

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Rep. Murphy

ENROLLED HOUSE BILL No. 5316

AN ACT to amend sections 9 and 21 of Act No. 239 of the Public Acts of 1982, entitled as amended "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; 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," as amended by Act No. 228 of the Public Acts of 1993, being sections 287.659 and 287.671 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 9 and 21 of Act No. 239 of the Public Acts of 1982, as amended by Act No. 228 of the Public Acts of 1993, being sections 287.659 and 287.671 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 9. All of the following are exempt from obtaining a license under this act:

(a) A restaurant grease dealer who is licensed under part 121 (liquid industrial wastes) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.12101 to 324.12118 of the Michigan Compiled Laws.

(b) A landfill that is licensed by the department of natural resources under part 115 (solid waste management) of Act No. 451 of the Public Acts of 1994, being sections 324.11501 to 324.11549 of the Michigan Compiled Laws.

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

(d) A person who is licensed under the Michigan commercial feed law, Act No. 120 of the Public Acts of 1975, being sections 287.521 to 287.535 of the Michigan Compiled Laws, who manufactures or processes only decharacterized or denatured dead animals.

(e) A person and any vehicle that is used by a person to transport dead animals, as follows:

(i) To a laboratory for diagnosis.

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

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

(iv) Dead animals that have been released by authorized meat inspection personnel for educational or research purposes.

(v) Dead animals that are naturally unfit for human consumption, including but not limited to, hoofs, horns, and hides in their natural state.

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

Sec. 21. (1) Dead animals, except if contained in a drum, barrel, or similar container, shall be transferred from 1 vehicle to another only at a licensed facility.

(2) All dead animals, except as provided in subsection (3), shall be disposed of within 24 hours after death by any of the following methods:

(a) Burial not less than 2 feet below the natural surface of the ground in accordance with rules promulgated under this act.

(b) Burning in a location which will not annoy or constitute a nuisance to the public in compliance with part 55 (air pollution control) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.5501 to 324.5542 of the Michigan Compiled Laws. Residue from the burning process shall be disposed of by burial as provided in subdivision (a) or in a manner approved by the director.

(c) Processing at a poultry composting structure.

(d) Procuring the services of a licensed dead animal dealer.

(e) Procuring the services of a licensed rendering plant.

(f) Procuring the services of a licensed animal food manufacturing plant.

(3) The following dead animals are not subject to the requirements of subsection (2):

(a) Carcasses of small mammals, deer, and birds taken under the authority of a damage and nuisance animal control permit issued by the Michigan department of natural resources pursuant to part 401 (wildlife conservation) of Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws.

(b) Small mammals, cervidae, and birds, that are road kill.

(c) Dead animals kept in secured temporary cold storage of 4.5 degrees Celsius, 40 degrees Fahrenheit, or below for a maximum of 7 days or frozen and securely stored at minus 11 degrees Celsius, 0 degrees Fahrenheit, or below for a maximum of 30 days.

(d) Restaurant grease.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.