

HOUSE BILL NO. 6280

September 29, 2020, Introduced by Reps. Alexander, Whitsett and Wozniak and referred to the Committee on Regulatory Reform.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 1111 (MCL 289.1111), as amended by 2018 PA 92,
and by adding sections 6171, 6173, and 6175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1111. As used in this act:
- 2 (a) "Raw agricultural commodity" means any food in its raw or
3 natural state including fruits that are washed, colored, or
4 otherwise treated in their unpeeled natural form before marketing.
- 5 (b) "Regulatory authority" means the department, ~~the~~ local



1 health department, or ~~the~~ authorized representative having
2 jurisdiction over the food establishment.

3 (c) "Retail food establishment" means an operation that sells
4 or offers to sell food directly to a consumer. Retail food
5 establishment includes both a retail grocery and a food service
6 establishment, but does not include a food processor.

7 (d) "Retail grocery" means an operation that sells or offers
8 to sell food to consumers for off-premises consumption. Food for
9 off-premises consumption does not include take-out food intended
10 for immediate consumption.

11 (e) "Rules" means administrative rules promulgated under this
12 act pursuant to the administrative procedures act of 1969, 1969 PA
13 306, MCL 24.201 to 24.328.

14 (f) "Shellfish dealer" means an interstate wholesaler handling
15 shellfish.

16 (g) "Shellfish dealer certification" means the issuance of a
17 numbered certificate to a person indicating that the person is in
18 compliance with the requirements of the guide for the control of
19 molluscan shellfish and ~~that the person~~ has permission from the
20 department to conduct 1 or more of the following shellfish
21 activities, as defined in the guide for the control of molluscan
22 shellfish:

23 (i) Shellstock shipper.

24 (ii) Shucker packer.

25 (iii) Repacker or reshipper.

26 (h) "Smoked fish rules" means R 285.569.1 to R 285.569.19 of
27 the Michigan Administrative Code.

28 (i) "Special transitory food unit" means a temporary food
29 establishment that is licensed to operate throughout the state



1 without the 14-day limits or a mobile food establishment that is
2 not required to return to a commissary.

3 (j) "Staple foods" does not include accessory foods such as
4 coffee, tea, cocoa, soda, noncarbonated drinks such as sports
5 drinks, punches, and flavored waters, candy, condiments, spices,
6 hot foods, or foods ready to go or made to take out, such as
7 prepared sandwiches or salads.

8 (k) "Sulfiting agents" means any of the following:

9 (i) Sulfur dioxide.

10 (ii) Sodium sulfite.

11 (iii) Sodium bisulfite.

12 (iv) Potassium bisulfite.

13 (v) Sodium metabisulfite.

14 (vi) Potassium metabisulfite.

15 (l) "Temporary food establishment" means a food establishment
16 that operates at a fixed location for a temporary period not to
17 exceed 14 consecutive days.

18 (m) "Temporary license" means a written authorization issued
19 by the director to operate for a specified limited time period.

20 (n) **"Third-party food delivery platform" means a business**
21 **engaging in the service of online food ordering and delivery from a**
22 **food service establishment to a consumer.**

23 (o) ~~(n)~~ "Transient tenant" means ~~a person~~ **an individual** who
24 rents a room in a bed and breakfast for fewer than 30 consecutive
25 days.

26 (p) ~~(o)~~ "Trimming" means removing leaves, roots, and other
27 extraneous materials in preparation for grading, sorting, and sale
28 as a whole fruit or vegetable. Trimming does not remove the peel or
29 core and does not further cut the whole fruit or vegetable.



1 **(q)** ~~(p)~~ "U.S. standards for shell eggs" means "United States
2 Standards, Grades, and Weight Classes for Shell Eggs", AMS 56 (July
3 20, 2000), United States Department of Agriculture.

4 **(r)** ~~(q)~~ "Vending company base location" means a vending
5 machine location or other food establishment required to be
6 separately licensed under section 4105(5).

7 **(s)** ~~(r)~~ "Vending machine" means a self-service device that,
8 ~~upon insertion of~~ **after inserting** a coin, paper currency, token,
9 card, or key, or by manual operation, dispenses ~~a unit serving~~
10 **serving** of food in bulk or in ~~packages~~ **a package** without the
11 necessity of replenishing the device between each vending
12 operation. Vending machine does not include any of the following:

13 (i) A device that dispenses only bottled or canned soft drinks,
14 ~~or~~ other packaged nonperishable foods or beverages, ~~or~~ bulk ball
15 gum, nuts, ~~and~~ **or** panned candies.

16 (ii) A ~~water-dispensing~~ **water dispensing** machine that is
17 registered under ~~chapter IV.~~ **section 4115.**

18 **(t)** ~~(s)~~ "Vending machine location" means the room, enclosure,
19 space, or area in which 1 or more vending machines are installed
20 and operated, or a micro market.

21 **(u)** ~~(t)~~ "Wholesale" means selling other than directly to
22 consumers.

23 **(v)** ~~(u)~~ "Wild game" means animals from their natural state and
24 not cultivated, domesticated, or tamed.

25 **Sec. 6171. (1) A third-party food delivery platform that**
26 **operates in this state shall require any individual who contracts**
27 **with the third-party delivery platform to be a food delivery driver**
28 **to have a current certification from a personnel certification**
29 **program accredited by the American National Standards Institute,**



1 utilizing the Conference for Food Protection Standards.

2 (2) A food delivery driver who completes the certification
3 under subsection (1) shall make proof of certification available to
4 either of the following upon request:

5 (a) The manager or owner of a food service establishment.

6 (b) A consumer that receives a food delivery.

7 (3) Certification under subsection (1) is valid for 3 years.

8 Sec. 6173. A food service establishment that utilizes a third-
9 party food delivery platform shall close and seal all food bags or
10 containers delivered through the third-party food delivery
11 platform. A third-party food delivery platform shall deliver the
12 food according to the protocols and procedures that food
13 establishments follow to meet the requirements of this act.

14 Sec. 6175. (1) Food delivered through a third-party food
15 delivery platform must be transported in a manner that meets all of
16 the following requirements:

17 (a) The interior floor, sides, and top of the food holding
18 area must be clean and able to withstand frequent cleaning.

19 (b) The food bag or container must remain closed and sealed as
20 required under section 6173 and protected from contamination.

21 (c) The food must be maintained at a temperature necessary to
22 prevent spoilage.

23 (2) A third-party food delivery platform that violates this
24 section may be ordered to pay a civil fine of not more than
25 \$500.00. A violation of this section may be prosecuted by the
26 prosecutor of the county in which the violation occurred, or by the
27 attorney general.

