

SUBSTITUTE FOR
SENATE BILL NO. 730

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 2129 (MCL 289.2129), as amended by 2012 PA 178,
and by adding section 6152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2129. (1) ~~All~~ **SUBJECT TO SUBSECTION (2)**, **ALL** of the
2 following food establishments shall employ a minimum of 1
3 managerial employee **AS A FOOD SAFETY MANAGER** who is currently
4 certified under a personnel certification program accredited by the
5 American national standards institute, utilizing the conference for
6 food protection standards:

7 (a) A food service establishment that is not any of the
8 following:

9 (i) ~~Operating under a~~ **A LICENSED** temporary food service

1 establishment. ~~license.~~

2 (ii) A vending machine. ~~location.~~

3 (b) An extended retail food establishment.

4 (c) ~~Operated~~ **A FOOD ESTABLISHMENT OPERATED** within a retail
5 grocery.

6 (2) **A CERTIFIED FOOD SAFETY MANAGER WHO SUPERVISES THE**
7 **OPERATIONS OF A FOOD SERVICE ESTABLISHMENT SHALL VIEW A VIDEO OR**
8 **COMPLETE ANOTHER TRAINING PROGRAM APPROVED BY THE DEPARTMENT**
9 **CONCERNING FOOD ALLERGIES. THE FOOD SERVICE ESTABLISHMENT SHALL**
10 **RETAIN RECORDS ON THE SITE OF THE FOOD SERVICE ESTABLISHMENT**
11 **DOCUMENTING COMPLIANCE WITH THIS REQUIREMENT.**

12 (3) ~~(2)~~—An individual certified under subsection (1) shall be
13 recognized with full faith and credit by the state and all local
14 units of government throughout the state.

15 (4) ~~(3)~~—The department may promulgate rules to do all of the
16 following:

17 (a) Develop requirements for retail food establishments to
18 follow when employing certified food safety managers or personnel.

19 (b) Set a reasonable date for compliance with the requirements
20 under subdivision (a) taking into consideration existing local
21 personnel certification requirements.

22 (c) Establish certification fees necessary to implement,
23 maintain, and track certified individuals directly or by contract.
24 The department may annually adjust the schedule of fees to provide
25 that the fee charged is sufficient to cover the cost of the
26 certification tracking program.

27 (d) Implement and enforce the requirements ~~described in~~

1 DEVELOPED UNDER subdivision (a).

2 (5) ~~(4)~~—The certification program developed by the American
3 national standards institute, as it exists on April 1, 2008, is
4 incorporated by reference. The department may adopt updates to the
5 certification program accreditation standards in subsection (1) by
6 rule.

7 (6) ~~(5)~~—This section does not prohibit any local legislative
8 body from implementing a food handler program, an employee health
9 certification program, or a manager certification program, if it is
10 not in conflict with this section.

11 SEC. 6152. (1) EACH FOOD SERVICE ESTABLISHMENT IN THIS STATE
12 SHALL DO BOTH OF THE FOLLOWING:

13 (A) PROMINENTLY DISPLAY IN THE STAFF AREA A POSTER DEVELOPED
14 AND APPROVED BY THE DEPARTMENT RELATIVE TO FOOD ALLERGY AWARENESS
15 THAT INCLUDES, BUT IS NOT LIMITED TO, INFORMATION REGARDING THE
16 RISK OF AN ALLERGIC REACTION, OR POST THE SAME INFORMATION FROM THE
17 POSTER IN A DIFFERENT, READABLE NOTICE IN THE STAFF AREA.

18 (B) PROVIDE A NOTICE TO CUSTOMERS OF THE CUSTOMER'S OBLIGATION
19 TO INFORM THE SERVER ABOUT ANY FOOD ALLERGIES, WHICH STATES:
20 "BEFORE PLACING YOUR ORDER, PLEASE INFORM YOUR SERVER IF A PERSON
21 IN YOUR PARTY HAS A FOOD ALLERGY.". THIS NOTICE SHALL BE PROVIDED
22 IN 1 OR MORE OF THE FOLLOWING WAYS:

23 (i) PRINTED ON ALL MENUS.

24 (ii) PRINTED ON A STICKER THAT IS PLACED ON ALL MENUS.

25 (iii) PRINTED ON A STICKER THAT IS PLACED IN A WINDOW AT THE
26 MAIN ENTRANCE OF THE FOOD SERVICE ESTABLISHMENT.

27 (iv) PLACED ON A POSTER OR SIGN AT OR NEAR THE MAIN ENTRANCE OF

1 THE FOOD SERVICE ESTABLISHMENT.

2 (2) THE DEPARTMENT MAY PROMULGATE RULES TO CARRY OUT THIS
3 SECTION.

4 (3) THIS SECTION DOES NOT ESTABLISH OR CHANGE ANY PRIVATE
5 CAUSE OF ACTION. THIS SECTION DOES NOT CHANGE ANY DUTY UNDER ANY
6 OTHER STATUTE OR THE COMMON LAW, EXCEPT AS THIS SECTION EXPRESSLY
7 PROVIDES.