

Key Changes to the Michigan Food Law – 2007

2005 Food Code Adoption

Michigan has adopted the 2005 FDA Food Code effective April 1, 2008. Michigan has been using the 1999 Food Code since 2000. To obtain a copy, please ask your inspector or download it at: www.michigan.gov/mda

Food Temperatures

The holding temperature for hot food has been reduced from 140°F to 135°F. See Food Code section 3-501.16.

Employee Illness

Food employees with vomiting or diarrhea from an infectious disease must be excluded from a food establishment until they are free of symptoms for at least 24 hours.

When a food employee is diagnosed with Norovirus, they must be excluded from a food establishment and the inspecting agency must be notified. The inspecting agency will provide guidance on when and how that employee may return to work. See Food Code section 2-201.11.

Date Marking

Managers are now given more options for marking the consumption, sale, or discard date for ready-to-eat potentially hazardous food that won't be used within 24 hours. These foods must be used or discarded within seven days (date of preparation + six days).

Establishments must have a working system and be able to explain the system to their inspector. The inspector may verify that employees understand and use the system. Examples of commonly used systems are: Daydots™, dry erase markers, scale labels, and dissolvable stickers. Previously approved systems are still acceptable.

New foods exempted from date marking include:

- Deli salads prepared and packaged by a food processing plant such as ham, chicken, egg, seafood, pasta, potato, and macaroni salad.
- Cultured dairy products such as yogurt, sour cream, and buttermilk.
- Certain types of hard and semi-soft cheeses such as cheddar, gruyere, parmesan, reggiano, romano, blue, edam, gorgonzola, gouda, and monterey jack.

Note: Products modified after opening must be date marked. See Food Code section 3-501.17.

Allergens

A person-in-charge must be able to describe foods identified as major food allergens and the symptoms these allergens could cause in a sensitive individual who has an allergic reaction. See Food Code section 2-102.11(C)(9).

Major food allergens account for 90 percent or more of all food allergies, and include:

- Milk
- Eggs
- Peanuts
- Tree nuts (such as almonds, pecans, or walnuts)
- Fish (such as bass, flounder, or cod)
- Shellfish (such as crab, lobster, or shrimp)
- Soy
- Wheat

The most common signs and symptoms of a true food allergy include:

- Tingling in the mouth
- Hives, itching, or eczema
- Swelling of the lips, face, tongue and throat, or other parts of the body
- Wheezing, nasal congestion, or trouble breathing
- Abdominal pain, diarrhea, nausea, or vomiting
- Dizziness, lightheadedness, or fainting

Symptoms vary with type of food allergy.

Source: www.mayoclinic.com

Time As A Public Health Control

The Food Code has previously allowed holding hot and cold foods for food service outside of temperature control for up to four hours. A written policy is required.

The new code expands this option to allow holding cold foods only for food service out of temperature control for a maximum of six hours, under certain conditions. A written policy is still required. Grocery items that require temperature control must be held at or below 41°F or at or above 135°F. See Food Code section 3-501.19.

Manager Certification

By June 30, 2009, the following food establishments must employ a minimum of one certified managerial employee.

- Food service establishments, except mobile units, temporary events, special transitory food units, and vending machine locations.
- Grocery stores with a deli and seating.
- A food service establishment that operates within a retail grocery.

Options include taking a course and exam from a local provider **OR** buying a text, taking a food safety class online, or self-studying. All options require taking a proctored exam.

- Those currently certified can recertify by taking a proctored exam.
- Certificates are typically valid for five years.

Contact your local health department for information on courses in your area.

More details will be available at a later date at www.michigan.gov/mda. See Michigan Food Law section 289.2129.

Consumer Advisory

There are now two ways to do a menu advisory for undercooked animal-based foods. Most existing menu advisories that complied with the previous law won't need to be changed. The advisory for both options no longer has to be placed in a specific location on the menu.

Option 1: (see Food Law section 289.6149)
Put the following statement on the main menu:

“Ask your server about menu items that are cooked to order or served raw. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.”

This option does not require that specific foods served raw or undercooked be identified on the menu.

The advisory may be changed to be product specific if some of the food items listed aren't offered. For example, if the menu contains no raw menu items and only contains undercooked beef or egg products, the advisory would read like this:

“Ask your server about menu items that are cooked to order. Consuming undercooked meats or eggs may increase your risk of foodborne illness.”

Option 2: (see Food Code section 3-603.11)
Identify undercooked animal-based foods with a disclosure **and** reminder.

1. The disclosure can be done in two ways:
 - Use statements, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order);” **or**
 - Asterisk (*) undercooked foods to a footnote stating the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
2. The reminder footnote shall include one of the following statements verbatim:
 - Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
 - Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.
 - Regarding the safety of these items, written information is available upon request.

Example:

Menu item: ***Caesar Salad**

On the menu:

***Contains raw or undercooked ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.**

Bare Hand Contact-Alternative Practices

If your establishment proposes to touch ready-to-eat food with bare hands, a policy must be written **and approved by the regulatory agency**. See Food Code section 3-301.11.



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