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BILL ANALYSIS



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Senate Bill 730 (as introduced 12-12-13)
Sponsor: Senator Judy K. Emmons
Committee: Regulatory Reform

Date Completed: 3-13-14

CONTENT

The bill would amend the Food Law to do the following:

- **Require at least one certified managerial employee of certain food establishments to be employed as a food safety manager.**
- **Require the certification program for a food safety manager to include viewing a video or completing other training concerning food allergies.**
- **Require a retail food establishment to display a poster relative to food allergy awareness in the establishment's staff area.**
- **Require a retail food establishment to include a notice to customers, either on the menu or on a poster at or near the main entrance, of the customer's obligation to inform the server about any food allergies.**
- **Require the Michigan Department of Agriculture and Rural Development (MDARD) to develop a voluntary program for retail food establishments to be designated as food allergy friendly.**
- **Require an establishment with that designation to make available to the public a list of all the ingredients used to prepare food.**
- **Require MDARD to report to the Legislature on the bill's impact, retail food establishments' compliance with the Food Law, and proposed changes to the Law.**

Food Safety Manager

The Law requires certain food establishments to employ at least one managerial employee who is currently certified under a personnel certification program accredited by the American National Standards Institute, using standards of the Conference for Food Protection. This requirement applies to the following:

- A food service establishment that is not a licensed temporary food service establishment or a vending machine.
- An extended retail food establishment.
- A food establishment operated within a retail grocery.

The bill would retain that requirement but would require the certified managerial employee to be employed as a food safety manager.

Under the bill, in order to get the certification described above, a food safety manager who supervised the operations of a retail food establishment, as part of an otherwise approved certified food safety manager education program, would have to view a video or complete another training program concerning food allergies that was approved by MDARD. A person

designated as an alternate person in charge at a retail food establishment also would have to view the video or complete another training program concerning food allergies. For any certified food safety manager examination offered by an accredited program that MDARD recognized, the Department would have to require the exam to include questions concerning food allergies as they relate to food preparation.

Food Allergy Awareness

The bill would require each retail food establishment in Michigan to prominently display in the staff area a poster developed and approved by MDARD relative to food allergy awareness. The poster would have to include information regarding the risk of an allergic reaction.

Each retail food establishment also would have to include a notice to customers of the customer's obligation to inform the server about any food allergies. The notice would have to be placed either on all menus or on a poster at or near the main entrance of the establishment. The notice would have to state: "Before placing your order, please inform your server if a person in your party has a food allergy."

The bill would permit MDARD to promulgate rules to carry out the staff poster and customer notice requirements.

The staff poster and customer notice requirements would not establish or change any private cause of action, and would not change any duty under any other statute or the common law, except as expressly provided in the bill.

Food Allergy Friendly Designation

The bill would require MDARD to develop a program for retail food establishments to be designated as food allergy friendly and maintain on the Department's website a list of retail food establishments receiving that designation. Participation in the program would be voluntary. The Department would have to issue guidelines and requirements for retail food establishments to receive the designation. Those requirements would have to include maintaining on the premises and making available to the public a master list of all the ingredients used in the preparation of each food item available for consumption.

Report to the Legislature

Not earlier than one year, and not later than two years, after the bill's effective date, MDARD would have to submit a report to the Legislature. The report would have to include all of the following:

- An analysis of the bill's impact.
- Compliance of retail food establishments with the Food Law.
- Proposed changes to the Law consistent with the public health and welfare.

MCL 289.2129 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minor fiscal impact on State and local governments. Under the bill, MDARD would be required to develop or approve some type of training program concerning food allergies for retail food establishments, and to establish criteria for, designate, and place on its website those retail food establishments that were food allergy friendly. The Department also would be required to provide to the Legislature an analysis of the impact of the bill between one and two years following its enactment.

Local governments, through local public health departments in their role as primary inspectors of retail food establishments, would be required to bear the burden of interfacing with retail food establishments concerning the requirements of the bill, but it is doubtful that these requirements would add significantly to time spent on the health departments' current regulatory activities.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.