

## **FOOD LAW: WAIVE CERTAIN REQUIREMENTS FOR SERVING LOW-RISK FOODS**

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**Senate Bill 144 (passed by the Senate as S-2)**

**Sponsor: Sen. Tom Casperson**

**House Committee: Agriculture**

**Senate Committee: Agriculture**

**Complete to 6-16-15**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 142 of 2015)*

### **SUMMARY:**

Senate Bill 144 would amend several sections of the Food Law to exempt low-risk foods served at temporary food establishments from certain inspection requirements. The bill would take effect 90 days after the date it is enacted into law.

Under the bill, if a "temporary food establishment" plans to serve only low-risk food, a local health department may, based on a public health risk assessment of the applicant, conduct an in-office consultation and operational review with that applicant (including food safety education) instead of an on-site inspection. If the local health department chooses to conduct the in-office consultation, it may also still conduct an inspection of the proposed or existing food service establishment. Either the site inspection or the in-office consultation must be conducted prior to the local health department's recommendation to the Michigan Department of Agriculture and Rural Development (MDARD) on the issuance of a license. Currently, an on-site inspection must be conducted for each temporary food establishment applicant.

"Temporary food establishment" is currently defined in the act as a food establishment which operates at a fixed location for a temporary period not to exceed 14 consecutive days.

The bill would add the term "low-risk food" and define it as meaning any of the following:

- Raw or prepackaged food that is not potentially hazardous food (time/temperature control for safety food).
- Potentially hazardous food (time/temperature control for safety food) that is prepared in a licensed facility and is not prepared on-site
- Commercially processed potentially hazardous food (time/temperature control for safety food) that is fully cooked and heated only for hot holding.

A "food establishment" is defined in the Michigan Administrative Code (R 289.570.1) as an operation where food is processed, packed, canned, preserved, frozen, fabricated, stored, prepared, served, sold, or offered for sale. Food establishment includes a food processing plant, a food service establishment (including restaurants), and a retail grocery. Food establishment does not include any of the following:

- A charitable, religious, fraternal, or other nonprofit organization operating a home-prepared baked goods sale or serving only home-prepared food in connection with its meetings or as part of a fund-raising event.
- An inpatient food operation located in a health facility or agency subject to licensure under Article 17 of the Public Health Code.
- A food operation located in a prison, jail, state mental health institute, boarding house, fraternity or sorority house, convent, or other facility where the facility is the primary residence for the occupants and the food operation is limited to serving meals to the occupants as part of their living arrangement.

**FISCAL IMPACT:**

The bill would have no apparent impact on state costs or revenues. The bill could result in some marginal savings to local public health agencies with respect to "temporary food establishment" license applicants to the extent that local public health agencies are able to conduct some in-office consultations and operational reviews with applicants instead of on-site inspections. The amount of potential savings cannot be readily estimated although are likely relatively small.

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