

HOUSE BILL NO. 5981

September 26, 2024, Introduced by Rep. McFall and referred to the Committee on Health Policy.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 5105 (MCL 289.5105), as amended by 2012 PA 178,
and by adding section 5102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5102. (1) A retail grocery shall not use dynamic pricing**
2 **in the sale of food that is sold, or qualifies to be sold, as part**
3 **of the special supplemental food program for women, infants, and**
4 **children (WIC program). A retail grocery that violates this section**
5 **is subject to a civil fine of not more than \$5,000.00 per item per**

1 day the violation continues. The prosecutor of the county in which
2 the violation occurred or the attorney general may bring an action
3 to collect the fine. A fine collected must be deposited in the
4 consumer protection and antitrust revolving enforcement and
5 education fund created in section 21a of the Michigan consumer
6 protection act, 1976 PA 331, MCL 445.921a.

7 (2) As used in this section, "dynamic pricing" means the
8 practice of fluctuating prices based on demand, the season,
9 consumer data, or other factors including, but not limited to,
10 artificial intelligence-enabled pricing adjustments.

11 Sec. 5105. (1) ~~Upon~~ **Except as otherwise provided in section**
12 **5102, on** finding that a person violated a provision of this act or
13 a rule, ~~promulgated under this act,~~ the department may impose an
14 administrative fine of not more than \$500.00 for the first offense
15 and not more than \$1,000.00 for a second or subsequent offense and
16 the actual costs of the investigation of the violation. Each day of
17 a continuing violation is not considered a separate violation of
18 this act or a rule. ~~promulgated under this act.~~ The department
19 shall not impose ~~upon~~ **on** any licensee or registrant administrative
20 fines in the aggregate amount of more than \$4,000.00 per location
21 for a firm with annual gross receipts of \$500,000.00 or less and
22 \$8,000.00 per location for a firm with annual gross receipts of
23 over \$500,000.00 during any 12-month period.

24 (2) Administrative fines and costs collected under this
25 section ~~shall~~ **must** be deposited into the dairy and food safety fund
26 **created in section 4117.**

27 (3) This section does not require the department to issue an
28 administrative fine for minor violations of this act if the
29 department believes that the public interest will be adequately

1 served under the circumstances by a suitable written notice or
2 warning.

3 (4) The department shall not impose administrative fines for
4 violations of the food code other than priority items, priority
5 foundation items, or repeated violations that remain uncorrected
6 beyond the time frame for correction specified under or agreed to,
7 specified, or approved by the director under section 8-405.11(A) or
8 (B) or 8-406.11(A) or (B) of the food code. The department shall
9 not impose an administrative fine for a core item violation of the
10 food code unless the violation is not corrected within 30 calendar
11 days after the evaluation.

12 Enacting section 1. This amendatory act does not take effect
13 unless House Bill No. 5199 of the 102nd Legislature is enacted into
14 law.