

HOUSE BILL NO. 4989

September 14, 2023, Introduced by Reps. Martus and Witwer and referred to the Committee on Appropriations.

A bill to amend 2000 PA 92, entitled "Food law," by amending sections 3119, 4103, and 4117 (MCL 289.3119, 289.4103, and 289.4117), sections 3119 and 4103 as amended by 2018 PA 92 and section 4117 as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3119. (1) ~~Until December 31, 2023, and except as~~
2 ~~otherwise provided for in subsection (2), upon~~ **On** submission of an
3 application, an applicant for a food service establishment license
4 shall pay to the local health department having jurisdiction the
5 required fees authorized by section 2444 of the public health code,

1 MCL 333.2444, and an additional state license fee as follows:

- 2 (a) Temporary food service establishment..... \$ 4.00.
- 3 (b) Food service establishment..... \$ 25.00.
- 4 (c) Mobile food establishment commissary..... \$ 25.00.
- 5 (d) ~~Special transitory~~**Transitory** food \$ 39.00.
- 6 unit.....

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

11 **(2)** ~~(3)~~The state license fee required under subsection (1)
12 must be collected by the local health department at the time the
13 license application is submitted. The state license fee is due and
14 payable by the local health department to the state within 60 days
15 after the fee is collected.

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

27 **(4)** ~~(5)~~A veteran who has a waiver of a license fee under the
28 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
29 exempt from paying the fees prescribed in this section.

1 (5) ~~(6)~~—The local health department shall forward the ~~license~~
2 applications to the department with appropriate recommendations.

3 (6) **Beginning October 1, 2023, and by October 1 each year**
4 **thereafter, the department may increase the fees described in**
5 **subsection (1) by an amount determined by multiplying the fee in**
6 **effect during the immediately preceding fiscal year by the**
7 **inflation adjustment factor, and rounding to the nearest whole**
8 **dollar. The inflation adjustment factor used under this subsection**
9 **is equal to the 3-year average July-June Consumer Price Index for**
10 **the current fiscal year divided by the 3-year average July-June**
11 **Consumer Price Index for the immediately preceding fiscal year, as**
12 **determined by the department of treasury using the Detroit Consumer**
13 **Price Index. An inflation adjustment factor used under this**
14 **subsection must not be less than \$1.00. As used in this subsection,**
15 **"Detroit Consumer Price Index" means the most comprehensive index**
16 **of consumer prices available for the Detroit area from the Bureau**
17 **of Labor Statistics of the United States Department of Labor.**

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

24 (2) ~~Application~~—**An application** for the ~~a~~ license under
25 subsection (1) must be submitted ~~upon the~~ **on** forms approved by the
26 department and ~~must~~ contain the reasonable information required by
27 the department to process the application.

28 (3) An application for a mobile food establishment license
29 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 commissary,
5 the mobile food establishment licensee shall submit an affidavit
6 containing the name and address of the new commissary servicing the
7 licensee.

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

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

16 Sec. 4117. (1) Except as provided in subsections (2) and (3),
17 money collected under this chapter by the department ~~shall~~ **must** be
18 credited to the dairy and food safety fund that is created as a
19 restricted fund within the state treasury. The state treasurer may
20 receive money or other assets, from appropriations or from any
21 other source, for deposit into the fund. The state treasurer shall
22 direct the investment of the fund. The money in the fund ~~shall~~ **does**
23 not lapse to the general fund at the end of the fiscal year and
24 ~~shall carry~~ **carries** over to the following fiscal years. The state
25 treasurer shall credit to the fund interest and earnings from fund
26 investments. The department shall administer the fund and shall
27 expend money from the fund for the purpose of administering this
28 act and enforcing the provisions of this act, the grade A milk law
29 of 2001, 2001 PA 266, MCL 288.471 to 288.540, and the manufacturing

1 milk law of 2001, 2001 PA 267, MCL 288.561 to 288.740. The
2 department shall be the administrator of the fund for auditing
3 purposes.

4 (2) A consumer food safety education fund is created as a
5 revolving fund in the department of treasury. The consumer food
6 safety education fund ~~shall~~**must** be administered by the department
7 and funded by adding \$3.00 to the fee for each food establishment
8 license in all categories except vending machines and in cases of
9 fee-exempt food establishments. The money in the fund ~~shall~~**must** be
10 used to provide statewide training and education to consumers on
11 food safety. Money remaining in the fund at the end of the fiscal
12 year ~~shall be carried~~**carries** forward into the next fiscal year.

13 (3) An industry food-safety education fund is created as a
14 revolving fund in the department of treasury. The industry food-
15 safety education fund ~~shall~~**must** be administered by the department
16 and funded by adding \$2.00 to the fee for each food service
17 establishment license in all categories except vending machines and
18 in cases of fee-exempt food establishments. The money in the fund
19 ~~shall~~**must** be used to provide food safety training and education to
20 food service establishment employees and agents of the director who
21 enforce this act. Money remaining in the fund at the end of the
22 fiscal year ~~shall be carried~~**carries** forward into the next fiscal
23 year.

24 (4) As used in this section, "fee-exempt food establishment"
25 means a food establishment exempt from all state and local food
26 establishment license fees under section ~~3119(4)~~**3119(3)** combined
27 with an exemption from the local health department sanitation
28 service fee under section 2444 of the public health code, MCL
29 333.2444.