

# SENATE BILL No. 730

December 12, 2013, Introduced by Senators EMMONS, HUNE, SMITH, NOFS, GREEN, PAPPAGEORGE, JONES, MARLEAU, BRANDENBURG, ANANICH and WARREN and referred to the Committee on Regulatory Reform.

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 sections 6152 and 6153.

**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) IN ORDER TO OBTAIN HIS OR HER CERTIFICATION UNDER  
7 SUBSECTION (1), A FOOD SAFETY MANAGER WHO SUPERVISES THE OPERATIONS  
8 OF A RETAIL FOOD ESTABLISHMENT SHALL, AS PART OF AN OTHERWISE  
9 APPROVED CERTIFIED FOOD SAFETY MANAGER EDUCATION PROGRAM, VIEW A  
10 VIDEO OR COMPLETE ANOTHER TRAINING PROGRAM APPROVED BY THE  
11 DEPARTMENT CONCERNING FOOD ALLERGIES. A PERSON DESIGNATED AS AN  
12 ALTERNATE PERSON IN CHARGE AT A RETAIL FOOD ESTABLISHMENT SHALL  
13 ALSO VIEW THE VIDEO OR COMPLETE ANOTHER TRAINING PROGRAM CONCERNING  
14 FOOD ALLERGIES. THE DEPARTMENT SHALL REQUIRE THAT ANY CERTIFIED  
15 FOOD SAFETY MANAGER EXAMINATION OFFERED BY AN ACCREDITED PROGRAM  
16 RECOGNIZED BY THE DEPARTMENT SHALL INCLUDE QUESTIONS CONCERNING  
17 FOOD ALLERGIES AS THEY RELATE TO FOOD PREPARATION.

18 (3) ~~(2)~~—An individual certified under subsection (1) shall be  
19 recognized with full faith and credit by the state and all local  
20 units of government throughout the state.

21 (4) ~~(3)~~—The department may promulgate rules to do all of the  
22 following:

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

25 (b) Set a reasonable date for compliance with the requirements  
26 under subdivision (a) taking into consideration existing local  
27 personnel certification requirements.

1 (c) Establish certification fees necessary to implement,  
2 maintain, and track certified individuals directly or by contract.  
3 The department may annually adjust the schedule of fees to provide  
4 that the fee charged is sufficient to cover the cost of the  
5 certification tracking program.

6 (d) Implement and enforce the requirements ~~described in~~  
7 **DEVELOPED UNDER** subdivision (a).

8 (5) ~~(4)~~—The certification program developed by the American  
9 national standards institute, as it exists on April 1, 2008, is  
10 incorporated by reference. The department may adopt updates to the  
11 certification program accreditation standards in subsection (1) by  
12 rule.

13 (6) ~~(5)~~—This section does not prohibit any local legislative  
14 body from implementing a food handler program, an employee health  
15 certification program, or a manager certification program, if it is  
16 not in conflict with this section.

17 **SEC. 6152. (1) EACH RETAIL FOOD ESTABLISHMENT IN THIS STATE**  
18 **SHALL DO BOTH OF THE FOLLOWING:**

19 (A) **PROMINENTLY DISPLAY IN THE STAFF AREA A POSTER DEVELOPED**  
20 **AND APPROVED BY THE DEPARTMENT RELATIVE TO FOOD ALLERGY AWARENESS**  
21 **THAT INCLUDES, BUT IS NOT LIMITED TO, INFORMATION REGARDING THE**  
22 **RISK OF AN ALLERGIC REACTION.**

23 (B) **INCLUDE A NOTICE TO CUSTOMERS OF THE CUSTOMER'S OBLIGATION**  
24 **TO INFORM THE SERVER ABOUT ANY FOOD ALLERGIES. THIS NOTICE SHALL BE**  
25 **PLACED EITHER ON ALL MENUS OR ON A POSTER AT OR NEAR THE MAIN**  
26 **ENTRANCE OF THE RETAIL FOOD ESTABLISHMENT. THE NOTICE SHALL STATE:**  
27 **"BEFORE PLACING YOUR ORDER, PLEASE INFORM YOUR SERVER IF A PERSON**

1 IN YOUR PARTY HAS A FOOD ALLERGY." .

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.

8 SEC. 6153. (1) THE DEPARTMENT SHALL DEVELOP A PROGRAM FOR  
9 RETAIL FOOD ESTABLISHMENTS TO BE DESIGNATED AS FOOD ALLERGY  
10 FRIENDLY AND SHALL MAINTAIN A LISTING OF RETAIL FOOD ESTABLISHMENTS  
11 RECEIVING THIS DESIGNATION ON THE DEPARTMENT'S INTERNET WEBSITE.  
12 PARTICIPATION IN THE PROGRAM DEVELOPED UNDER THIS SECTION IS  
13 VOLUNTARY. THE DEPARTMENT SHALL ISSUE GUIDELINES AND REQUIREMENTS  
14 FOR RETAIL FOOD ESTABLISHMENTS TO RECEIVE THE DESIGNATION. THE  
15 REQUIREMENTS SHALL INCLUDE, BUT ARE NOT LIMITED TO, MAINTAINING ON  
16 THE PREMISES AND MAKING AVAILABLE TO THE PUBLIC A MASTER LIST OF  
17 ALL THE INGREDIENTS USED IN THE PREPARATION OF EACH FOOD ITEM  
18 AVAILABLE FOR CONSUMPTION.

19 (2) NOT EARLIER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE  
20 AMENDATORY ACT THAT ADDED THIS SECTION AND NOT LATER THAN 2 YEARS  
21 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
22 SECTION, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE  
23 THAT INCLUDES ALL OF THE FOLLOWING:

24 (A) AN ANALYSIS OF THE IMPACT OF THE AMENDATORY ACT THAT ADDED  
25 THIS SECTION.

26 (B) COMPLIANCE OF RETAIL FOOD ESTABLISHMENTS WITH THIS ACT.

27 (C) PROPOSED CHANGES TO THIS ACT CONSISTENT WITH THE PUBLIC

1 HEALTH AND WELFARE.