



HOUSE BILL No. 5021

August 31, 1993, Introduced by Rep. Jaye and referred to the Committee on State Affairs.

A bill to amend the title and sections 3, 7, 9, 11, and 23 of Act No. 239 of the Public Acts of 1982, entitled

"An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts,"

being sections 287.653, 287.657, 287.659, 287.661, and 287.673 of the Michigan Compiled Laws; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 3, 7, 9, 11, and 23 of
2 Act No. 239 of the Public Acts of 1982, being sections 287.653,
3 287.657, 287.659, 287.661 and 287.673 of the Michigan Compiled
4 Laws, are amended to read as follows:

1

TITLE

2 An act to license and regulate animal food manufacturing
3 plants, transfer stations, ~~dead animal dealers,~~ rendering
4 plants, and certain vehicles; to prescribe ~~the~~ CERTAIN powers
5 and duties of certain state departments; to impose fees; TO
6 PROMULGATE RULES; to prescribe penalties; and to repeal certain
7 acts and parts of acts.

8 Sec. 3. (1) "Animal" means any livestock, including but
9 not limited to, cattle, horses, swine, sheep, goats, poultry, and
10 rabbits.

11 (2) "Animal food manufacturing plant" means an establishment
12 at which animal or pet food is produced through the slaughtering,
13 boning, grinding, cooking, canning, or freezing of dead animals.

14 (3) "Dead animals" means the bodies, any part of the bodies,
15 or any material produced from the bodies of animals which have
16 been slaughtered or have died from any other cause and which are
17 not intended for human food. ~~This does~~ DEAD ANIMALS DO not
18 include a finished product which has been processed by an
19 approved method.

20 ~~(4) "Dead animal dealer" means a person that procures and~~
21 ~~transports dead animals to or from a facility licensed under this~~
22 ~~act.~~

23 (4) ~~(5)~~ "Decharacterize" means a procedure that renders
24 dead animals to be unfit for human consumption.

25 (5) ~~(6)~~ "Denature" means a procedure that will impart a
26 distinctive color, odor, or taste to dead animals so that the

1 bodies are unfit for human consumption or cannot be used for
2 animal or pet food unless properly rendered.

3 (6) ~~(7)~~ "Department" means the department of agriculture.

4 (7) ~~(8)~~ "Director" means the director of the department of
5 agriculture or an authorized representative.

6 (8) ~~(9)~~ "Facility" means each of the following:

7 (a) An animal food manufacturing plant.

8 (b) A rendering plant.

9 (c) A transfer station.

10 Sec. 7. (1) Except as provided in section 9, a person
11 shall not establish OR CONDUCT AS A BUSINESS any of the following
12 ~~as a business~~ without obtaining a license under this act:

13 (a) An animal food manufacturing plant.

14 ~~(b) A dead animal dealership.~~

15 (B) ~~(c)~~ A transfer station.

16 (C) ~~(d)~~ A rendering plant.

17 (2) A PERSON SHALL NOT PROCURE OR TRANSPORT DEAD ANIMALS TO
18 OR FROM A FACILITY LICENSED UNDER THIS ACT UNLESS THAT VEHICLE IS
19 LICENSED UNDER THIS ACT.

20 (3) ~~(2)~~ Notwithstanding other provisions of this act, a
21 person shall not transport dead animals on a public highway if
22 the animals have been officially quarantined by the director.
23 The director may issue a permit for the transport of these ani-
24 mals under special security rules promulgated by the department.

25 Sec. 9. The following ~~shall be~~ ARE exempt from obtaining
26 a license under this act:

1 (a) A restaurant grease dealer who is licensed under Act
2 No. 136 of the Public Acts of 1969, being sections 323.271 to
3 323.280 of the Michigan Compiled Laws.

4 (b) A sanitary landfill which is licensed by the department
5 of natural resources under the solid waste management act, Act
6 No. 641 of the Public Acts of 1978, as amended, being sections
7 299.401 to 299.437 of the Michigan Compiled Laws.

8 ~~(c) A person, and any vehicle used by a person, who is~~
9 ~~licensed under Act No. 173 of the Public Acts of 1953, as~~
10 ~~amended, being sections 287.401 to 287.409 of the Michigan~~
11 ~~Compiled Laws.~~

12 (C) ~~(d)~~ A person who is licensed under the Michigan com-
13 mercial feed law, Act No. 120 of the Public Acts of 1975, as
14 amended, being sections 287.521 to 287.535 of the Michigan
15 Compiled Laws, who manufactures or processes only decharacterized
16 or denatured dead animals.

17 (D) ~~(e)~~ A vehicle which is used to transport dead animals,
18 as follows:

19 (i) To a laboratory for diagnosis.

20 (ii) To an incinerator approved by state and local
21 authorities.

22 (iii) To a licensed facility, by the original owner of the
23 animal at the time of the animal's death.

24 (iv) Which have been released by authorized meat inspection
25 personnel for educational or research purposes.

1 (v) Which are naturally unfit for human consumption,
2 including but not limited to, hoofs, horns, and hides in their
3 natural state.

4 (vi) For use in preparing pharmaceutical, organotherapeutic,
5 or technical products and not for use as human food.

6 Sec. 11. (1) An application for a license, in a form pre-
7 scribed by the department, shall be filed with the department and
8 accompanied by the annual license fee.

9 ~~(2) The application of a dead animal dealer shall specify~~
10 ~~the destination of the dead animals, which shall be a facility~~
11 ~~licensed in this or another state. If the destination is a~~
12 ~~facility licensed in another state, the applicant shall include a~~
13 ~~certified copy of the license for that facility with the~~
14 ~~application.~~

15 (2) ~~(3)~~ The annual license fee shall be:

- 16 (a) For a rendering plant.....\$ 375.00
- 17 (b) For an animal food manufacturing plant.....\$ 200.00
- 18 ~~(c) For a dead animal dealer..... \$ 100.00~~
- 19 (C) ~~(d)~~ For a transfer station.....\$ 100.00
- 20 (D) ~~(e)~~ For a fur-bearing animal farm.....\$ 25.00
- 21 (E) ~~(f)~~ For each vehicle used to transport dead
- 22 animals.....\$ 25.00

23 (3) ~~(4)~~ A license shall be issued or renewed on or before
24 October 1 of each calendar year. Within a reasonable period of
25 time after receipt of a license application, the director shall
26 inspect the facility or vehicle. If the director determines that

1 the applicant is of good moral character, as defined AND
2 DETERMINED in ~~section 4~~ of Act No. 381 of the Public Acts of
3 1974, as amended, being ~~section 338.41~~ SECTIONS 338.41 TO
4 338.47 of the Michigan Compiled Laws, and that the facility or
5 vehicle which is to be utilized under a license conforms to stan-
6 dards prescribed by this act and rules promulgated under this
7 act, the director shall order the department to issue a license.
8 The application for a license may be denied if the director's
9 investigation discloses that the applicant lacks good moral char-
10 acter ~~—~~ or that the standards established in this act or by
11 rules promulgated under this act are not met. If an applicant is
12 found to lack good moral character, the person shall be furnished
13 with a statement to this effect and ~~shall be entitled to~~ MAY
14 REQUEST a rehearing on the issue as set forth in section 5 of Act
15 No. 381 of the Public Acts of 1974, as amended, being section
16 338.45 of the Michigan Compiled Laws.

17 (5) A license fee or portion of a license fee shall not be
18 returned to the applicant regardless of whether a license is
19 issued or denied.

20 Sec. 23. (1) Except when transported in a vehicle meeting
21 the requirements of section 17, dead animals transported from a
22 licensed facility to another licensed facility for production
23 into animal or pet food shall be decharacterized or denatured ~~—~~
24 and the container shall be labeled as animal or pet food. The
25 label also shall state both of the following:

26 (a) In letters not less than 3 inches high, that the
27 material is not intended for human consumption.

1 (b) The name and address of the licensee.

2 (2) The licensee shall take all reasonable precautions to
3 prevent the dead animals from being diverted for use as human
4 food.

5 (3) Unless licensed OR EXEMPT FROM LICENSURE under this act,
6 a person shall not advertise in a newspaper or indicate by signs
7 or other devices ~~—~~ involvement or participation in the business
8 of transporting and disposing of dead animals.