

Act No. 259
Public Acts of 2016
Approved by the Governor
June 27, 2016
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EFFECTIVE DATE: September 26, 2016

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Senators Green and Hune

ENROLLED SENATE BILL No. 477

AN ACT to amend 2001 PA 266, entitled “An act to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts,” by amending section 6 (MCL 288.476), as amended by 2008 PA 136.

The People of the State of Michigan enact:

Sec. 6. As used in this act:

(a) “Pasteurized milk ordinance” or “PMO” means the 2013 edition of the Grade “A” Pasteurized Milk Ordinance, recommendations of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration, with administrative procedures and appendices, set forth in the Public Health Service/Food and Drug Administration, publication no. 229.

(b) “Person” means an individual, partnership, company, limited liability company, cooperative, association, firm, trustee, educational institution, state or local government unit, or corporation.

(c) “Processor” means the owner or operator of a milk plant.

(d) “Producer” means a person who owns or operates a dairy farm and sells or distributes milk produced on that farm including a person who markets milk on behalf of a producer under a marketing agreement.

(e) “Receiving station” means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

(f) “Registered name” means either a name that is registered as “doing business as” at the county clerk’s office in the county in which the producer or processor resides or that is registered with this state as a legal entity registered to do business within this state under an assumed name. Registered name includes, but is not limited to, incorporations, corporations, limited liability companies, limited liability partnerships, and similar entities.

(g) “Retail” means selling or offering for sale dairy products directly to a consumer.

(h) "Retail food establishment" means an operation that sells or offers to sell food directly to a consumer. Retail food establishment includes both a retail grocery and a food service establishment but does not include a food processing plant.

(i) "Sample transfer instrument" means any of the following:

(i) Individually wrapped, sterile, single-service sampling tubes.

(ii) Stainless steel metal dippers, with long handles having capacities of 10 milliliters or greater.

(iii) Sampling devices approved by the director.

(j) "Sanitary standards" means the dairy equipment construction standards or accepted dairy system operating practices formulated by 1 of the following:

(i) 3-A sanitary standards committees representing the International Association for Food Protection, the United States Public Health Service, the United States Department of Agriculture, and the dairy industry committee as approved by the director.

(ii) If sanitary standards are not available for a particular piece of equipment, general sanitary construction standards for dairy equipment formulated by the United States Department of Agriculture or the Food and Drug Administration as approved by the director.

(iii) The equipment or practice is approved by bulletin of the director on a case-by-case basis.

(k) "Sell-by date" means the recommended last date of sale.

(l) "Single service containers and closures" means single use containers or parts of single use containers that become milk product contact surfaces when used for the storage, shipping, or marketing of milk or milk products.

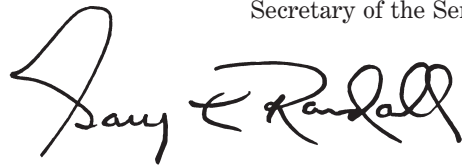
(m) "Standard methods" means the seventeenth edition of "Standard Methods for the Examination of Dairy Products", a publication of the American Public Health Association, incorporated by reference.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor