

HOUSE BILL NO. 5602

March 20, 2024, Introduced by Rep. Maddock and referred to the Committee on Government Operations.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 6140 (MCL 289.6140), as added by 2007 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6140. (1) ~~Only~~ **Except as otherwise provided under**
2 **subsection (4), only** pasteurized ingredients from a department-
3 approved source ~~shall~~ **can** be used for milk and milk products
4 manufactured, sold, served, or prepared at a retail food
5 establishment. ~~Such~~ **Pasteurized** ingredients include, but are not

1 limited to, milk, milk solids, whey, nonfat dry milk, condensed
2 milk, cream, skim milk, eggs, and egg products.

3 (2) Ingredients that may be subsequently added to milk or milk
4 products are those flavorings or other ingredients that have been
5 found to be safe and suitable and added in a manner to prevent
6 contamination, including, but not limited to, the following:

7 (a) Ingredients permitted by a standard of identity for milk
8 or milk products under the federal act or regulations.

9 (b) Fresh fruits and vegetables added to cultured milk and
10 cultured milk products provided the resultant equilibrium pH level
11 (4.6 or below when measured at 24 degrees Celsius (75 degrees
12 Fahrenheit)) of the finished product is reached without undue delay
13 and is maintained during the shelf life of the product.

14 (c) Ingredients subjected to prior heating sufficient to
15 destroy pathogenic microorganisms such as roasted nuts or dried
16 fruits.

17 (d) Ingredients having a water activity (A_w) value of 0.85 or
18 less.

19 (e) Ingredients having a high acid content (pH level of 4.6 or
20 below when measured at 24 degrees Celsius (75 degrees Fahrenheit))
21 or high alkalinity (pH level greater than 11 when measured at 24
22 degrees Celsius (75 degrees Fahrenheit)).

23 (f) Dry sugars and salts.

24 (g) Flavor extracts having a high alcohol content.

25 (h) Safe and suitable bacterial cultures and enzymes.

26 (i) Other ingredients that have been found to be safe and
27 suitable by the ~~U.S. food~~ **United States Food** and ~~drug~~
28 ~~administration.~~ **Drug Administration.**

29 (3) Retail food establishments that manufacture and wholesale

1 milk and milk products must additionally be licensed ~~pursuant to~~ **in**
2 **accordance with** and meet requirements of the manufacturing milk law
3 **of 2001**, 2001 PA 267, MCL 288.561 to 288.740, or the grade A milk
4 law **of 2001**, 2001 PA 266, MCL 288.471 to 288.540.

5 **(4) Unpasteurized milk, milk solids, whey, nonfat dry milk,**
6 **condensed milk, cream, or skim milk may be used for unpasteurized**
7 **milk and milk products manufactured, sold, served, or prepared at a**
8 **retail food establishment, if the unpasteurized milk, milk solids,**
9 **whey, nonfat dry milk, condensed milk, cream, or skim milk complies**
10 **with section 70a of the manufacturing milk law of 2001, 2001 PA**
11 **267, MCL 288.630a.**

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 5603 (request no.
14 05312'24) of the 102nd Legislature is enacted into law.