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BILL ANALYSIS



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Senate Bill 986 (as introduced 8-15-24)
Sponsor: Senator Sarah Anthony
Committee: Regulatory Affairs

(Senate-passed version)

Date Completed: 9-25-24

CONTENT

The bill would amend the Food Law to exempt from the Law's licensure requirements an individual operating a concession stand under the requirements of Public Act (PA) 260 of 1978, which provides for assistance to blind and visually disabled individuals.

The Food Law, among other things, prescribes requirements for the licensure and inspection of food service establishments and food establishments. Food service establishments include restaurants and similar places where food and beverages are served, as well as vending machine locations. Food establishments include grocery stores, food warehouses, food processors, and food service establishments. The Law requires the Director of the Department of Agriculture and Rural Development (MDARD) to enforce and administer it but also delegates to local health departments the enforcement of requirements pertaining to most food service establishments; MDARD retains responsibility to license and inspect food establishments.

Among other things, PA 260 of 1978 regulates concessions and concession licensure reserved for blind and visually impaired individuals. Concessions include equipment or locations being used to sell retail confections and items including coffee, soft drinks, wrapped sandwiches and baked goods, and similar food items in State buildings and vending facilities, excluding State-owned fairgrounds, educational and penal institutions, military establishments, and parks. Vending facilities include machines, cafeterias, snack bars, or counters, among other equipment. The Act requires the Commission for the Blind, under the Department of Labor and Economic Opportunity, to determine an applicant's qualifications to operate a concession.

The bill would exempt an individual who operated a location pursuant to PA 260 of 1978 from the Food Law's licensure requirements.

MCL 289.4105

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

According to MDARD, it received only \$14,627 in payments from these fees, so the costs of the legislation would certainly be minimal to the State. The other piece of this, the local license from a county's health department, is set locally and can vary but also would likely be of minimal cost. In addition, according to the Department of Labor and Economic Opportunity, there are currently 40 legally blind individuals licensed to run small businesses that sell concessions on State and Federal properties across the State. Operators must comply with the Federal Randolph-Sheppard Act and Michigan's PA 260 of 1978 and are also regulated by PA 188 of 2016, which regulates the licensing of all food services and requires establishments to pay MDARD and/or a local health department a fee for licensing and inspections.

Fiscal Analyst: Bruce R. Baker

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