

HOUSE BILL No. 5843

February 18, 2010, Introduced by Reps. Barnett, Byrnes, Donigan, Valentine, Proos, Tyler, Hansen, Huckleberry, Meadows and Haase and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending section 4105 (MCL 289.4105), as amended by 2007 PA
113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4105. (1) Except as otherwise provided for in
2 subsection (2), a person, establishment, or organization that is
3 1 or more of the following is exempt from the licensure
4 requirements under this act:

5 (a) Subject to subsection (2), an establishment licensed
6 under 1 of the following acts while conducting activities within
7 the scope of that act:

8	<u>Public Act No.</u>	<u>Year</u>	<u>Compiled Law Sections</u>
---	-----------------------	-------------	------------------------------

1	141	1939	285.61 to 285.88
2	228	1959	286.371 to 286.379
3	158	1964	290.451 to 290.466
4	266	2001	288.471 to 288.540
5	267	2001	288.561 to 288.740

6 (b) A person that is offering only whole uncut fresh fruits
7 and vegetables directly to consumers.

8 (c) Consumers or nonprofit cooperatives of consumers in
9 compliance with the nonprofit corporation act, 1982 PA 162, MCL
10 450.2101 to 450.3192, providing products from regulated sources
11 only for their own use.

12 (d) Nonprofit cooperatives in compliance with the nonprofit
13 corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, who are
14 growers selling unprocessed products of their own production or
15 are producers selling unprocessed products of their own
16 production from regulated sources.

17 (e) Retail outlets for the sale of prepackaged honey or
18 maple syrup produced in Michigan if the outlet is operated by the
19 producer and the processing facility is licensed under this act.

20 **A RETAIL OUTLET FOR HONEY PRODUCED BY HOBBYKEEPERS FOR RETAIL**
21 **SALE AT FARMERS MARKETS, CHURCH BAZAARS, AND SCHOOL FAIRS IS**
22 **INCLUDED IN THIS EXEMPTION EVEN THOUGH THE PROCESSING FACILITY IS**
23 **NOT LICENSED UNDER THIS ACT.**

24 (f) A temporary food establishment with no food preparation
25 using only single-service articles and serving only non-
26 potentially-hazardous food or beverage.

27 (g) A retail food establishment that does both of the

1 following:

2 (i) Only sells prepackaged, non-potentially-hazardous foods.

3 (ii) Offers only an incidental amount of food, such as the
4 sale of single-service packages.

5 (h) A mobile food establishment, such as an ice cream truck,
6 that offers only prepackaged, single-serving frozen desserts.

7 (i) An event not open to the general public held by a
8 nonprofit trade association representing food establishments,
9 suppliers, or manufacturers where limited food preparation takes
10 place for the purpose of advertising, displaying, promoting, and
11 sampling prepared food.

12 (j) A commercial fishing guide service that serves lunch to
13 a party of not more than 12 clients on or adjacent to a body of
14 water, river, or stream while pursuing, capturing, catching,
15 killing, taking, or attempting to take fish. As used in this
16 subparagraph, "commercial fishing guide service" means a service
17 provided for a fee or other valuable consideration, regardless of
18 whether the fee or other valuable consideration is paid directly
19 or indirectly, to assist another person in pursuing, capturing,
20 catching, killing, taking, or attempting to take fish.

21 (k) A person owning or operating a device that dispenses
22 only bottled or canned soft drinks; other packaged nonperishable
23 foods or beverages; or bulk gum, nuts, and panned candies.

24 (l) Feeding operations set up in response to an emergency or
25 disaster.

26 (2) Notwithstanding subsection (1)(a), a person operating as
27 or conducting activities the director considers to be a food

1 establishment must be licensed in the appropriate category under
2 this act.

3 (3) If food is prepared in a food service establishment
4 licensed under this chapter and the food is transported from the
5 food service establishment to a fixed temporary serving location,
6 the serving location is not required to be separately licensed
7 and is considered an extension of the food service establishment
8 if no food preparation is conducted at the serving location and
9 the food is transported and served by employees of the food
10 service establishment.