exempt from paying the fees prescribed in this section.

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

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