

HOUSE BILL No. 4811

July 12, 2017, Introduced by Reps. Victory, Pagel, LaSata, Hoadley, VanSingel, Brann, Whiteford, VanderWall and Barrett and referred to the Committee on Agriculture.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

- 7 (a) Temporary food service establishment..... \$ 3.00.
- 8 (b) Food service establishment..... \$ 22.00.

- 1 (c) Mobile food establishment commissary..... \$ 22.00.
 2 (d) Special transitory food unit..... \$ 35.00.

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

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

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

23 (5) A veteran who has a waiver of a license fee under the
 24 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
 25 exempt from paying the fees prescribed in this section.

26 (6) ~~The~~ **BEGINNING WITH THE 2008-2009 LICENSING YEAR, THE**
 27 department shall adjust on an annual basis the fees prescribed by

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

11 (7) The local health department shall forward the license
12 applications to the department with appropriate recommendations.

13 Sec. 7112. (1) 21 CFR parts 1, 70, 73, 74, 81, 82, and 100 to
14 199, as set forth on the effective date of the amendatory act that
15 ~~added~~ **AMENDED** this section, are adopted by reference, except to the
16 extent that provisions of this act and rules promulgated under this
17 act specify different requirements.

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

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 4812 (request no.
23 02472'17 a) of the 99th Legislature is enacted into law.