

# Key Changes to the Michigan Food Law and Food Code

October 1, 2012



## 2009 FDA Food Code Adoption

Michigan has adopted a modified version of the 2009 FDA Food Code effective October 1, 2012. Michigan has been using the 2005 Food Code since 2007. To obtain a copy of the Modified Food Code, please ask your inspector, or download it at:

[www.michigan.gov/foodsafety](http://www.michigan.gov/foodsafety)

## Violation Marking

Inspection violations were previously categorized as Critical or Non-Critical violations. Effective October 1, 2012, violations found at an evaluation will be marked as Priority, Priority Foundation, or Core.

Priority items are a measurable action that directly eliminates or reduces a hazard associated with foodborne illness prevention.

Priority Foundation items are specific actions to support or enable priority items. For example, you need soap for effective hand washing. Other examples might be equipment or personnel training.

Core Items usually relate to general sanitation, facility maintenance or operational controls.

## Consumer Advisory

Undercooked comminuted meat (e.g., hamburgers) may no longer be offered on a children's menu.

## Foods Cooked to 155 °F.

Mechanically tenderized meat must be cooked to 155 °F for 15 seconds (3-304.11 (A) (2)) e.g., steaks, prime rib, etc.).

## Non- Continuous Cooking of Raw Animal Foods (Par- Cooking)

The 2009 Food Code (3-401.14) allows for an establishment to partially pre-cook raw meat, cool the product, and finish the cooking process at a later time. The food law modifies this process. The final cook step must bring the product to a cooking temperature specified under FC 3-401.11 (A) to fully cook the meat prior to serving. The law also eliminates the need for a written procedure, and instead, describes cold holding, labeling and storage of the product after the pre-cooking step.

## Time/Temperature Control for Safety Foods (Potentially Hazardous Foods)

The definition of potentially hazardous foods now includes cut tomatoes and cut leafy greens. This means that cut tomatoes and cut leafy greens must be held at 41 °F.

Cut leafy greens are defined as fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn. These include lettuce (iceberg, romaine, leaf, butter and baby leaf lettuce); escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard.

Cut leafy greens DOES NOT include herbs such as cilantro or parsley.

## Hand Drying

In addition to use of disposable towels and heated-air hand drying devices, a hand drying device that employs an air-knife system using ambient temperatures may be used.

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## Service Sinks

Toilets and urinals may not be used as a service sink for disposal of mop water and similar liquid waste. (5-203.13 (B))

A variance may be requested. Existing variances remain valid.

## Manager Certification Changes

As of October 1, 2012, all Special Transitory Food Units (STFU) or mobile establishments must employ a certified managerial employee.

Follow the current state-wide variance guidelines for Low Risk Establishments, found on the MDARD website under Manager Certification.

[http://www.michigan.gov/documents/mda/MDA\\_MgrCertVariOct-09\\_296418\\_7.pdf](http://www.michigan.gov/documents/mda/MDA_MgrCertVariOct-09_296418_7.pdf)

## Food Establishment requirements for use of Bridge Cards

Food Establishments accepting the use of Bridge Cards for EBT food benefits must meet certain requirements regarding record keeping and the types of food offered for sale. At least 50 percent of all retail sales must be from the sale of foods in the four staple food groups.

## Cottage Foods

Gross sales shall not exceed \$20,000 annually through December 31, 2017. As of 2018, sales shall not exceed \$25,000.

## U.S. Standards for Shell Eggs

Prior to this law, Michigan egg producers operated under the 1963 Michigan Egg Law. As of October 1, 2012, the 1963 Michigan Egg Law is rescinded, and producers will be operating under the U.S. Standards for Shell Eggs, adopted by reference into the Food Law.

**Unlicensed Shell Egg Producers:** This act does not apply to a person who meets all of the following requirements:

- (A) Directly responsible for producing eggs from fewer than 3,000 hens.
- (B) Only sells eggs directly to consumers or first receivers.
- (C) Only sells eggs in containers that each bears a label stating "Packaged in a facility that has not been inspected by the department".
- (D) Does not sell eggs through the internet or by mail order or consignment.

**Unlicensed shell egg producers are not considered to be an approved source for use in food or food service establishments.**