

# Legislative Analysis

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## **REQUIRE KITCHEN INSPECTIONS UNDER FOOD CODE FOR PRIVATELY OPERATED PRISON KITCHENS**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4748 as introduced**  
**Sponsor: Rep. John Kivela**

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

**House Bill 4749 as introduced**  
**Sponsor: Rep. Edward McBroom**

**Committee: Oversight and Ethics**  
**Complete to 9-23-15**

### **SUMMARY:**

House Bill 4748 would amend the Corrections Code so that a prison kitchen facility would be subject to inspections under the Food Law when the facility is managed by a private contractor or when food is prepared and/or served by employees who are not state employees.

House Bill 4749 would make a complementary amendment to the Food Law. Under the Food Law, a food operation located in a prison is excluded from the definition of "food establishment." The bill would limit that exclusion by adding, "subject to Section 80 of the Corrections Code . . ." That is the section added by House Bill 4748.

Under House Bill 4748, the private contractor managing the kitchen or employing the individuals working in the kitchen would be responsible for the cost of inspection conducted by a local health department or the state Department of Agriculture and Rural Development.

MCL 791.280 (HB 4748)  
MCL 289.1107 (HB 4749)

### **FISCAL IMPACT:**

As noted above, prison food services are not currently "food establishments," or more specifically, "food service establishments," as defined in the Food Law. The two bills working together would make prison food service, when managed by a private contractor, or where food is prepared and/or served by employees who are not state employees, subject to the Food Law as "food establishments."

Responsibility for inspection of private contractor prison food service establishments would likely fall to local public health departments. Chapter III of the Food Law currently provides for the delegation to local public health departments the authority and responsibility for the enforcement of the Food Law requirements pertaining to food service establishments. Responsibility would fall back to the Michigan Department of Agriculture

and Rural Development (MDARD) if the local public health department was unable to perform the inspection. [The Department of Corrections had, until recently, state employee registered sanitarians who conducted inspections of prison food service operations.]

As authorized by Section 2444 of the Public Health Code, local public health department government bodies set fees for the services provided, including the food service establishment license fees. These fees are established to cover the cost of the inspection program. In addition, the local public health department also collects an additional \$22.00 state license fee established under Section 3119 of the Food Law.

The bill would have no direct fiscal impact on state or local costs. The cost of the inspection of private contractor prison food service establishments would be covered by related inspection fees. Under provision of the bills, the private contractor managing the kitchen or employing the individuals working in the kitchen would be responsible for the cost of in inspection conducted by a local health department or the state Department of Agriculture and Rural Development.

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