

Act No. 126
Public Acts of 2022
Approved by the Governor
June 29, 2022
Filed with the Secretary of State
June 29, 2022
EFFECTIVE DATE: June 29, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Alexander, Posthumus, Steenland, Hertel, Borton, Cambensy, Liberati,
Roth, Filler and Bezotte

ENROLLED HOUSE BILL No. 5744

AN ACT to amend 2000 PA 92, entitled “An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture and rural development; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for immunity to certain persons under certain circumstances; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts,” by amending section 2125 (MCL 289.2125), as amended by 2015 PA 61, and by adding section 2124.

The People of the State of Michigan enact:

Sec. 2124. (1) To facilitate continued access to markets for food, the department may do 1 or both of the following:

(a) At the request of a food processor or based upon records voluntarily supplied by a food processor, inspect, audit, or certify a food establishment where food is processed or manufactured in this state.

(b) Issue certificates of free sale under subsection (3).

(2) A food processor shall submit an application for a certificate of free sale on a form and in a manner prescribed by the department.

(3) The department shall grant or deny an application for a certificate of free sale within 10 business days after the department receives a completed application under subsection (2) and the application fee under subsection (4). If the department determines that the application meets the requirements of this act and the rules promulgated under this act, the department shall issue a certificate of free sale. If the department determines that the application does not meet the requirements of this act or the rules promulgated under this act, the department shall deny the application and send a written notice to the food processor stating the reasons for the denial.

(4) A food processor shall pay the department the following fees, as applicable:

(a) An application fee, \$60.00.

(b) A duplicate copy of a certificate of free sale, \$10.00.

(5) A fee collected under subsection (4) must be deposited in the dairy and food safety fund created in section 4117.

(6) A certificate of free sale issued under this section is valid for 1 year.

(7) As used in this section, "certificate of free sale" means a document that is issued by the department that verifies that the food listed is processed or manufactured in this state and is legally sold or distributed in this state and on the open market with the approval of the department.

Sec. 2125. (1) The department shall charge the following fees for the following services:

(a) A reissuance of a duplicate license, \$15.00.

(b) An evaluation of a food establishment if the evaluation is a second reevaluation of a food establishment that has already been evaluated and found to have a priority item or priority foundation item violation or if the evaluation is performed at the request of the operator, \$60.00.

(c) A shellfish dealer's certificate, \$150.00 annually.

(d) A review and approval of training materials, \$60.00 per hour.

(e) A special transitory food unit plan review, \$197.00.

(f) A plan review as specified in section 8-201.11 of the food code, \$197.00.

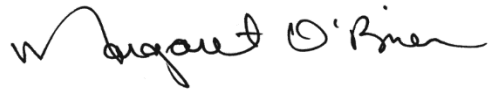
(2) Fees collected under this section must be deposited in the dairy and food safety fund created in section 4117 for enforcement of this act.

(3) The services referred to in subsection (1)(d) and (e) involve the formal review and approval procedure. The department may provide informal review or answer questions without charging a fee.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor