

# HOUSE BILL NO. 5219

November 05, 2025, Introduced by Reps. Maddock, Robinson, Schriver, Rigas, Fox, Cavitt, Martin, Pavlov, St. Germaine, Woolford, Kelly, Schuette, Greene, Kunse, DeSana, Bohnak, BeGole, Tisdell, Markkanen, Johnsen, Smit, DeBoer, Bruck, Hoadley, Beson, Outman, Fairbairn, Borton, Alexander, Posthumus, VanderWall, Slagh, Paquette, Herzberg, Meerman, DeBoyer and Harris and referred to Committee on Government Operations.

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending sections 1107, 1109, and 6140 (MCL 289.1107, 289.1109, and 289.6140), section 1107 as amended by 2016 PA 188, section 1109 as amended by 2018 PA 92, and section 6140 as added by 2007 PA 114, and by adding sections 4102a and 4102b.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1107. As used in this act:
- 2       (a) "Department" means the department of agriculture and rural

1 development.

2 (b) "Designated agent" means a person that is authorized by a  
3 direct farm-to-consumer producer to store, market, sell or offer  
4 for sale, transport, deliver, or distribute direct farm-to-consumer  
5 products.

6 (c) "Direct farm-to-consumer producer" means a person that  
7 produces direct farm-to-consumer products on that person's  
8 property.

9 (d) "Direct farm-to-consumer product" means raw milk or a raw  
10 milk product that meets the requirements under section 70a of the  
11 manufacturing milk law of 2001, 2001 PA 267, MCL 288.630a. As used  
12 in this subdivision, "raw milk" or "raw milk product" means milk or  
13 a milk product that has not been pasteurized or homogenized.

14 (e) ~~(b)~~ "Director" means the director of the department or ~~his~~  
15 ~~or her~~ the director's designee.

16 (f) ~~(e)~~ "Domestic residence" means a single-family dwelling or  
17 an area within a rental unit where a single person or family  
18 actually resides. Domestic residence does not include either of the  
19 following:

20 (i) A group or communal residential setting within any type of  
21 structure.

22 (ii) An outbuilding, shed, barn, or other similar structure.

23 (g) ~~(d)~~ "Egg" does not include a balut, which is an embryo  
24 inside a fertile egg that has been incubated for a period  
25 sufficient for the embryo to reach a specific stage of development  
26 after which it is removed from incubation before hatching.

27 (h) ~~(e)~~ "Evaluation" means a food safety audit, inspection, or  
28 food safety and sanitation assessment, whether announced or  
29 unannounced, that identifies violations or verifies compliance with

1 this act and determines the degree of active control by food  
2 establishment operators over foodborne illness risk factors.

3 (i) ~~(f)~~—"Extended retail food establishment" means a retail  
4 grocery that does both of the following:

5 (i) Serves or provides an unpackaged food for immediate  
6 consumption.

7 (ii) Provides customer seating in the food service area.

8 (j) ~~(g)~~—"Fair" means a fair or exhibition operated and managed  
9 under 1929 PA 11, MCL 46.151 to 46.153, or held by an agricultural  
10 or horticultural society under 1855 PA 80, MCL 453.231 to 453.240.

11 (k) ~~(h)~~—"Fair concession" means a food concession, storage,  
12 preparation, or dispensing operation at a state or county fair.

13 (l) ~~(i)~~—"Farmers' market" means a public and recurring assembly  
14 of farmers or their representatives selling directly to consumers  
15 food and products that the farmers have produced themselves. In  
16 addition, the market may include a variety of other vendors as  
17 determined by market management.

18 (m) ~~(j)~~—"Federal act" means the federal food, drug, and  
19 cosmetic act, chapter 675, 52 Stat. 1040, 21 USC 301 to 399d, as in  
20 effect on October 1, 2012.

21 (n) ~~(k)~~—"Festival" means an event, staged by a local community  
22 or local organization, that centers on and celebrates a certain  
23 aspect of that community or organization. Festival includes, but is  
24 not limited to, a fair, art show, chili cook-off, car show, hot air  
25 balloon festival, religious festival, drama festival, or cultural  
26 festival.

27 (o) ~~(l)~~—"First receiver" means a person ~~who~~**that** receives eggs  
28 from a producer at any place of business and candles, grades,  
29 sorts, packs, or packages the eggs.

1           **(p)** ~~(m)~~ "Food" means articles used for food or drink for  
 2 humans, ~~or other animals,~~ chewing gum, and articles used for  
 3 components of any such article.

4           **(q)** ~~(n)~~ "Food additive" means any substance, the intended use  
 5 of which, directly or indirectly, results in or may be reasonably  
 6 expected to result in its becoming a component or otherwise  
 7 affecting the characteristics of any food if that substance is not  
 8 generally recognized among experts as having been adequately shown  
 9 through scientific procedures to be safe under the conditions of  
 10 its intended use. Food additive includes any substance intended for  
 11 use in producing, manufacturing, packing, processing, preparing,  
 12 treating, packaging, transporting, or holding food and includes any  
 13 source of radiation intended for any use. Food additive does not  
 14 include any of the following:

15           (i) A pesticide chemical in or on a raw agricultural commodity.

16           (ii) A pesticide chemical to the extent that it is intended for  
 17 use or is used in the production, storage, or transportation of any  
 18 raw agricultural commodity.

19           (iii) A color additive.

20           (iv) Any substance used in accordance with a sanction or  
 21 approval granted before the enactment of the food additives  
 22 amendment of 1958, Public Law 85-929, pursuant to the federal act,  
 23 the poultry products inspection act, 21 USC 451 to 472, or the  
 24 federal meat inspection act, 21 USC 601 to 683.

25           **(r)** ~~(o)~~ "Food code" means "Food Code, 2009 Recommendations of  
 26 the United States Public Health Service Food and Drug  
 27 Administration", which regulates the design, construction,  
 28 management, and operation of certain food establishments.

29           **(s)** ~~(p)~~ "Food establishment" means an operation where food is

processed, packed, canned, preserved, frozen, fabricated, stored, prepared, served, vended, sold, or offered for sale. Food establishment includes, but is not limited to, a food processor, a food warehouse, a food service establishment, a vending machine location, and a retail grocery. Food establishment does not include any of the following:

(i) A charitable, religious, fraternal, or other nonprofit organization operating a home-prepared baked goods sale or serving only home-prepared food in connection with its meetings or as part of a fund-raising event.

(ii) An inpatient food operation located in a health facility or agency subject to licensure under article 17 of the public health code, MCL 333.20101 to 333.22260.

(iii) A food operation located in a prison, jail, state mental health institute, boarding house, fraternity or sorority house, convent, or other facility where the facility is the primary residence for the occupants and the food operation is limited to serving meals to the occupants as part of their living arrangement.

**(iv) A private food club.**

**(t) ~~(q)~~**—"Food processor" means a food establishment that processes, manufactures, wholesales, packages, labels, or stores food. Food processor does not include a maple syrup producer. Processing is an act, such as canning, freezing, dehydrating, drying, distilling, extracting, preserving, grinding, crushing, milling, washing, trimming, packing, or otherwise preserving or changing the form of a food. **Food processor does not include a private food club.**

**(u) ~~(r)~~**—"Food safety and sanitation assessment" means judging or assessing specific food handling activities, events, conditions,

1 or management systems to determine ~~their~~ potential effectiveness in  
 2 controlling risks for foodborne illness and ~~their~~ compliance with  
 3 this act, accompanied by a report of findings.

4 (v) ~~(s)~~—"Food safety audit" means the methodical examination  
 5 and review of records, food sources, food handling procedures, and  
 6 facility cleaning and sanitation practices for compliance with this  
 7 act, accompanied by a report of findings. Food safety audit  
 8 includes checking or testing, or both, of observable practices and  
 9 procedures to determine compliance with standards contained in or  
 10 adopted by this act, accompanied by a report of findings.

11 (w) ~~(t)~~—"Food service establishment" means a fixed or mobile  
 12 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
 13 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
 14 lounge, nightclub, drive-in, industrial feeding establishment,  
 15 private organization serving the public, rental hall, catering  
 16 kitchen, delicatessen, theater, commissary, food concession, or  
 17 similar place in which food or drink is prepared for direct  
 18 consumption through service on **or about** the premises ~~or elsewhere,~~  
 19 ~~and any other eating or drinking establishment or operation where~~  
 20 food is served or provided for the public. Food service  
 21 establishment does not include any of the following:

22 (i) A motel that serves continental breakfasts only.

23 (ii) A bed and breakfast that has 10 or fewer sleeping rooms  
 24 for rent.

25 (iii) A bed and breakfast that has more than 10 sleeping rooms  
 26 for rent, if the bed and breakfast serves continental breakfasts  
 27 only.

28 (iv) A child care organization regulated under 1973 PA 116, MCL  
 29 722.111 to 722.128, unless the establishment is carrying out an

1 operation considered by the director to be a food service  
2 establishment.

3 (v) A vending machine location. However, if a food service  
4 establishment operates a vending machine location on the same  
5 premises, the vending machine location is considered part of the  
6 food service establishment.

7 (vi) **A private food club.**

8 (x) ~~(u)~~ "Food warehouse" means a food establishment that  
9 stores or distributes food for wholesale.

10 Sec. 1109. As used in this act:

11 (a) "Guide for the control of molluscan shellfish" means  
12 section II, ~~model ordinance, national shellfish sanitation program~~  
13 ~~guide for the control of molluscan shellfish,~~ **"Model Ordinance,**  
14 **National Shellfish Sanitation Program Guide for the Control of**  
15 **Molluscan Shellfish"**, 2009, recommendations of the ~~U.S.~~ **United**  
16 **States** Department of Health and Human Services, Public Health  
17 Service, Food and Drug Administration.

18 (b) "HACCP plan" means a written document that delineates the  
19 formal procedures for following the hazard analysis and critical  
20 control point principles developed by the National Advisory  
21 Committee on Microbiological Criteria for Foods.

22 (c) "Imminent or substantial hazard" means a condition at a  
23 food establishment that the director determines requires immediate  
24 action to prevent endangering the **public** health. ~~of people.~~

25 (d) "Inspection" means the checking or testing of observable  
26 practices against standards established in or adopted by this act,  
27 accompanied by a report of findings.

28 (e) "Juice" means the aqueous liquid expressed or extracted  
29 from 1 or more fruits or vegetables, purees of the edible portions

1 of 1 or more fruits or vegetables, or any concentrates of ~~such~~  
 2 liquid or puree **of 1 or more fruits and vegetables.**

3 (f) "Label" means a display of written, printed, or graphic  
 4 matter on the immediate container of ~~any-an~~ article and includes a  
 5 requirement imposed under this act that any word, statement, or  
 6 other information appearing on the display also appear on the  
 7 outside container or wrapper of the retail package of the article  
 8 or be easily legible through the outside container or wrapper.

9 (g) "Labeling" means all labels and other written, printed, or  
 10 graphic matter ~~upon-on~~ an article ~~,or~~ any of its containers or  
 11 wrappers, or accompanying the article.

12 (h) "License holder" means the person ~~who-that~~ is legally  
 13 responsible for the operation of a food establishment including the  
 14 owner, the owner's agent, or ~~other person operating~~ **another person**  
 15 **that operates** under **the** apparent authority of the owner and who  
 16 possesses a valid license to operate a food establishment.

17 (i) "License limitation" means an action by which the director  
 18 imposes restrictions or conditions, or both, on a license of a food  
 19 establishment.

20 (j) "Limited food processor" means a food processor that had  
 21 in the preceding licensing year or is reasonably anticipated to  
 22 have in the current licensing year \$25,000.00 or less in annual  
 23 gross wholesale sales made or business done in wholesale sales.  
 24 Only the food sales from the food processor operation must be used  
 25 in computing the annual gross sales under this subdivision.

26 (k) "Local health department" means that term as defined in  
 27 section 1105 of the public health code, MCL 333.1105, and having  
 28 those powers and duties as described in part 24 of the public  
 29 health code, MCL 333.2401 to 333.2498.



1 (l) "Low-risk food" means any of the following:

2 (i) Raw or prepackaged food that is not potentially hazardous  
3 food (time/temperature control for safety food).

4 (ii) Potentially hazardous food (time/temperature control for  
5 safety food) that is prepared in a licensed facility and is not  
6 prepared on-site.

7 (iii) Commercially processed potentially hazardous food  
8 (time/temperature control for safety food) that is fully cooked and  
9 heated only for hot holding.

10 (m) "Michigan bridge card" means the card used for the  
11 electronic benefit transfer system for food stamp distribution  
12 required under section 14h of the social welfare act, 1939 PA 280,  
13 MCL 400.14h.

14 (n) "Micro market" means an operation that does all of the  
15 following:

16 (i) Offers for sale commercially prepackaged foods properly  
17 labeled for individual sale as required under section 3-201.11(C)  
18 of the food code, except as provided under section 3-302.11(B) (1)  
19 **of the food code**, and does not offer bulk food for sale.

20 (ii) Uses an automated payment system.

21 (iii) Controls the entry to the operation so that the operation  
22 is accessible only by a defined population and is not accessible by  
23 the general public.

24 (iv) Limits consumer food preparation to heating or reheating  
25 food in a microwave oven.

26 (v) Utilizes continuous video surveillance of areas where  
27 consumers view, select, handle, and purchase food. An operation  
28 does not satisfy this subparagraph if the video surveillance is not  
29 of sufficient resolution to allow for the identification of

1 situations that may compromise food safety or food defense.

2 (vi) If the operation uses a refrigerator unit or freezer unit,  
3 the operation only uses a unit that has both of the following  
4 features:

5 (A) Self-closing doors that allow food to be viewed without  
6 opening the door.

7 (B) An automatic self-locking mechanism that prevents the  
8 consumer from accessing the food if the refrigeration unit fails to  
9 maintain the internal product temperature specified under section  
10 3-501.16(A)(2) of the food code or the freezer unit fails to  
11 maintain the food frozen.

12 (o) **"Milk" means the lacteal secretion, practically free from**  
13 **colostrum, obtained by the complete milking of 1 or more healthy**  
14 **cows, goats, sheep, or other dairy animals.**

15 (p) ~~(e)~~—"Milk product" means cream, light cream, light  
16 whipping cream, heavy cream, heavy whipping cream, whipped cream,  
17 whipped light cream, sour cream, acidified sour cream, cultured  
18 sour cream, half-and-half, sour half-and-half, acidified sour half-  
19 and-half, cultured sour half-and-half, reconstituted or recombined  
20 milk and milk products, concentrated milk, concentrated milk  
21 products, skim milk, lowfat milk, frozen milk concentrate, eggnog,  
22 buttermilk, cultured milk, cultured lowfat milk, cultured skim  
23 milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk,  
24 acidified lowfat milk, acidified skim milk, low-sodium milk, low-  
25 sodium lowfat milk, low-sodium skim milk, lactose-reduced milk,  
26 lactose-reduced lowfat milk, lactose-reduced skim milk, aseptically  
27 processed and packaged milk, milk products with added safe and  
28 suitable microbial organisms, and any other milk product made by  
29 the addition or subtraction of milkfat or addition of safe and

1 suitable optional ingredients for protein, vitamin, or mineral  
2 fortification. Milk product includes dietary dairy products, dairy-  
3 based infant formula, ice cream and other frozen desserts, cheese,  
4 butter, and any other product derived from milk.

5 (q) ~~(p)~~ "Misbranded" means food to which any of the following  
6 apply:

7 (i) Its labeling is false or misleading in any particular.

8 (ii) It is offered for sale under the name of another food.

9 (iii) It is an imitation of another food unless its label bears,  
10 in type of uniform size and prominence, the word "imitation" and  
11 immediately thereafter the name of the food imitated.

12 (iv) Its container is so made, formed, or filled as to be  
13 misleading.

14 (v) It is in package form, unless it bears a label containing  
15 both the name and place of business of the manufacturer, packer, or  
16 distributor and an accurate statement of the quantity of the  
17 contents in terms of weight, measure, or numerical count subject to  
18 reasonable variations permitted and exemptions for small packages  
19 established by rules.

20 (vi) Any word, statement, date, or other labeling required by  
21 this act is not placed on the label or labeling prominently,  
22 conspicuously, and in such terms as to render it likely to be read  
23 and understood by the ordinary individual under customary  
24 conditions of purchase and use.

25 (vii) It purports to be or is represented as a food ~~for which a~~  
26 ~~definition~~ **that is defined** and **has a** standard of identity ~~have been~~  
27 prescribed by regulations promulgated under the federal act or by  
28 rules, unless it conforms to the definition and standard and its  
29 label bears the name of the food specified in the definition and

1 standard, and, insofar as may be required by the regulations or  
 2 rules, the common names of optional ingredients, other than spices,  
 3 flavoring, and coloring, present in the food.

4 (viii) It purports to be or is represented to be either of the  
 5 following:

6 (A) A food for which a standard of quality ~~has been~~ **is**  
 7 prescribed by this act or rules if its quality falls below the  
 8 standard unless its label bears, in the manner and form that the  
 9 rules specify, a statement that it falls below the standard.

10 (B) A food for which a standard or standards of fill of  
 11 container ~~have been~~ **are** prescribed by this act or rules and that  
 12 falls below the standard of fill of container applicable, unless  
 13 its label bears, in the manner and form that the rules specify, a  
 14 statement that it falls below the standard.

15 (ix) It does not bear labeling clearly giving the common or  
 16 usual name of the food, if one exists, and if fabricated from 2 or  
 17 more ingredients, the common or usual name of each ingredient  
 18 except that spices, flavorings, and colorings, other than those  
 19 sold as such, may be designated as spices, flavorings, and  
 20 colorings, without naming each and except under other circumstances  
 21 as established by rules regarding exemptions based ~~upon~~ **on**  
 22 practicality, potential deception, or unfair competition.

23 (x) It bears or contains any artificial flavoring, artificial  
 24 coloring, or chemical preservative unless the labeling states that  
 25 fact or under other circumstances as established by rules regarding  
 26 exemptions based upon practicality.

27 (xi) If a food intended for human consumption and offered for  
 28 sale, its label and labeling do not bear the nutrition information  
 29 required under ~~section 343(q) of the federal act,~~ 21 USC 343.

(xii) It is a product intended as an ingredient of another food and, when used according to the directions of the purveyor, will result in the final food product being adulterated or misbranded.

(xiii) It is a color additive whose packaging and labeling are not in conformity with applicable packaging and labeling requirements under the federal act.

(r) ~~(q)~~ "Mobile food establishment" means a food establishment operating from a vehicle, including a watercraft, that returns to a mobile food establishment commissary for servicing and maintenance at least once every 24 hours.

(s) ~~(r)~~ "Mobile food establishment commissary" means ~~an operation~~ **food establishment** that is capable of servicing a mobile food establishment.

(t) ~~(s)~~ "Nonperishable food" means food that is not perishable food.

(u) ~~(t)~~ "Perishable food" means any food that the manufacturer, packer, or retailer, in conjunction with the department, determines to have a significant risk of spoilage, loss of value, or loss of palatability within 90 days ~~of~~ **after** the date of packaging.

(v) ~~(u)~~ "Person" means an individual, sole proprietorship, partnership, corporation, association, or other legal entity.

(w) ~~(v)~~ "Pesticide chemical" means any substance that, alone, in chemical combination, or in formulation with 1 or more other substances, is a pesticide within the meaning of the federal insecticide, fungicide, and rodenticide act, 7 USC 136 to 136y, and is used in the production, storage, or transportation of raw agricultural commodities.

(x) ~~(w)~~ "Principal display panel" means that part of a label

1 that is most likely to be displayed, presented, shown, or examined  
 2 under normal and customary conditions of display for retail sale.

3 **(y)** ~~(x)~~—"Priority foundation item" means a provision in the  
 4 food code whose application supports, facilitates, or enables 1 or  
 5 more priority items. Priority foundation item includes an item that  
 6 requires the purposeful incorporation of specific actions,  
 7 equipment, or procedures by industry management to attain control  
 8 of risk factors that contribute to foodborne illness or injury such  
 9 as personnel training, infrastructure, or necessary equipment,  
 10 HACCP plans, documentation or record-keeping, and labeling. A  
 11 priority foundation item is an item that is denoted in the food  
 12 code with a superscript Pf-Pf.

13 **(z)** ~~(y)~~—"Priority item" means a provision in the food code  
 14 whose application contributes directly to the elimination,  
 15 prevention, or reduction to an acceptable level of hazards  
 16 associated with foodborne illness or injury if there is no other  
 17 provision that more directly controls the hazard. Priority item  
 18 includes an item with a quantifiable measure to show control of  
 19 hazards such as cooking, reheating, cooling, or hand washing. A  
 20 priority item is an item that is denoted in the food code with a  
 21 superscript P-P.

22 **(aa) "Private food club" means a voluntary association of**  
 23 **individuals who contract with each other to buy, share, or**  
 24 **distribute food, including direct farm-to-consumer products,**  
 25 **outside of traditional commercial frameworks.**

26 **(bb)** ~~(z)~~—"Public health code" means **the public health code,**  
 27 1978 PA 368, MCL 333.1101 to 333.25211.

28 **Sec. 4102a. (1) Not less than 90 days before a direct farm-to-**  
 29 **consumer producer begins selling direct farm-to-consumer products,**

1 the direct farm-to-consumer producer shall file a notice with the  
2 department on a form and in a manner prescribed by the department.  
3 Subject to subsection (4), a direct farm-to-consumer producer is  
4 exempt from the licensing and evaluation provisions of this act.  
5 This exemption does not include an exemption from the adulteration  
6 and other standards imposed under this act and does not limit the  
7 department's ability to take appropriate enforcement action for  
8 applicable violations as described in section 5101.

9 (2) A direct farm-to-consumer product must be prepared and be  
10 packaged and labeled as described under section 70a of the  
11 manufacturing milk law of 2001, 2001 PA 267, MCL 286.630a. At the  
12 time of sale of a direct farm-to-consumer product, the direct farm-  
13 to-consumer producer or a designated agent shall provide the final  
14 consumer with a waiver. The waiver must include all of the  
15 following:

16 (a) A statement that the direct farm-to-consumer product is  
17 not regulated under this act.

18 (b) A statement that the final consumer accepts the risks of  
19 consuming the direct farm-to-consumer product.

20 (c) An affirmation that the final consumer is making an  
21 informed, voluntary purchase.

22 (3) Direct farm-to-consumer products must be sold directly  
23 from the direct farm-to-consumer producer or a designated agent to  
24 a final consumer and may be sold at farmers' markets, farm stands,  
25 private food clubs, buyers' clubs, or cooperative distribution  
26 hubs. The direct farm-to-consumer producer may also arrange for  
27 marketing, sale or offering for sale, distribution, or delivery of  
28 a direct farm-to-consumer product via a designated agent. Sales of  
29 direct farm-to-consumer products at wholesale or retail groceries

1 are prohibited. If a direct farm-to-consumer product is being sold  
2 at a farmers' market or farm stand, the product must be frozen or  
3 refrigerated, transported, and stored using insulated coolers or  
4 another appropriate storage container to maintain temperatures that  
5 do not exceed 45 degrees Fahrenheit.

6 (4) To be exempt from the licensing and evaluation provisions  
7 of this act, a direct farm-to-consumer producer shall not sell  
8 direct farm-to-consumer products produced by, or otherwise partner  
9 with, a confinement animal feeding operation. As used in this  
10 subsection, "confinement animal feeding operation" means a facility  
11 where 1,000 or more cattle, 2,500 or more swine, or 125,000 or more  
12 heads of poultry are confined in a limited space for food  
13 production, restricting natural behaviors and producing  
14 concentrated waste.

15 (5) A direct farm-to-consumer producer shall maintain records  
16 under this section and make the records available to the department  
17 on request for just cause. Records required under this section must  
18 contain all of the following information:

19 (a) Temperature of the milk tank used to store the direct  
20 farm-to-consumer products, as applicable.

21 (b) Test results of quarterly milk testing data for common  
22 foodborne pathogens.

23 (6) An exemption under this section does not affect the  
24 application of any other state or federal laws.

25 Sec. 4102b. (1) A food bought, shared, or distributed at or  
26 through a private food club must not be resold and must be used for  
27 personal use.

28 (2) A member of the private food club shall sign a waiver that  
29 states that the member understands and assumes the health risks of



1 acquiring food outside of the traditional commercial framework.

2 (3) Notwithstanding any other provision of law, a private  
3 food club may sell, offer for sale, market, or distribute a food,  
4 including a direct farm-to-consumer product, directly to a member  
5 of the private food club if the food complies with the labeling  
6 requirements under state law.

7 Sec. 6140. (1) ~~Only~~ **Except as otherwise provided under**  
8 **subsection (4), only** pasteurized ingredients from a department-  
9 approved source ~~shall~~ **can** be used for milk and milk products  
10 manufactured, sold, served, or prepared at a retail food  
11 establishment. ~~Such~~ **Pasteurized** ingredients include, but are not  
12 limited to, milk, milk solids, whey, nonfat dry milk, condensed  
13 milk, cream, skim milk, eggs, and egg products.

14 (2) Ingredients that may be subsequently added to milk or milk  
15 products are those flavorings or other ingredients that have been  
16 found to be safe and suitable and added in a manner to prevent  
17 contamination, including, but not limited to, the following:

18 (a) Ingredients permitted by a standard of identity for milk  
19 or milk products under the federal act or regulations.

20 (b) Fresh fruits and vegetables added to cultured milk and  
21 cultured milk products provided the resultant equilibrium pH level  
22 (4.6 or below when measured at 24 degrees Celsius (75 degrees  
23 Fahrenheit)) of the finished product is reached without undue delay  
24 and is maintained during the shelf life of the product.

25 (c) Ingredients subjected to prior heating sufficient to  
26 destroy pathogenic microorganisms such as roasted nuts or dried  
27 fruits.

28 (d) Ingredients having a water activity ( $A_w$ ) value of 0.85 or  
29 less.

(e) Ingredients having a high acid content (pH level of 4.6 or below when measured at 24 degrees Celsius (75 degrees Fahrenheit)) or high alkalinity (pH level greater than 11 when measured at 24 degrees Celsius (75 degrees Fahrenheit)).

(f) Dry sugars and salts.

(g) Flavor extracts having a high alcohol content.

(h) Safe and suitable bacterial cultures and enzymes.

(i) Other ingredients that have been found to be safe and suitable by the ~~U.S. food~~ **United States Food and drug administration-Drug Administration.**

(3) Retail food establishments that manufacture and wholesale milk and milk products must additionally be licensed ~~pursuant to~~ **in accordance with** and meet requirements of the manufacturing milk law of 2001, 2001 PA 267, MCL 288.561 to 288.740, or the grade A milk law of 2001, 2001 PA 266, MCL 288.471 to 288.540.

(4) **Unpasteurized milk, milk solids, whey, nonfat dry milk, condensed milk, cream, or skim milk may be used for unpasteurized milk and milk products manufactured, sold, served, or prepared by a direct farm-to-consumer producer or a designated agent under section 4102a if the unpasteurized milk, milk solids, whey, nonfat dry milk, condensed milk, cream, or skim milk complies with section 70a of the manufacturing milk law of 2001, 2001 PA 267, MCL 288.630a.**

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 103rd Legislature are enacted into law:

(a) House Bill No. 5217 (request no. H02242'25).

(b) House Bill No. 5218 (request no. H03300'25).