

**SUBSTITUTE FOR  
HOUSE BILL NO. 4811**

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending sections 3119, 4103, and 7112 (MCL 289.3119,  
289.4103, and 289.7112), section 3119 as amended by 2016 PA 188  
and section 4103 as amended and section 7112 as added by 2012 PA  
178.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3119. (1) ~~Except~~**UNTIL DECEMBER 31, 2023, AND EXCEPT** as  
2 otherwise provided for in subsection (2), upon submission of an  
3 application, an applicant for a food service establishment  
4 license shall pay to the local health department having  
5 jurisdiction the required fees authorized by section 2444 of the  
6 public health code, MCL 333.2444, and an additional state license  
7 fee as follows:

1	(a) Temporary food service establishment.....	\$ <del>3.00</del> <b>4.00</b> .
2	(b) Food service establishment.....	\$ <del>22.00</del> <b>25.00</b> .
3	(c) Mobile food establishment commissary.....	\$ <del>22.00</del> <b>25.00</b> .
4	(d) Special transitory food unit.....	\$ <del>35.00</del> <b>39.00</b> .

5 (2) When licensing a special transitory food unit, a local  
6 health department shall impose a fee of ~~\$135.00~~, **\$150.00**, which  
7 includes the additional state license fee imposed under  
8 subsection (1) unless exempted under subsection (4) or (5).

9 (3) The state license fee required under subsection (1)  
10 ~~shall~~ **MUST** be collected by the local health department at the  
11 time the license application is submitted. The state license fee  
12 is due and payable by the local health department to the state  
13 within 60 days after the fee is collected.

14 (4) A charitable, religious, fraternal, service, civic, or  
15 other nonprofit organization that has tax-exempt status under  
16 section 501(c)(3) of the internal revenue code, 26 USC 501, is  
17 exempt from paying additional state license fees imposed under  
18 this section. This subsection does not restrict the ability of  
19 the governing board of a local health department or authority to  
20 fix, revoke, or amend fees as further authorized and described  
21 under section 2444 of the public health code, MCL 333.2444. An  
22 organization seeking an exemption under this subsection shall  
23 furnish to the department or a local health department evidence  
24 of its tax-exempt status.

25 (5) A veteran who has a waiver of a license fee under the  
26 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is

1 exempt from paying the fees prescribed in this section.  
2 ~~—— (6) The department shall adjust on an annual basis the fees~~  
3 ~~prescribed by subsections (1) and (2) by an amount determined by~~  
4 ~~the state treasurer to reflect the cumulative annual percentage~~  
5 ~~change in the Detroit consumer price index but not to exceed 5%.~~  
6 ~~As used in this subsection, "Detroit consumer price index" means~~  
7 ~~the most comprehensive index of consumer prices available for the~~  
8 ~~Detroit area from the Bureau of Labor Statistics of the United~~  
9 ~~States Department of Labor or its successor. The adjustment shall~~  
10 ~~be rounded to the nearest dollar to set each year's fee under~~  
11 ~~this subsection, but the absolute value shall be carried over and~~  
12 ~~used to calculate the next annual adjustment.~~

13           (6) ~~(7)~~ The local health department shall forward the  
14 license applications to the department with appropriate  
15 recommendations.

16           Sec. 4103. (1) An applicant shall submit an application for  
17 a food establishment license at least 30 calendar days before the  
18 date planned for its opening or the change of ownership. For  
19 temporary food establishments applying less than 4 days from  
20 opening, the director may charge twice the applicable license fee  
21 to perform the licensing evaluation.

22           (2) Application for the license under subsection (1) ~~shall~~  
23 **MUST** be submitted upon the forms approved by the department and  
24 ~~shall~~ **MUST** contain the reasonable information required by the  
25 department to process the application.

26           (3) An application for a mobile food establishment license  
27 ~~shall~~ **MUST** include all of the following information:

1 (a) The location and dates of the operation.

2 (b) The name and address of the commissary that will service  
3 the applicant.

4 (4) Within 10 days after a change in the servicing  
5 commissary, the mobile food establishment licensee shall submit  
6 an affidavit containing the name and address of the new  
7 commissary servicing the licensee.

8 (5) The local health department shall forward license  
9 recommendations to the department. Section ~~3119(7)~~**3119(6)** does  
10 not apply.

11 (6) The director may issue a temporary food establishment  
12 license. The director, pursuant to uniformly applied department  
13 guidance, may decline to issue multiple temporary food  
14 establishment licenses for the same establishment within a given  
15 calendar year.

16 Sec. 7112. (1) 21 CFR parts 1, 70, 73, 74, 81, 82, and 100  
17 to 199, as set forth on the effective date of the amendatory act  
18 that ~~added~~**AMENDED** this section, are adopted by reference, except  
19 to the extent that provisions of this act and rules promulgated  
20 under this act specify different requirements.

21 (2) The director, by promulgation of a rule, may adopt any  
22 changes or updates to 21 CFR parts 1, 70, 73, 74, 81, 82, and 100  
23 to 199.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
26 02472'17 a) of the 99th Legislature is enacted into law.