

**FOOD LAW (EXCERPT)**  
**Act 92 of 2000**  
Chapter III  
DELEGATION

**289.3103 Definitions.**

Sec. 3103.

As used in this chapter:

(a) "Certified health department" means a county, district, or city health department that meets the criteria for certification of health departments established by this act and that is authorized by the director to enforce this act for retail groceries, food processors, or fair concessions.

(b) "Foodborne illness outbreak" means an incident where any of the following occur:

(i) Two or more persons, not of the same household, have ingested a common food and have a similar disease or similar symptoms or excrete the same pathogens, and there is a time, place, or person association between these persons.

(ii) There is a single case of suspected botulism, mushroom poisoning, paralytic shellfish poisoning, or other rare disease.

(iii) There is a case of a disease or poisoning that can be definitely related to ingestion of a food.

(c) "Food service program" means the systematic activity of the department and a local health department for effective administration and enforcement of the food code and this act, including all of the following:

(i) Periodic evaluations of food service establishments, temporary food service establishments, vending machines, and vending machine locations for compliance with law.

(ii) Support of recommendations for licensure with appropriate records.

(iii) Review of plans and specifications for new and extensively remodeled establishments.

(iv) Educational activities.

(v) Investigation of reports of foodborne illnesses.

(vi) Other activities which may be necessary to ensure proper implementation of this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

**289.3105 Enforcement; delegation to local health department; exceptions.**

Sec. 3105.

(1) The department shall delegate the authority and responsibility for the enforcement of the requirements pertaining to food service establishments contained in this act and rules to local health departments meeting the program criteria provided for in this act and rules. The local health departments shall enforce this act and rules and may delegate enforcement authority under a plan of organization approved pursuant to section 2431 of the public health code, MCL 333.2431. If a food service program is discontinued or is revoked for failure to meet the program criteria, redelegation to a local health department by the director of the program is not required. Local health departments delegated authority under this chapter shall enforce this act and rules in the manner provided for in part 24 of the public health code, MCL 333.2401 to 333.2498, except that late fees under section 4113, administrative fines under section 5105, and criminal fines under section 5107 are specifically not delegated to the local health departments.

(2) If a food service establishment is a part of a retail grocery or food processor and the retail grocery and food processor are the predominant part of the food business as determined by the department, authority and responsibility pertaining to that establishment are not delegated under subsection (1).

(3) If a retail grocery or food processor is a part of a food service establishment but the food service establishment is the predominant part of the food business as determined by the department, the authority and

responsibility for the entire establishment are delegated under subsection (1).

(4) Mobile and temporary food establishments and special transitory food units that are predominantly food service establishments as determined by the department are delegated to the local health departments under subsection (1). Mobile and temporary food establishments and special transitory food units that are predominantly retail groceries or food processors are not delegated under subsection (1).

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3107 Enforcement; delegation to certified health department.**

Sec. 3107.

The director may delegate the authority and responsibility for the enforcement of the requirements pertaining to food processing plants, retail grocers, and food concessions contained in this act and any rules adopted under this act to any certified health department. The certified health departments shall enforce this act and any rules promulgated under this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3109 Local health departments as authorized agents.**

Sec. 3109.

Local health departments that are delegated authority by the director pursuant to this chapter are authorized agents of the director for the purpose of implementing and administering this act and rules promulgated under this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3111 Retention of authority under MCL 333.2401 to 333.2498.**

Sec. 3111.

The power and authority granted under part 24 of the public health code, MCL 333.2401 to 333.2498, shall be retained by local health departments delegated authority under this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3113 Compliance with applicable local laws; conflict.**

Sec. 3113.

A county, city, village, or township shall not regulate those aspects of food service establishments that are subject to regulation under this act except to the extent necessary to carry out the responsibility of a local health department to implement licensing provisions of chapter IV. This chapter does not relieve the applicant for a license or a licensee from responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances not in conflict with this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2016, Act 188, Eff. Sept. 19, 2016

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3115 Review of license application by local health department; inspection of establishment; temporary food establishment serving only low-risk food; in-office consultation; forward of approval or limitation to department.**

Sec. 3115.

(1) A local health department shall promptly review a license application for a food service establishment to determine if the application is complete and accurate. A local health department may return an incomplete or inaccurate application to a license applicant and request any additional information it considers necessary to ensure completeness or accuracy of the application.

(2) Subject to subsection (3), after a local health department determines that an application under subsection (1) is proper, complete, and accurate, it shall inspect the proposed or existing food service establishment to determine compliance with this act.

(3) If a temporary food establishment will serve only low-risk food, instead of conducting an inspection under subsection (2), a local health department, based on a public health risk assessment, may conduct an in-office consultation, including food safety education, and operational review of the proposed temporary food establishment with the license applicant. The person in charge of the temporary food establishment must be present during the in-office consultation. A local health department that conducts an in-office consultation under this subsection may also conduct an inspection under subsection (2).

(4) A local health department shall conduct an inspection under subsection (2) or an in-office consultation under subsection (3), as applicable, before it makes its recommendation to the department on the issuance of a license.

(5) A local health department shall forward to the department its recommendation for license approval or approval with limitation.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2015, Act 142, Eff. Jan. 11, 2016 ;-- Am. 2016, Act 188, Eff. Sept. 19, 2016

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3117 Hearing; enforcement procedure; availability.**

Sec. 3117.

A local health department may apply procedures for enforcement of this act that provide notice and opportunity for a hearing equivalent in effectiveness to and which protect the rights of the applicant or licensee comparable to the provisions of chapters 4 and 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.292. A local health department shall have a written enforcement procedure and shall make a copy of that procedure available to the public upon request.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3119 Required fees; collection; exemptions; forwarding applications.**

Sec. 3119.

(1) Until December 31, 2027, on submission of an application, an applicant for a food service establishment license shall pay to the local health department having jurisdiction the required fees authorized by section 2444 of the public health code, MCL 333.2444, and an additional state license fee as follows:

- (a) Temporary food service establishment \$ 4.00.
- (b) Food service establishment \$ 25.00.
- (c) Mobile food establishment commissary \$ 25.00.
- (d) Transitory food unit \$ 39.00.

(2) The state license fee required under subsection (1) must be collected by the local health department at the time the license application is submitted. The state license fee is due and payable by the local health department to the state within 60 days after the fee is collected.

(3) A charitable, religious, fraternal, service, civic, or other nonprofit organization that has tax-exempt status under section 501(c)(3) of the internal revenue code, 26 USC 501, is exempt from paying additional state license fees imposed under this section. This subsection does not restrict the ability of the governing board of a local health department or authority to fix, revoke, or amend fees as further authorized and described under section 2444 of the public health code, MCL 333.2444. An organization seeking an exemption under this subsection shall furnish to the department or a local health department evidence of its tax-exempt status.

(4) A veteran who has a waiver of a license fee under the circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is exempt from paying the fees prescribed in this section.

(5) The local health department shall forward the applications to the department with appropriate recommendations.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2002, Act 487, Imd. Eff. June 27, 2002 ;-- Am. 2007, Act 113, Eff. Jan. 1, 2008 ;-- Am.

2008, Act 375, Imd. Eff. Dec. 23, 2008 ;-- Am. 2016, Act 188, Eff. Sept. 19, 2016 ;-- Am. 2018, Act 92, Imd. Eff. Mar. 26, 2018 ;-- Am. 2023, Act 194, Imd. Eff. Nov. 7, 2023

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

## **289.3121 Evaluations; maintenance and retention of records.**

### **Sec. 3121.**

- (1) The department or a local health department shall conduct evaluations in compliance with this act.
- (2) Records for all of the following shall be maintained by a local health department:
  - (a) Applications for licensure.
  - (b) Operation licenses.
  - (c) Evaluation reports.
  - (d) Pertinent correspondence.
  - (e) Plans and specifications.
  - (f) Administrative actions.
  - (g) Other applicable information relating to the operation of each food service establishment.
- (3) A local health department shall maintain a record of all consumer complaints, the ensuing investigation, and the result of the complaint.
- (4) All department and local health department records shall be retained in accordance with the records retention schedule of the department.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

## **289.3123 Evaluations; frequency.**

### **Sec. 3123.**

- (1) A compliance evaluation of each food service establishment shall be performed by the director at least once every 6 months or as required by a statewide department approved risk-based schedule. Risk-based schedules shall be developed in consultation with local health departments.
- (2) A food service establishment which operates for 9 or fewer months each year shall be inspected at least once during the period of operation by the director or as prescribed in the department's risk-based schedule.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

### **289.3125 Evaluations; reducing frequency; limitation.**

Sec. 3125.

(1) Subject to subsection (3), a local health department, with the approval of the director and based on criteria developed by the department in consultation with local health departments, may reduce the frequency of evaluations of individual food service establishments if the local health department determines that a reduced evaluation frequency will not adversely affect food safety practices within the food service establishment.

(2) A food service establishment which, upon investigation, is implicated in a foodborne illness outbreak or chemical intoxication shall be evaluated by the director for compliance within the next 12 months.

(3) A local health department shall not reduce the minimum frequency of evaluations of any food service establishment to less than that described in section 3123 unless approved by the department.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3127 Evaluation findings; report.**

Sec. 3127.

(1) The findings of an evaluation of a food service establishment shall be recorded on an evaluation report form approved by the department. A violation of a priority item or priority foundation item shall be designated as such on the form. A violation by a food establishment of section 12603 or 12905 of the public health code, MCL 333.12603 and 333.12905, is not a violation of a priority item or priority foundation item of this act or the food code.

(2) The evaluation report shall summarize findings relative to compliance with the requirements of this act. The report form shall be signed and dated by the director.

(3) Upon completion of the evaluation, a copy of the completed evaluation report form shall be furnished to the person in charge of the food service establishment. If the person in charge does not sign the report form acknowledging receipt, delivery of the report form to the person in charge shall be otherwise documented by the director.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3129 Foodborne diseases and poisonings; allegation; investigation; notice.**

Sec. 3129.

(1) A local health department shall investigate an allegation of foodborne diseases and poisonings or suspected foodborne diseases and poisonings connected with food service establishments within its jurisdiction and delegated authority and shall promptly make a report of its findings to the department.



(2) If an investigation indicates that a source of a foodborne disease or poisoning was from a food processing, food storage, or similar type of food establishment over which the department has legal jurisdiction or responsibility, the local health department shall immediately notify the director while the local health department is completing the investigation.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3131 Communications system; development; implementation; provisions; availability of information.**

Sec. 3131.

(1) A local health department shall develop and implement a communications system with other applicable governmental agencies, individuals, and organizations including, but not limited to, hospital emergency rooms and state and local police. The communications system shall provide the means to contact specific local health department employees and basic information necessary to initiate a foodborne illness outbreak investigation. The information provided in the communications system shall be updated annually.

(2) Procedures for investigating suspected foodborne illness outbreaks shall be implemented consistent with procedures contained in the publication entitled "Procedures to Investigate Foodborne Illness, 5th Ed.," prepared and published by the international association of food protection and incorporated by reference or an equivalent plan submitted to and approved by the department.

(3) All information gathered during the investigation which is not exempted from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243, and shall be made available to the owner, operator, or his or her employees to minimize the possibility of reoccurrence of the foodborne illness and to assure compliance with the code and this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3133 Analysis of food samples; utilization of laboratories.**

Sec. 3133.

Laboratories capable of providing the necessary analyses of food samples shall be utilized by a local health department to assist in the conduct of a food service program.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.3135 Certification of local health department; application; qualifications.**

Sec. 3135.

(1) The department shall make available to any local health department an application form to be completed as a request for certification. The application shall provide information needed to substantiate the request to become a certified health department.

(2) A local health department seeking certification shall have sufficient trained administrative, evaluation, and support personnel and sufficient equipment to enforce applicable laws and rules consistent with current state standards in all licensed establishments within its jurisdictional boundaries.

(3) A certified health department shall demonstrate to the department the ability to conduct evaluations and related activities in accordance with the department's electronic evaluation system within prescribed time limitations utilized by the department. Evaluation, investigation, and legal actions and related activities shall be reported to the department on forms furnished by the department.

(4) A certified health department must be capable of conducting necessary sampling and product surveillance equal to state standards.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

### **289.3137 Reports made by certified health departments; review and evaluation; conduct of evaluation quality assurance program; report to department; findings of department review or evaluation.**

Sec. 3137.

(1) The department shall conduct a general review and evaluation of reports and related data made by certified health departments under this act as often as considered necessary by the department.

(2) An evaluation quality assurance program consisting of field evaluation of performed evaluations conducted by the certified health department shall be routinely conducted by the department at a ratio of approximately 1 per 100 evaluations made.

(3) A certified health department shall report annually to the department a summary of all inspections, investigations, samplings, legal actions, and any other actions of a significant nature on a form furnished by the department. This report shall be made annually on the basis of the state fiscal year.

(4) A review disclosing adverse findings shall be reported in writing by the department to the health officer of the certified health department within 30 days after the review under subsection (1) is completed.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

### **289.3139 Notice of deficiencies; hearing; revocation of certification; reapplication.**



Sec. 3139.

(1) If a certified health department fails to meet the requirements established in this act or rules promulgated under this act, written notice of deficiencies shall be furnished to the health officer of that certified health department within 30 days after completion of the review under section 3137. This notice shall offer an opportunity to the health officer of the certified health department for a hearing with the director. If a hearing is not requested, certification issued under this chapter shall be revoked within 30 days following the notice to the health officer of the certified health department. If a hearing is held and deficiencies are not corrected within the time period specified in the hearing, certification shall be revoked within the time period specified in the hearing.

(2) If requested by the health officer of the certified health department in a written notice to the director, certification issued under this chapter shall be revoked within 30 days of receipt of the written notice.

(3) Revocation of certification issued under this chapter does not restrict a health department from reapplication for certification.

**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008

**Compiler's Notes:** Sec. 1117 of Act 92 of 2000 provides:“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.”“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.”“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”