



HOUSE BILL No. 5653

March 5, 1996, Introduced by Reps. Gnodtke, Green, Horton, Hill, Gernaat, McBryde, Randall, Dalman, Jellema, Rhead, McManus, Hammerstrom, Lowe, DeLange and Middleton and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 24a, 27, 28, 29, 30, 30a, 30b, 33, 39, 40, 41, 42, 43, and 44 of Act No. 466 of the Public Acts of 1988, entitled as amended

"Animal industry act of 1987,"

sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 27, 28, 29, 30, 33, 39, 40, 42, and 43 as amended and sections 24a, 30a, and 30b as added by Act No. 41 of the Public Acts of 1994, being sections 287.703, 287.704, 287.705, 287.706, 287.709, 287.712, 287.713, 287.714, 287.716, 287.719, 287.720, 287.722, 287.723, 287.724, 287.724a, 287.727, 287.728, 287.729, 287.730, 287.730a, 287.730b, 287.733, 287.739, 287.740, 287.741, 287.742, 287.743, and 287.744 of the Michigan Compiled Laws; to add sections 29a and 43a; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20,
2 22, 23, 24, 24a, 27, 28, 29, 30, 30a, 30b, 33, 39, 40, 41, 42,
3 43, and 44 of Act No. 466 of the Public Acts of 1988, sections 3,
4 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 27, 28, 29, 30,
5 33, 39, 40, 42, and 43 as amended and sections 24a, 30a, and 30b
6 as added by Act No. 41 of the Public Acts of 1994, being
7 sections 287.703, 287.704, 287.705, 287.706, 287.709, 287.712,
8 287.713, 287.714, 287.716, 287.719, 287.720, 287.722, 287.723,
9 287.724, 287.724a, 287.727, 287.728, 287.729, 287.730, 287.730a,
10 287.730b, 287.733, 287.739, 287.740, 287.741, 287.742, 287.743,
11 and 287.744 of the Michigan Compiled Laws, are amended and sec-
12 tions 29a and 43a are added to read as follows:

13 Sec. 3. (1) "Accredited veterinarian" means a veterinarian
14 approved by the United States department of agriculture to per-
15 form specific functions required by cooperative state-federal
16 disease control and eradication programs.

17 (2) "Animal" means mollusks, crustaceans, and vertebrates
18 other than human beings.

19 (3) "Aquaculture" means aquatic ANIMAL organisms ~~such as~~
20 INCLUDING, BUT NOT LIMITED TO, fish, crustaceans, mollusks, rep-
21 tiles, and amphibians, reared or ~~cultivated~~ CULTURED under con-
22 trolled conditions IN AN AQUACULTURE FACILITY FOR PRODUCTION AS
23 ANIMAL FOOD, HUMAN FOOD, OR ANIMAL BAIT.

24 (4) "AQUACULTURE FACILITY" MEANS A FARM OR FARM OPERATION
25 ENGAGED IN ANY ASPECT OF AQUACULTURE IN PRIVATELY CONTROLLED
26 WATERS AND CAPABLE OF HOLDING AQUACULTURAL SPECIES WITH A BARRIER

1 OR ENCLOSURE DESIGNED TO PREVENT THEIR ESCAPE INTO PUBLIC
2 WATERS. AN AQUACULTURE FACILITY DOES NOT INCLUDE A RETAIL ORNA-
3 MENTAL FISH FACILITY.

4 (5) ~~(4)~~ "Approved vaccine" means a veterinary biological
5 administered to livestock or other animals to induce immunity in
6 the recipient. The use of the approved vaccine in this state
7 shall be approved by the state veterinarian.

8 ~~(5) "Breeding swine" means swine intended for use as breed-~~
9 ~~ing stock and all swine not intended for slaughter or feeding to~~
10 ~~market age and weight for slaughter including companion animals~~
11 ~~and research animals regardless of reproductive capacity.~~
12 ~~Breeding swine includes all boars and sows.~~

13 (6) "Captive cervidae" means members of the cervidae family
14 including, but not limited to, deer, elk, moose, and caribou
15 living under the husbandry of humans.

16 (7) "Cattle" means all bovine (genus bos) animals, bovine-
17 like animals (genus bison) also commonly referred to as American
18 buffalo or bison and any cross of these species unless otherwise
19 specifically provided.

20 (8) "Cattle importation lot" means a premises registered
21 with the department and used only to feed cattle in preparation
22 for slaughter.

23 (9) "Commingling" means concurrently or subsequently sharing
24 or subsequent use by native livestock of the same pen or same
25 section in a facility or same section in a transportation unit
26 where there is physical contact or contact with bodily excrements
27 or fluids from other livestock.

1 (10) "Consignee" means the person within the state of
2 Michigan receiving the animals at the point of destination named
3 on the official interstate health certificate, official inter-
4 state certificate of veterinary inspection, owner-shipper state-
5 ment, or sales invoice.

6 (11) "Contagious disease" means an illness due to a specific
7 infectious agent or suspected infectious agent or its toxic prod-
8 ucts which arises through transmission of that agent or its prod-
9 ucts from an infected animal, or inanimate reservoir to a suscep-
10 tible host, either directly or indirectly through an intermediate
11 plant or animal host, vector, or the inanimate environment, or
12 via an airborne mechanism.

13 (12) "Department" means the department of agriculture.

14 (13) "Direct movement" means transfer of animals to a desti-
15 nation without unloading the animals en route and without expo-
16 sure to any other animals OR BODILY EXCREMENTS OR FLUIDS FROM
17 OTHER ANIMALS.

18 (14) "Director" means the director of the department of
19 agriculture or his or her authorized representative.

20 (15) "Disease" means any animal health issue with economic
21 impacts in terms of restricted movement or markets, whether due
22 to residues, metabolic problems, public health concerns, multiple
23 causes, or food safety issues.

24 (16) "Distribute" means to deliver other than by administer-
25 ing or dispensing a veterinary biological.

1 (17) "Domestic animal" means those species of animals
2 indigenous to North America which have lived under the husbandry
3 of humans.

4 (18) "Equine" means all animals of the equine family which
5 includes horses, asses, jacks, jennies, hinnies, mules, donkeys,
6 burros, ponies, and zebras.

7 (19) "Exhibition or exposition" means a congregation, gath-
8 ering, or collection of livestock that are presented or exposed
9 to public view for show, display, swap, exchange, entertainment,
10 educational event, instruction, advertising, or competition.
11 Exhibition or exposition does not include livestock for sale at
12 public stockyards, auctions, saleyards, and livestock yards
13 licensed under the provisions of Act No. 284 of the Public Acts
14 of 1937, being sections 287.121 to 287.131 of the Michigan
15 Compiled Laws.

16 (20) "Exhibition facility" means any facility used or
17 intended to be used for public VIEW, SHOW, display, SWAP,
18 EXCHANGE, ENTERTAINMENT, ADVERTISEMENT, educational event, or
19 competition involving livestock. Exhibition facility ~~excludes~~
20 DOES NOT INCLUDE a public stockyard, an auction saleyard, and a
21 livestock yard WHERE LIVESTOCK ARE ACCEPTED ON CONSIGNMENT AND
22 THE AUCTION METHOD IS USED IN THE MARKETING OF THE LIVESTOCK.

23 (21) "Exhibitor" means any person who presents livestock for
24 public display, exhibition, or competition or enters livestock in
25 a fair, show, exhibition, or exposition.

1 (22) "Exotic animal" means those animals that are not
2 domestic or any cross of those animals not domestic to North
3 America.

4 (23) "Fair" means a competition and educational exhibition
5 of agricultural commodities and manufactured products for which
6 premiums may be paid and which is conducted by an association or
7 governmental entity.

8 (24) "Feral swine" means swine which have lived their life
9 or any part of their life as free roaming or not under the hus-
10 bandry of humans.

11 Sec. 4. ~~(1) "Feeder pigs" and "feeder swine" means swine~~
12 ~~weighing less than 120 pounds intended for feeding purposes.~~

13 (1) "FISH DISEASE INSPECTION REPORT" MEANS A DOCUMENT AVAIL-
14 ABLE FROM THE GREAT LAKES FISHERY COMMISSION COMPLETED BY A FISH
15 HEALTH OFFICIAL GIVING EVIDENCE OF INSPECTIONS AND DIAGNOSTIC
16 WORK PERFORMED.

17 (2) "FISH HEALTH OFFICIAL" MEANS A FISH HEALTH SPECIALIST
18 IDENTIFIED BY MEMBER AGENCIES OF THE GREAT LAKES FISH DISEASE
19 CONTROL COMMITTEE TO THE CHAIR OF THE GREAT LAKES FISH DISEASE
20 CONTROL COMMITTEE RESPONSIBLE FOR CONDUCTING FISH-HATCHERY
21 INSPECTIONS AND THE ISSUANCE OF INSPECTION REPORTS.

22 (3) ~~(2)~~ "Flock" means all of the poultry on 1 premises or,
23 upon the discretion of the department, a group of poultry that is
24 segregated from all other poultry for at least 21 days.

25 (4) ~~(3)~~ "Grade status" means an animal for which no proof
26 of registration with an appropriate breed registry is provided.

1 (5) "GREAT LAKES BASIN" MEANS THE GEOGRAPHICAL AREA
2 ENCOMPASSING LAKE ONTARIO INCLUDING THE ST. LAWRENCE RIVER FROM
3 LAKE ONTARIO TO THE 45TH PARALLEL OF LATITUDE, LAKE ERIE, LAKE
4 HURON INCLUDING LAKE ST. CLAIR, LAKE MICHIGAN, LAKE SUPERIOR,
5 THEIR CONNECTING WATERS, AND ALL TRIBUTARIES TO THOSE LAKES AND
6 WATERS.

7 (6) ~~-(4)-~~ "Hatchery" means incubators, hatchers, and auxil-
8 iary equipment on 1 premises operated and controlled for the pur-
9 pose of hatching poultry.

10 (7) ~~-(5)-~~ "Hatching poultry eggs" means eggs for use in a
11 hatchery to produce young poultry or to produce embryonated
12 eggs.

13 (8) ~~-(6)-~~ "Herd or flock of origin" means any herd or flock
14 in which animals are born and remain until movement or any herd
15 or flock which animals remain for at least 30 days immediately
16 following direct movement into the herd or flock from another
17 herd or flock.

18 (9) ~~-(7)-~~ "Infectious disease" means an infection or disease
19 due to the invasion of the body by pathogenic organisms.

20 (10) ~~-(8)-~~ "Isolated" means the physical separation of ani-
21 mals by a physical barrier in such a manner that other animals do
22 not have access to the isolated animals' body, excrement, or dis-
23 charges, not allowing the isolated animals to share a building
24 with a common ventilation system with other animals, and not
25 allowing the isolated animals to be within 10 feet of other ani-
26 mals if not sharing a building with a common ventilation system.

1 Isolated animals have a ~~separate~~ noncommon feed and water
2 system SEPARATE from other animals.

3 Sec. 5. (1) "Law enforcement agent" means an officer of the
4 department of state police or of a law enforcement agency of a
5 county, township, city, or village who is responsible for the
6 prevention and detection of crime and enforcement of the criminal
7 laws of this state.

8 (2) "Livestock" means those species of animals used for
9 human food and fiber or those species of animals used for service
10 to humans. Livestock includes, but is not limited to, cattle,
11 sheep, new world camelids, goats, bison, captive cervidae, rat-
12 ites, swine, equine, poultry, aquaculture, and rabbits.
13 Livestock does not include dogs and cats.

14 (3) "Livestock auction market" means a livestock market
15 where livestock is accepted on consignment and the auction method
16 is used in the marketing of consigned livestock as defined in Act
17 No. 284 of the Public Acts of 1937, being sections 287.121 to
18 287.131 of the Michigan Compiled Laws.

19 ~~(4) "Mycoplasma gallisepticum" or "MG" means a disease of~~
20 ~~poultry caused by Mycoplasma gallisepticum.~~

21 ~~(5) "Mycoplasma gallisepticum (MG) clean flock" means a~~
22 ~~flock that receives and maintains this status by fulfilling the~~
23 ~~requirements prescribed in the national poultry improvement~~
24 ~~plan.~~

25 ~~(6) "Mycoplasma meleagridis" or "MM" means a disease of~~
26 ~~poultry caused by Mycoplasma meleagridis.~~

1 ~~(7) "Mycoplasma meleagridis (MM) clean flock" means a flock~~
 2 ~~that receives and maintains this status by fulfilling the~~
 3 ~~requirements prescribed in the national poultry improvement~~
 4 ~~plan.~~

5 ~~(8) "Mycoplasma synoviae" or "MS" means a disease of poultry~~
 6 ~~caused by Mycoplasma synoviae.~~

7 ~~(9) "Mycoplasma synoviae (MS) clean flock" means a flock~~
 8 ~~that receives and maintains this status by fulfilling the~~
 9 ~~requirements prescribed in the national poultry improvement~~
 10 ~~plan.~~

11 (4) ~~(+0)~~ "National poultry improvement plan" means a plan
 12 for the control or eradication of certain poultry diseases which
 13 is published in title 9, chapter 1, subchapter ~~P~~ G, parts 145,
 14 147, of the code of federal regulations.

15 (5) ~~(+1)~~ "Native" means born and raised in this state, or
 16 legally imported into the state and having ~~completed the~~
 17 ~~quarantine~~ COMPLIED WITH ENTRY requirements prescribed by the
 18 director, and having been maintained in the state for at least 45
 19 days.

20 (6) ~~(+2)~~ "Neutered" means sterilization by 1 of the fol-
 21 lowing methods only:

- 22 (a) Chemical.
- 23 (b) Castration.
- 24 (c) Clamping.
- 25 (d) Banding.
- 26 (e) Spaying.

1 (7) ~~(+3)~~ "New world camelids" means animals belonging to
2 the genus llama and vicuna of the family camelidae of the order
3 artiodactyla including, but not limited to, the llama, alpaca,
4 vicuna, and guanaco.

5 Sec. 6. (1) "Official calfhood vaccinate" means female
6 cattle that are vaccinated by an accredited veterinarian with a
7 United States department of agriculture approved brucella abortus
8 vaccine in accordance with procedures and at an age approved by
9 the director.

10 (2) "Official identification" means an identification ear
11 tag or ear tattoo or other identification approved by the United
12 States department of agriculture or the department.

13 (3) "Official interstate health certificate" or "official
14 interstate certificate of veterinary inspection" means a printed
15 form adopted by any state that documents the information required
16 under section 20 and that is issued for animals being imported to
17 or exported from this state within 30 days before the importation
18 or exportation of the animals it describes. A photocopy of an
19 official interstate health certificate or an official interstate
20 certificate of veterinary inspection is an official copy if cer-
21 tified as a true copy by the issuing veterinarian or a livestock
22 health official of the state of origin.

23 (4) "Official test" means a sample of specific material col-
24 lected from an animal by an accredited veterinarian ~~, unless~~ OR
25 OTHER PERSON authorized by the director, and analyzed by a labo-
26 ratory certified by the United States department of agriculture
27 or the department to conduct the test, or a diagnostic injection

1 administered and analyzed by an accredited veterinarian. An
2 official test shall be conducted only by an accredited veterinar-
3 ian except under special permission by the director.

4 (5) "Official vaccination" means a vaccination that the
5 director has designated as reportable. An official vaccination
6 shall be administered by an accredited veterinarian and docu-
7 mented on a form supplied by the department.

8 (6) "Originate" refers to direct movement of animals from a
9 herd or flock of origin.

10 (7) "Over 19 months of age" means cattle that have the first
11 pair of permanent incisor teeth visibly present unless the owner
12 can document the exact age. Parturient or postparturient heif-
13 ers, regardless of their age, are considered over 19 months of
14 age.

15 (8) "Person" means an individual, partnership, corporation,
16 cooperative, association, joint venture, or other legal entity,
17 including, but not limited to, contractual relationships.

18 (9) "Poultry" means but is not limited to chickens, guinea
19 fowl, turkeys, waterfowl, pigeons, doves, peafowl, and game birds
20 that are propagated and maintained under the husbandry of
21 humans.

22 (10) "Prior entry permit" means a code that is obtained from
23 the department for specific species of livestock imported into
24 the state that is recorded on the official interstate health cer-
25 tificate or official interstate certificate of veterinary
26 inspection.

1 (11) "Pullorum-typhoid" means a disease of poultry caused by
2 both salmonella pullorum and salmonella gallinarum.

3 (12) "Pullorum-typhoid clean flock" means a flock that
4 receives and maintains this status by fulfilling the requirements
5 prescribed in the national poultry improvement plan.

6 (13) "Quarantine" means enforced restriction of a premises
7 or isolation and restriction of free movement imposed on an
8 animal.

9 (14) "Ratite" means flightless birds having a flat breast-
10 bone without the keellike prominence characteristic of most
11 flying birds. Ratites include, but are not limited to, casso-
12 waries, kiwis, ostriches, emus, and rheas.

13 (15) "Reasonable assistance" means safely ~~and comfortably~~
14 controlling an animal by corralling, stabling, kenneling, hold-
15 ing, tying, chemically restraining, or confining by halter or
16 leash or crowding the animal in a safe and sensible manner so an
17 examination or testing procedure considered necessary by the
18 director can be performed.

19 (16) "Reportable disease" means an animal disease on the
20 current reportable animal disease list maintained by the state
21 veterinarian that poses a serious threat to the livestock indus-
22 try, public health, or human food chain.

23 (17) "Slaughter facility premises" means all facilities,
24 buildings, structures, including all immediate grounds where
25 slaughtering occurs under federal or state inspection, or other-
26 wise authorized by the director.

1 (18) "Sow" means any female swine that has farrowed or given
2 birth to or aborted 1 litter or more.

3 (19) "State veterinarian" means the chief animal health
4 official of the state as appointed by the director under section
5 7, or his or her authorized representative.

6 (20) "Swine" means any of the ungulate mammals of the family
7 suidae.

8 (21) "Toxic substance" means a natural or synthetic chemical
9 in concentrations which alone or in combination with other natu-
10 ral or synthetic chemicals presents a threat to the health,
11 safety, or welfare to human or animal life or which has the
12 capacity to produce injury or illness through ingestion, inhala-
13 tion, or absorption through the body surface.

14 (22) "Toxicological disease" means any condition caused by
15 or related to a toxic substance.

16 (23) "U.S. registered shield" means a tattoo authorized and
17 approved by the United States department of agriculture for use
18 by an accredited veterinarian to designate cattle that have been
19 vaccinated ~~for~~ AGAINST brucellosis USING AN APPROVED BRUCELLA
20 ABORTUS VACCINE.

21 (24) "Veterinarian" means a person licensed to practice vet-
22 erinary medicine under article 15 of the public health code, Act
23 No. 368 of the Public Acts of 1978, being sections 333.16101 to
24 333.18838 of the Michigan Compiled Laws, or under a state or fed-
25 eral law applicable to that person.

26 (25) "Veterinary biological" means all viruses, serums,
27 toxins, and analogous products of natural or synthetic origin, or

1 products prepared from any type of genetic engineering, such as
2 diagnostics, antitoxins, vaccines, live microorganisms, killed
3 microorganisms, and the antigenic or immunizing components of
4 microorganisms intended for use in the diagnosis, treatment, or
5 prevention of diseases in animals.

6 (26) "Wild animal" means any nondomesticated animal or any
7 cross of a nondomesticated animal.

8 Sec. 9. (1) A person who discovers, suspects, or has reason
9 to believe that an animal is either affected by a reportable dis-
10 ease or contaminated with a toxic substance shall immediately
11 report that fact, suspicion, or belief to the director. The
12 director shall take appropriate action to investigate the
13 report. A person possessing an animal affected by, or suspected
14 of being affected by, a reportable disease or contaminated with a
15 toxic substance shall allow the director to examine the animal or
16 collect diagnostic specimens. The director may enter premises
17 where animals, animal products, or animal feeds are suspected of
18 being contaminated with an infectious or contagious disease, or a
19 disease caused by a toxic substance and seize or impound the
20 animal products or feed located on the premises. The director
21 may withhold a certain amount OF ANIMAL PRODUCTS OR FEED for the
22 purpose of controlled research and testing. A person who know-
23 ingly possesses or harbors affected or suspected animals shall
24 not expose other animals to the affected or suspected animals or
25 otherwise move the affected or suspected animals OR ANIMALS UNDER
26 QUARANTINE except with permission from the director.

1 (2) A person owning animals shall provide reasonable
2 assistance to the director during the examination and necessary
3 testing procedures.

4 (3) The director may call upon a law enforcement agency to
5 assist in carrying out the director's orders.

6 (4) A person shall not remove or alter the identification of
7 an animal for the purpose of misrepresentation of the animal's
8 identity or the ownership of the animal. A person shall not make
9 misrepresentations concerning the animal's health status to a
10 potential buyer.

11 Sec. 12. (1) The director may ~~declare~~ ISSUE a quarantine
12 on animals or premises in ~~any district or region of~~ this state
13 for the purpose of controlling or preventing the spread of a
14 known or suspected infectious, contagious, or toxicological
15 disease.

16 (2) A person shall not move animals that are under quaran-
17 tine without permission from the director.

18 (3) A person shall not allow animals under quarantine to
19 mingle or have contact with OTHER animals not under quarantine
20 without permission by the director.

21 (4) A person shall not import into this state an animal from
22 another state or jurisdiction if that animal is under quarantine
23 by the other state or jurisdiction unless that person obtains
24 prior permission from the director.

25 (5) A PERSON SHALL NOT IMPORT INTO THIS STATE AN ANIMAL SPE-
26 CIES FROM AN AREA UNDER QUARANTINE FOR THAT SPECIES FOR ANY

1 INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE UNLESS
2 PERMISSION IS GRANTED FROM THE DIRECTOR.

3 (6) ~~(5)~~ The director may prescribe procedures for the
4 identification, inventory, separation, mode of handling, treat-
5 ment, feeding, and caring for the quarantined animals to prevent
6 the quarantined animals from infecting or exposing nonquarantined
7 animals to infectious, contagious, or toxicological diseases.

8 (7) ~~(6)~~ The director may prescribe procedures required
9 before an animal and premises are released from quarantine.

10 (8) ~~(7)~~ An animal found running at large in violation of
11 ~~this~~ A quarantine may be killed by a law enforcement agent.

12 The director may ~~ask for~~ ENLIST the cooperation of a law
13 enforcement agency to enforce the provisions of this quarantine.

14 A law enforcement agent killing an animal due to a quarantine
15 under this section is not subject to liability for the animal.

16 Sec. 13. The director may designate the status of certain
17 herds, flocks, or stocks as ~~being~~ CERTIFIED, ACCREDITED, VALI-
18 DATED, QUALIFIED, MONITORED, clean, or free of a specific disease
19 when the herd, flock, or stock has met the requirements for that
20 status as approved by the director.

21 Sec. 14. (1) If it is determined by the director that the
22 control or eradication of a disease or condition of livestock
23 warrants the slaughter, destruction, or other disposition of the
24 livestock, the director shall order the slaughter, destruction,
25 or other disposition of the livestock. If the director has
26 signed an order for the slaughter, destruction, or other
27 disposition of livestock, the director shall notify the ~~attorney~~

1 ~~general of the order. The attorney general shall notify the~~
2 house and senate appropriations committees and the department of
3 management and budget on the issue of indemnity under this
4 section. The director may approve facilities for the orderly
5 disposal of animals, animal products, and animal feeds for the
6 purpose of controlling or preventing the spread of an infectious,
7 contagious, or toxicological disease. The director may select a
8 site or method for the disposal with the advice of the director
9 of the department of ~~natural resources~~ ENVIRONMENTAL QUALITY.

10 (2) The director may, under rules promulgated by the depart-
11 ment, allow indemnification for the slaughter, destruction, or
12 other disposition of animals due to livestock diseases or toxico-
13 logical contamination. If the director has signed an order for
14 the slaughter, destruction, or other disposition of livestock,
15 the owner may apply for indemnification. All animals shall be
16 treated as grade status animals for purposes of indemnification.
17 The director shall appraise and inventory the condemned
18 livestock. The appraisals and inventories shall be on forms
19 approved by the director. The director shall use state agricul-
20 tural statistical service pricing information to determine the
21 value of condemned livestock. If state agricultural statistical
22 service pricing information is not available, the director shall
23 use agricultural pricing information from commercial livestock
24 auction markets and other livestock market information as deter-
25 mined by the director to determine the value of condemned
26 livestock. Indemnification shall be based upon 75% of the fair
27 market value of that type of livestock on the date of the

1 appraisal as if the livestock was grade status and marketable for
2 the purpose for which the livestock was intended, not to exceed
3 ~~\$1,000.00~~ \$1,250.00 for each animal, less any compensation
4 received, or to be received, from any other source including, but
5 not limited to, indemnification by the United States department
6 of agriculture, insurance, salvage value, or any monetary value
7 obtained to encourage disposal of infected or exposed livestock
8 in accordance with a disease control or eradication program. The
9 owner shall furnish to the department all records indicating
10 other sources of indemnity. An affidavit signed by the owner
11 attesting to the amount of compensation for the livestock
12 received or to be received from any other source shall accompany
13 the appraisal certificate prior to indemnification under this
14 section.

15 (3) ~~Indemnification pursuant to this section shall be~~
16 ~~subject to annual appropriations by the legislature and shall not~~
17 ~~be paid from department funds~~ THE DEPARTMENT MAY PROVIDE FOR
18 INDEMNITY PURSUANT TO THIS SECTION NOT TO EXCEED \$10,000.00 PER
19 ORDER, FROM ANY LINE ITEM FOR THE CURRENT FISCAL YEAR. Any
20 agreement GREATER THAN \$10,000.00 entered into between the
21 department and an owner of livestock shall contain a provision
22 indicating that, notwithstanding the terms of the agreement,
23 indemnification shall be subject to SPECIFIC appropriations by
24 the legislature AND NOT BE PAID FROM DEPARTMENT FUNDS.

25 (4) Acceptance of indemnification under this section does
26 not enlarge or diminish the owner's civil remedy against a person
27 responsible for the owner's loss except that acceptance of the

1 indemnity constitutes a release of the claim of the owner against
2 the state.

3 (5) The right to indemnity from the state for animals con-
4 demned and ordered slaughtered, destroyed, or otherwise disposed
5 of by the director applies only to native livestock.
6 Indemnification shall not apply to livestock determined BY THE
7 DEPARTMENT to be imported without meeting import requirements
8 such as official interstate health certificate or official inter-
9 state certificate of veterinary inspection, required testing,
10 ~~and~~ required vaccination, OR FOR LIVESTOCK DETERMINED BY THE
11 DEPARTMENT TO HAVE BEEN ILLEGALLY MOVED WITHIN THIS STATE. An
12 owner is not entitled to indemnity from the state for an animal
13 that comes into the possession of the owner with the owner's
14 knowledge that the animal is diseased or is suspected of having
15 been exposed to an infectious, contagious, or toxicological
16 disease. In addition, the director shall not indemnify an owner
17 for animals that have been exposed to an animal that comes in to
18 the possession of the owner with the owner's knowledge that the
19 animal is diseased or is suspected of having been exposed to an
20 infectious, contagious, or toxicological disease.

21 (6) A premises that has been depopulated shall be cleaned
22 and disinfected as prescribed by the director.

23 (7) Repopulation of the premises, except as approved by the
24 director, shall not confer eligibility for future indemnity under
25 this section.

26 (8) The department may cooperate and coordinate with the
27 secretary of the United States department of agriculture or the

1 secretary's authorized representative or other governmental
2 departments or agencies regarding indemnification under this
3 section.

4 Sec. 16. (1) Livestock ordered to be slaughtered,
5 destroyed, or otherwise disposed of by the director because of
6 tuberculosis shall be branded on the left ~~jaw~~ HIP with a letter
7 "T" not less than 2 inches high, and a tag designated as a reac-
8 tor tag by the director shall be placed in the left ear.
9 TUBERCULOSIS REACTOR CATTLE AND BISON SHALL ALSO BE IDENTIFIED BY
10 A PERMANENT AND LEGIBLE TUBERCULOSIS TATTOO AND SPRAY OF YELLOW
11 PAINT ON THE LEFT EAR. The director may refrain from the branding
12 ~~and identification~~ if slaughter, destruction, or other disposi-
13 tion of the entire herd is under the director's direct control.

14 (2) Livestock ordered to be slaughtered, destroyed, or oth-
15 erwise disposed of by the director because of brucellosis shall
16 be branded on the left ~~jaw~~ HIP with a letter "B" not less than
17 2 inches high, and a tag designated as a reactor tag by the
18 director shall be placed in the left ear. An exposed animal in a
19 brucellosis infected or quarantined herd shall be branded on the
20 left ~~jaw~~ HIP with a letter "S" not less than 2 inches high
21 before a permit shall be issued to slaughter, destroy, or other-
22 wise dispose of the animal for slaughter. The director may
23 refrain from the branding and identification if ~~complete~~
24 slaughter, destruction, or other disposition of the ENTIRE herd
25 is under the director's direct control.

26 (3) Livestock ordered slaughtered, destroyed, or otherwise
27 disposed of for infectious, contagious, or toxicological diseases

1 other than tuberculosis or brucellosis shall be identified and
2 slaughtered, destroyed, or otherwise disposed of in a manner
3 approved by the director.

4 Sec. 19. (1) Livestock, except for aquaculture, imported
5 into this state shall be accompanied by 1 of the following:

6 (a) An official interstate health certificate.

7 (b) An official interstate certificate of veterinary
8 inspection.

9 (c) An owner-shipper statement or sales invoice if consigned
10 directly to slaughter, or if nonnative neutered cattle imported
11 directly to a cattle importation lot.

12 (d) A "report of sales of hatching eggs, chicks, and poults"
13 (vs form 9-3) for participants in the national poultry improve-
14 ment plan.

15 (e) A "permit for movement of restricted animals" (vs form
16 1-27), if prior approval is granted by the director.

17 (f) Permission ~~issued by~~ FROM the director.

18 (2) Brucellosis or tuberculosis officially classified sus-
19 pect or reactor cattle shall not be imported into this state.

20 (3) A PERSON SHALL NOT IMPORT OR MOVE INTRASTATE LIVESTOCK
21 KNOWN TO BE AFFECTED WITH OR EXPOSED TO TUBERCULOSIS OR BRUCELLO-
22 SIS WITHOUT PERMISSION OF THE DIRECTOR.

23 (4) ~~(3)~~ The director may require that a prior entry permit
24 be obtained for certain classifications of livestock. It shall
25 be the responsibility of the consignee or dealer licensed pursu-
26 ant to Act No. 284 of the Public Acts of 1937, being
27 sections 287.121 to 287.131 of the Michigan Compiled Laws, to

1 ensure the requirements for official interstate health
2 certificate, official interstate certificate of veterinary
3 inspection, owner-shipper statement, sales invoice, "report of
4 sales of hatching eggs, chicks, and poults" (vs form 9-3),
5 "permit for movement of restricted animals" (vs form 1-27), or
6 prior entry permit have been fulfilled and a true copy is pro-
7 vided to the director upon request.

8 (5) ~~-(4)-~~ Livestock shall not be diverted to premises other
9 than the destination site named on the official interstate health
10 certificate, official interstate certificate of veterinary
11 inspection, owner-shipper statement, sale invoice, vs form 9-3,
12 or vs form 1-27.

13 (6) ~~-(5)-~~ Out-of-state livestock for exhibition shall meet
14 the requirements prescribed by this act for importation of breed-
15 ing animals of that species and shall be accompanied by a copy of
16 an official interstate health certificate or an official inter-
17 state certificate of veterinary inspection issued by an accredi-
18 ted veterinarian from the state of origin.

19 (7) ~~-(6)-~~ The director may refuse entry into this state of
20 livestock that the director has reason to believe may pose a
21 threat to the public health or health of livestock. Livestock
22 imported into this state shall not originate from a herd under
23 quarantine unless accompanied by permission issued by the
24 director. The director may waive specific requirements if it is
25 determined that livestock imported from a certain area or state
26 are not a threat to the public health or health of livestock.

1 (8) A PERSON SHALL NOT IMPORT AQUACULTURE INTO THIS STATE
2 WITHOUT A FISH DISEASE INSPECTION REPORT.

3 (9) IF THE DIRECTOR DETERMINES THAT THERE IS A THREAT TO
4 PUBLIC HEALTH OR A THREAT TO THE HEALTH OF ANIMALS IN THIS STATE,
5 THE DIRECTOR MAY REQUIRE ADDITIONAL TESTING AND VACCINATION
6 REQUIREMENTS FOR ANIMALS IMPORTED OR TO BE IMPORTED INTO THIS
7 STATE.

8 Sec. 20. (1) An official interstate health certificate or
9 official interstate certificate of veterinary inspection shall be
10 prepared and signed by an accredited veterinarian in the state of
11 origin for animals requiring such a certificate and being
12 imported into this state. An official interstate health certifi-
13 cate or official interstate certificate of veterinary inspection
14 for animals being imported to or exported from this state shall
15 include all of the following:

16 (a) The complete names and addresses of the consignor and
17 consignee and the destination address if different from the con-
18 signee address.

19 (b) A description of the animals by breed, sex, and age, and
20 a signed certification by the consignor that the animals in the
21 shipment are those described on the certificate. The director
22 may require that certain classifications of animals be individu-
23 ally officially identified by ear tag, tattoo, brand, or regis-
24 tration number.

25 (c) The date of examination of the animals by the accredited
26 veterinarian preparing the certificate.

1 (d) The intended use of the livestock, including use for
2 dairy, breeding, feeding or grazing, or immediate slaughter.

3 (e) The health status of the animals by recording the
4 results of the required tests, required vaccinations, and any
5 other data concerning the health of the animals including herd or
6 state disease-free status. The accredited veterinarian preparing
7 the certificate shall certify that the animals are free from
8 clinical signs of infectious, contagious, or toxicological
9 diseases.

10 (f) The prior entry permit issued by the director, if a
11 prior entry permit is required.

12 (2) A copy of the official interstate health certificate or
13 official interstate certificate of veterinary inspection for
14 livestock being exported from this state shall be forwarded by
15 the issuing accredited veterinarian to the state veterinarian
16 within 10 working days after the date of issuance.

17 (3) Livestock delivered directly to a slaughter plant shall
18 be slaughtered within 5 days except for swine which shall be
19 slaughtered within 48 hours. Livestock for slaughter ~~imported~~
20 DELIVERED to a livestock auction market as defined in Act No. 284
21 of the Public Acts of 1937, being sections 287.121 to 287.131 of
22 the Michigan Compiled Laws, shall be slaughtered within 10 days.

23 Sec. 22. (1) If an animal is imported into this state with-
24 out the required official tests or documents, ~~required in sec-~~
25 ~~tion 19,~~ the director may do any or all of the following:

26 (a) Quarantine the animal.

1 (b) Require that the required tests or documents be
2 performed or obtained at the owner's expense.

3 (c) Require the animal be returned to the state of origin
4 within 10 days after such notification.

5 (D) ORDER THE SLAUGHTER, DESTRUCTION, OR OTHER DISPOSITION
6 OF THE LIVESTOCK, IF IT IS DETERMINED BY THE DIRECTOR THAT THE
7 CONTROL OR ERADICATION OF A DISEASE OR CONDITION OF THE LIVESTOCK
8 IS WARRANTED. LIVESTOCK DETERMINED TO BE IMPORTED WITHOUT MEET-
9 ING IMPORT REQUIREMENTS ARE NOT SUBJECT TO INDEMNIFICATION.

10 (E) ALLOW A DIRECT MOVEMENT OF THE ANIMAL OR ANIMALS TO
11 SLAUGHTER BY PERMIT.

12 (F) ALLOW LEGAL IMPORTATION INTO ANOTHER STATE.

13 (2) If the official test result or proof of shipment of the
14 animal back to the state of origin has not been received within
15 15 days after notification, the director may order that the
16 required tests be performed by a department veterinarian, at the
17 owner's or importer's expense.

18 Sec. 23. (1) Except as exempted in section 24, cattle
19 entering this state shall meet 1 or more of the following
20 requirements:

21 (a) Originate directly from an accredited bovine
22 tuberculosis-free state as defined in title 9 of the code of fed-
23 eral regulations and the uniform methods and rules for bovine
24 tuberculosis eradication approved by veterinary services of the
25 animal and plant health inspection service of the United States
26 department of agriculture which became effective on February 3,
27 1989, and all amendments TO THOSE PUBLICATIONS thereafter adopted

1 pursuant to rules ~~promulgated by~~ THAT the director MAY
2 PROMULGATE.

3 (b) Originate directly from an accredited bovine
4 tuberculosis-free herd as defined in title 9 of the code of fed-
5 eral regulations and the uniform methods and rules for bovine
6 tuberculosis eradication approved by veterinary services of the
7 animal and plant health inspection service of the United States
8 department of agriculture which became effective on February 3,
9 1989, and all amendments TO THOSE PUBLICATIONS thereafter adopted
10 pursuant to rules ~~promulgated by~~ THAT the director MAY
11 PROMULGATE.

12 (c) Have a negative tuberculosis test within 60 days before
13 importation.

14 (2) Female cattle over 19 months of age and bulls over 6
15 months of age shall test negative to an official brucellosis test
16 within 30 days before importation or originate directly from a
17 certified brucellosis-free herd or originate directly from a
18 state which has maintained, for the previous 6 consecutive years
19 prior to importation, certified brucellosis class free state
20 status as defined in title 9 of the code of federal regulations
21 and the uniform methods and rules for brucellosis eradication
22 approved by veterinary services of the animal and plant health
23 inspection service of the United States department of agriculture
24 which became effective on July 1, 1986, and all amendments TO
25 THOSE PUBLICATIONS thereafter adopted pursuant to rules
26 ~~promulgated by~~ THAT the director MAY PROMULGATE.

1 (3) Female cattle over 4 months of age shall be officially
2 ~~calf hood~~ CALFHOOD vaccinated against brucellosis and the
3 vaccination tattoo shall be visibly present unless originating
4 directly from a state which has maintained, for the previous 6
5 consecutive years prior to importation, certified brucellosis
6 class free state status as defined in title 9 of the code of fed-
7 eral regulations and the uniform methods and rules for brucello-
8 sis eradication approved by veterinary services of the animal and
9 plant health inspection service of the United States department
10 of agriculture which became effective on July 1, 1986, and all
11 amendments TO THOSE PUBLICATIONS thereafter adopted pursuant to
12 rules ~~promulgated by~~ THAT the director MAY PROMULGATE. The
13 vaccination status and vaccination tattoo shall be recorded on
14 the official interstate health certificate or official interstate
15 certificate of veterinary inspection. The vaccination tattoo
16 shall be observed by the accredited veterinarian preparing the
17 certificate and shall be considered legible if the letter "V",
18 surrounded by a U.S. registered shield, can be identified.

19 (4) All cattle shall have a prior entry permit except as
20 specifically exempted in section 24. Female dairy or breeding
21 cattle over 19 months of age or bulls over 6 months of age
22 imported from states classified brucellosis B and C by the United
23 States department of agriculture shall be quarantined at the
24 destination. Unless otherwise provided for by the director,
25 female cattle over 19 months of age and bulls over 6 months of
26 age imported from states classified brucellosis B and C by the
27 United States department of agriculture, shall test negative to

1 an official brucellosis test not sooner than 45 days nor more
2 than 120 days after movement to the destination for release from
3 quarantine. The dairy or breeding cattle shall not be sold or
4 moved from the premises where they are quarantined, without per-
5 mission from the director.

6 Sec. 24. (1) Nonnative cattle capable of reproduction
7 imported into this state shall be individually uniquely identi-
8 fied in a manner approved by the director. ~~and shall have a~~
9 ~~prior entry permit.~~

10 (2) Nonnative cattle capable of reproduction and nonnative
11 neutered cattle shall be exempt from the requirements of section
12 23 if they comply with 1 of the following:

13 (a) Are sent directly to slaughter.

14 (b) Are placed directly in a cattle importation lot.

15 (c) Are sent through a livestock auction market directly to
16 a cattle importation lot without commingling with other livestock
17 in the livestock auction market.

18 (d) Are sent through a livestock auction market directly to
19 slaughter without commingling with other livestock in the live-
20 stock auction market.

21 (3) Nonnative neutered cattle imported for exhibition pur-
22 poses are exempt from the requirements of section ~~21~~ 23 pro-
23 vided they are not placed into a cattle importation lot.

24 (4) A person importing nonnative cattle capable of reproduc-
25 tion and nonnative neutered cattle directly to a livestock auc-
26 tion market shall notify the director within 10 days after
27 importation of the destination of any nonnative cattle capable of

1 reproduction and neutered cattle dispersed or sold. The
2 notification shall include the complete name and address of the
3 owner and the specific location of the cattle if not located at
4 the owner's address, the date, number of head, and type of cattle
5 involved in each transaction and for nonnative cattle capable of
6 reproduction, the unique individual identification approved by
7 the director.

8 Sec. 24a. Nonnative cattle capable of reproduction imported
9 into this state which do not meet the requirements for dairy or
10 breeding cattle shall be placed in a cattle importation lot OR BE
11 HANDLED IN THE MANNER PROVIDED FOR IN SECTION 22.

12 Sec. 27. (1) Sheep, other than sheep consigned directly to
13 a slaughterhouse or to ~~an approved~~ A livestock AUCTION market
14 for sale as slaughter sheep, ~~shall not be~~ THAT ARE imported
15 into this state ~~without a prior entry permit from the director~~
16 ~~and~~ shall be accompanied by an official interstate health cer-
17 tificate or official interstate certificate of veterinary
18 inspection.

19 (2) Sheep shall originate from a flock free from clinical
20 signs of foot rot.

21 Sec. 28. ~~(1)~~ Goats, other than goats consigned directly
22 to a slaughterhouse or to ~~an approved~~ A livestock AUCTION
23 market for sale as slaughter goats ~~, shall not be~~ AND imported
24 into this state ~~without a prior entry permit from the director~~
25 ~~and~~ shall be accompanied by an official interstate health cer-
26 tificate or official interstate certificate of veterinary
27 inspection ~~—~~ AND MEET ALL OF THE FOLLOWING REQUIREMENTS:

1 (A) ~~(2) Goats shall~~ IN THE CASE OF GOATS MORE THAN 6
 2 MONTHS OLD, test negative to an official tuberculosis test within
 3 60 days before importation or originate directly from a herd that
 4 is accredited tuberculosis-free as defined in the uniform methods
 5 and rules for bovine tuberculosis eradication approved by veteri-
 6 nary services of the animal and plant health inspection service
 7 of the United States department of agriculture which became
 8 effective on February 3, 1989, and all amendments TO THOSE
 9 PUBLICATIONS thereafter adopted pursuant to rules ~~promulgated~~
 10 ~~by~~ THAT the director MAY PROMULGATE.

11 (B) ~~(3) Goats~~ IN THE CASE OF GOATS MORE THAN 6 MONTHS OLD
 12 except wethers, ~~shall~~ test negative to an official test for
 13 brucellosis within 30 days before importation or originate
 14 directly from a herd that is certified brucellosis-free by the
 15 state of origin.

16 Sec. 29. ~~(1)~~ New world camelids shall not be imported
 17 into this state without a prior entry permit from the director
 18 and shall be accompanied by an official interstate health certifi-
 19 cate or official interstate certificate of veterinary inspection
 20 ~~—~~ AND MEET ALL OF THE FOLLOWING REQUIREMENTS:

21 (A) ~~(2) New world camelids shall be~~ BE individually iden-
 22 tified by an official identification. The official identifica-
 23 tion shall be listed on the official interstate health certifi-
 24 cate or official interstate certificate of veterinary
 25 inspection.

1 (B) ~~-(3) New~~ IN THE CASE OF NEW world camelids ~~shall~~ MORE
2 THAN 6 MONTHS OLD, test negative to an official test for
3 brucellosis within 30 days before importation.

4 SEC. 29A. (1) A PERSON SHALL NOT IMPORT AQUACULTURE INTO
5 THIS STATE WITHOUT A PRIOR ENTRY PERMIT FROM THE DIRECTOR AND 1
6 OF THE FOLLOWING ISSUED BY AN ACCREDITED VETERINARIAN OR A FISH
7 HEALTH OFFICIAL:

8 (A) OFFICIAL INTERSTATE HEALTH CERTIFICATE.

9 (B) OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY
10 INSPECTION.

11 (C) FISH DISEASE INSPECTION REPORT.

12 (2) A PERSON SHALL NOT IMPORT AQUACULTURE FROM A HATCHERY OR
13 OTHER FACILITY WITH A RECORD OF AN EMERGENCY FISH DISEASE WITHIN
14 THE PAST 2 YEARS.

15 (3) A PERSON SHALL NOT IMPORT AQUACULTURE EXHIBITING CLINI-
16 CAL SIGNS OF DISEASE.

17 Sec. 30. (1) ~~All poultry and hatching poultry eggs~~
18 ~~imported into this state shall be accompanied by an official~~
19 ~~interstate health certificate or official interstate certificate~~
20 ~~of veterinary inspection or a "report of sales of hatching eggs,~~
21 ~~chicks, and poults" (vs form 9-3) for participants in the~~
22 ~~national poultry improvement plan as outlined in sections 19 and~~
23 ~~20, and shall meet all current requirements outlined in the~~
24 ~~national poultry improvement plan.~~ ALL POULTRY AND HATCHING
25 POULTRY EGGS IMPORTED INTO THIS STATE SHALL BE ACCOMPANIED BY 1
26 OF THE FOLLOWING:

1 (A) AN OFFICIAL INTERSTATE HEALTH CERTIFICATE.

2 (B) AN OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY
3 INSPECTION.

4 (C) A "REPORT OF SALES OF HATCHING EGGS, CHICKS, AND POULTS"
5 (VS FORM 9-3) FOR PARTICIPANTS IN THE NATIONAL POULTRY IMPROVE-
6 MENT PLAN.

7 (D) AN OWNER SHIPPER STATEMENT OR SALES INVOICE IF CONSIGNED
8 DIRECTLY TO SLAUGHTER.

9 (E) A "PERMIT FOR MOVEMENT OF RESTRICTED ANIMALS" (VS FORM
10 1-27), IF PRIOR APPROVAL IS GRANTED BY THE DIRECTOR.

11 (2) ALL POULTRY IMPORTED INTO THIS STATE, EXCEPT THOSE CON-
12 SIGNED DIRECTLY TO A STATE OR FEDERALLY INSPECTED SLAUGHTER
13 FACILITY OR TO A LIVESTOCK AUCTION MARKET FOR SALE AS SLAUGHTER
14 POULTRY, SHALL MEET 1 OR BOTH OF THE FOLLOWING REQUIREMENTS:

15 (A) ORIGINATE DIRECTLY FROM A U.S. PULLORUM-TYPHOID CLEAN
16 FLOCK AS DEFINED IN TITLE 9 OF THE CODE OF FEDERAL REGULATIONS,
17 AND ALL AMENDMENTS TO THAT PUBLICATION THEREAFTER ADOPTED PURSU-
18 ANT TO RULES THAT THE DIRECTOR MAY PROMULGATE.

19 (B) HAVE A NEGATIVE OFFICIAL TEST FOR SALMONELLA
20 PULLORUM-TYPHOID WITHIN 90 DAYS BEFORE IMPORTATION AND REMAIN
21 SEGREGATED FROM ALL POULTRY OF UNKNOWN OR POSITIVE SALMONELLA
22 PULLORUM-TYPHOID TEST STATUS.

23 (3) POULTRY AND HATCHING POULTRY EGGS, OTHER THAN POULTRY
24 AND HATCHING POULTRY EGGS MOVING DIRECTLY FROM PREMISES OF ORIGIN
25 TO PREMISES OF FINAL DESTINATION WITHIN THIS STATE, SHALL MEET 1
26 OR BOTH OF THE FOLLOWING:

1 (A) ORIGINATE DIRECTLY FROM A U.S. PULLORUM-TYPHOID CLEAN
2 FLOCK AS DEFINED IN TITLE 9 OF THE CODE OF FEDERAL REGULATIONS,
3 AND ALL AMENDMENTS TO THAT PUBLICATION THEREAFTER ADOPTED PURSU-
4 ANT TO RULES THAT THE DIRECTOR MAY PROMULGATE.

5 (B) HAVE A NEGATIVE OFFICIAL TEST FOR SALMONELLA
6 PULLORUM-TYPHOID WITHIN 90 DAYS BEFORE CHANGE OF OWNERSHIP AND
7 REMAIN SEGREGATED FROM ALL POULTRY OF UNKNOWN OR POSITIVE SALMO-
8 NELLA PULLORUM-TYPHOID TEST STATUS.

9 Sec. 30a. (1) Captive cervidae, except those consigned
10 directly to a state or federally inspected slaughter facility
11 premises, shall not be imported into this state without a prior
12 entry permit from the director and shall be accompanied by an
13 official interstate health certificate or official interstate
14 certificate of veterinary inspection.

15 (2) Captive cervidae imported into this state shall be indi-
16 vidually identified by an official identification. The official
17 identification shall be listed on the official interstate health
18 certificate or official interstate certificate of veterinary
19 inspection.

20 (3) Captive cervidae 6 months of age or older, except those
21 consigned directly to a state or federally inspected slaughter
22 facility premises, imported into this state shall test negative
23 to an official test for brucellosis within 30 days before
24 importation.

25 (4) Captive cervidae 6 months of age or older, except those
26 consigned directly to a state or federally inspected slaughter
27 facility premises, imported into this state shall meet interstate

1 tuberculosis testing requirements as defined in title 9 of the
2 code of federal regulations and the uniform methods and rules for
3 ~~the control and eradication of bovine~~ tuberculosis ERADICATION
4 in cervidae approved by veterinary services of the animal and
5 plant health inspection service of the United States department
6 of agriculture and all amendments TO THOSE PUBLICATIONS thereaf-
7 ter adopted pursuant to rules ~~promulgated by~~ THAT the director
8 MAY PROMULGATE.

9 (5) Captive cervidae with a response other than negative to
10 any tuberculosis test or brucellosis test are not eligible for
11 interstate movement into this state without permission from the
12 director.

13 (6) Captive cervidae known to be affected with or exposed to
14 tuberculosis or brucellosis are not eligible for interstate move-
15 ment into this state without permission from the director.

16 Sec. 30b. (1) All live captive cervidae 6 months of age or
17 older moving from 1 premises to another premises within this
18 state, except those consigned directly to a state or federally
19 inspected slaughter facility premises, shall be accompanied by a
20 copy of the current official test for tuberculosis or written
21 permission from the director and shall ~~meet 1 of the following:~~
22 ORIGINATE DIRECTLY FROM CERTIFIED, ACCREDITED, QUALIFIED, OR MON-
23 ITORED HERDS AS DEFINED IN TITLE 9 OF THE CODE OF FEDERAL REGULA-
24 TIONS AND THE UNIFORM METHODS AND RULES FOR THE CONTROL AND ERAD-
25 ICATION OF BOVINE TUBERCULOSIS IN CERVIDAE APPROVED BY VETERINARY
26 SERVICES OF THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE
27 U.S. DEPARTMENT OF AGRICULTURE AND ALL AMENDMENTS THEREAFTER TO

1 THOSE PUBLICATIONS ADOPTED PURSUANT TO RULES THAT THE DIRECTOR
2 MAY PROMULGATE OR ORIGINATE FROM HERDS NOT KNOWN TO BE AFFECTED
3 WITH OR EXPOSED TO TUBERCULOSIS AND ACCOMPANIED BY A CERTIFICATE
4 SIGNED BY AN ACCREDITED VETERINARIAN STATING THAT SUCH CAPTIVE
5 CERVIDAE HAVE BEEN CLASSIFIED NEGATIVE TO AN OFFICIAL TUBERCULO-
6 SIS TEST WHICH WAS CONDUCTED WITHIN 90 DAYS BEFORE THEIR
7 MOVEMENT.

8 ~~(a) Captive cervidae that originate directly from accredi-~~
9 ~~ted herds as defined in title 9 of the code of federal regula-~~
10 ~~tions and the uniform methods and rules for the control and erad-~~
11 ~~ication of bovine tuberculosis in cervidae approved by veterinary~~
12 ~~services of the animal and plant health inspection service of the~~
13 ~~United States department of agriculture and all amendments there-~~
14 ~~after adopted pursuant to rules promulgated by the director may~~
15 ~~move intrastate without further tuberculosis testing if they are~~
16 ~~accompanied by a certificate signed by an accredited veterinarian~~
17 ~~or the director stating such captive cervidae have originated~~
18 ~~directly from an accredited herd.~~

19 ~~(b) Captive cervidae that originate directly from qualified~~
20 ~~herds as defined in title 9 of the code of federal regulations~~
21 ~~and the uniform methods and rules for the control and eradication~~
22 ~~of bovine tuberculosis in cervidae approved by veterinary serv-~~
23 ~~ices of the animal and plant health inspection service of the~~
24 ~~United States department of agriculture and all amendments there-~~
25 ~~after adopted pursuant to rules promulgated by the director may~~
26 ~~move intrastate without further tuberculosis testing if they are~~
27 ~~accompanied by a certificate signed by an accredited veterinarian~~

1 ~~or the director stating such captive cervidae have originated~~
2 ~~directly from a qualified herd.~~

3 ~~(c) Captive cervidae that originate directly from a moni-~~
4 ~~tored herd as defined in title 9 of the code of federal regula-~~
5 ~~tions and the uniform methods and rules for the control and erad-~~
6 ~~ication of bovine tuberculosis in cervidae approved by veterinary~~
7 ~~services of the animal and plant health inspection service of the~~
8 ~~United States department of agriculture and all amendments there-~~
9 ~~after adopted pursuant to rules promulgated by the director may~~
10 ~~move intrastate without further tuberculosis testing if they are~~
11 ~~accompanied by a certificate signed by an accredited veterinarian~~
12 ~~or the director stating such captive cervidae have originated~~
13 ~~directly from a monitored herd.~~

14 ~~(d) Captive cervidae that originate from all other herds not~~
15 ~~known to be affected with or exposed to tuberculosis may be moved~~
16 ~~intrastate if they are accompanied by a certificate signed by an~~
17 ~~accredited veterinarian stating that such captive cervidae have~~
18 ~~been classified negative to an official tuberculosis test which~~
19 ~~was conducted within 90 days prior to movement.~~

20 (2) Captive cervidae with a response other than negative to
21 any tuberculosis test are not eligible for intrastate movement
22 without permission from the director.

23 (3) Captive cervidae known to be affected with or exposed to
24 tuberculosis shall not be moved intrastate without permission
25 from the director.

26 Sec. 33. ~~Cattle~~ LIVESTOCK sold at a livestock auction
27 market shall be handled and housed in facilities and pens in a

1 manner approved by the director. The alleys and sale rings used
2 for ~~dairy or breeding cattle~~ LIVESTOCK AUCTION shall be
3 APPROPRIATELY cleaned and disinfected before each DAY'S sale.
4 The pens, facilities, and the procedures for cleaning and disin-
5 fecting shall be approved by the director.

6 Sec. 39. Unless otherwise approved OR WAIVED by the direc-
7 tor, the following shall apply to exhibition facilities:

8 (a) A facility for exhibition of livestock shall be con-
9 structed to allow sufficient separation of each exhibitor's
10 livestock. The facility shall be constructed of a material that
11 can be adequately cleaned and disinfected.

12 (b) ~~Except upon a waiver granted by the director, an~~ AN
13 exhibition building or yarding facility shall be cleaned and dis-
14 infected with USDA-approved disinfectant used in accordance with
15 label instructions before livestock are admitted by removing from
16 the premises all manure, litter, hay, straw, and forage from
17 pens, runways, and show rings, and thoroughly disinfecting walls,
18 partitions, floors, mangers, yarding facilities, and runways in a
19 manner approved by the director.

20 Sec. 40. (1) A fair shall have an accredited veterinarian
21 on call whenever there are animals on the premises during the
22 fair.

23 (2) A fair, exhibition, exposition, or show authority shall
24 do ~~both~~ ALL of the following:

25 (a) Notify exhibitors of health tests and certificates
26 required for importation and exhibition in this state.

1 (b) Examine and approve required health certificates, ~~and~~
2 ~~show papers prior to the livestock being unloaded~~ REPORTS, TEST
3 CHARTS, CERTIFICATES, OR OTHER REQUIRED DOCUMENTATION BEFORE DIS-
4 PLAYING, EXHIBITING, OR STABLING THE ANIMALS IN THE EXHIBITION
5 AREA OR BEFORE COMMINGLING WITH OTHER ANIMALS.

6 (c) PROVIDE SHIPPING ARRANGEMENTS FOR ALL SWINE EXHIBITED TO
7 BE REMOVED FROM THE FAIR, EXHIBITION, EXPOSITION, OR SHOW FACIL-
8 ITY FOR DIRECT MOVEMENT TO SLAUGHTER OR A LIVESTOCK AUCTION
9 MARKET AS DEFINED IN ACT NO. 284 OF THE PUBLIC ACTS OF 1937,
10 BEING SECTIONS 287.121 TO 287.131 OF THE MICHIGAN COMPILED LAWS.

11 (3) A FAIR, EXHIBITION, EXPOSITION, OR SHOW AUTHORITY MAY
12 REQUIRE ADDITIONAL TESTING OR VACCINATION OF ANIMALS BEFORE ENTRY
13 AND DURING THE FAIR, EXHIBITION, EXPOSITION, OR SHOW.

14 (4) ~~(3)~~ Livestock with clinical signs of infectious, con-
15 tagious, or toxicological disease shall be removed from the fair,
16 exhibition, or exposition OR, BY PERMISSION OF THE DIRECTOR,
17 SHALL BE ISOLATED ON THE PREMISES.

18 (5) ~~(4)~~ It is the responsibility of the exhibitor to
19 ensure that all requirements for testing, identification, and
20 official interstate health certificate or official interstate
21 certificate of veterinary inspection are fulfilled prior to
22 importation and that proof of fulfilling these requirements is
23 provided to the director, fair, exhibition, exposition, or show
24 authority upon request.

25 (6) ~~(5) Animals~~ SWINE for exhibition within this state
26 shall ~~comply with the following: (a) Swine shall~~ be
27 individually identified by official identification.

1 ~~(b) Swine for exhibition in this state shall be accompanied~~
2 ~~by 1 or more of the following unless the swine originate from a~~
3 ~~Michigan county determined by the director to have been free of~~
4 ~~pseudorabies for a minimum of 1 year prior to an exhibition where~~
5 ~~all swine are auctioned for slaughter.~~

6 ~~(i) Proof that all swine to be exhibited originate from a~~
7 ~~stage IV area or region or other low prevalence area as recog-~~
8 ~~nized by the director.~~

9 ~~(ii) Proof that the swine originate~~

10 (7) SWINE SHALL NOT ENTER ANY FAIR, EXHIBITION, EXPOSITION,
11 OR SHOW FACILITY UNLESS IT CAN BE DEMONSTRATED THAT ALL SUCH
12 SWINE PRESENTED FOR EXHIBITION OR EXPOSITION MEET 1 OF THE FOL-
13 LOWING CONDITIONS:

14 (A) ORIGINATE AS A DIRECT MOVEMENT FROM A SWINE PREMISES
15 LOCATED IN A PSEUDORABIES STAGE III AREA OR REGION OR OTHER
16 EQUIVALENT LOW PREVALENCE AREA AS RECOGNIZED BY THE DIRECTOR.

17 (B) ORIGINATE directly from a pseudorabies
18 qualified-negative herd as defined in title 9 of the code of fed-
19 eral regulations, which proof may consist of a copy of a valid
20 certificate issued by the department stating that the herd meets
21 the requirements for a pseudorabies qualified-negative herd.

22 (C) ~~(iii)~~ Unless the swine are piglets nursing a pseudora-
23 bies negative sow, PRESENT an official swine test report that
24 indicates the swine have been tested for pseudorabies within 45
25 days before exhibition and have tested negative.

26 (8) ALL SWINE REMOVED FROM ANY EXHIBITION FACILITY SHALL BE
27 MOVED DIRECTLY TO A LIVESTOCK AUCTION MARKET OR SLAUGHTER

1 FACILITY PREMISES FOR DISPOSITION IN ACCORDANCE WITH APPLICABLE
2 LAWS CONCERNING MOVEMENT OF SWINE TO SLAUGHTER UNLESS ALL SWINE
3 PRESENT AT THE EXHIBITION OR EXPOSITION AT ANY TIME FOR ANY
4 REASON HAVE ENTERED THE EXHIBITION FACILITY ACCORDING TO THE PRO-
5 VISIONS OF SUBSECTION (7)(B) OR (C).

6 (9) ~~(6)~~ Upon request, a person who exhibits livestock
7 shall present for inspection all reports, test charts, and appro-
8 priate health certificates required by this act to accompany the
9 livestock.

10 (10) ANY SWINE FOUND TO BE EXHIBITED OR REMOVED FROM EXHIBI-
11 TION IN VIOLATION OF ANY PROVISION OF THIS SECTION MAY BE QUARAN-
12 TINED OR ORDERED SLAUGHTERED, DESTROYED, OR DISPOSED OF BY THE
13 DIRECTOR WITHOUT BEING ELIGIBLE FOR INDEMNIFICATION AS DESCRIBED
14 IN SECTIONS 14 AND 15.

15 Sec. 41. Exhibition of poultry shall meet the following
16 requirements:

17 (a) All poultry shown at public exhibition in this state
18 shall meet ~~all current requirements as outlined in the NPIP.~~
19 OR MORE OF THE FOLLOWING REQUIREMENTS:

20 (i) ORIGINATE DIRECTLY FROM A U.S. PULLORUM-TYPHOID CLEAN
21 FLOCK AS DEFINED IN TITLE 9 OF THE CODE OF FEDERAL REGULATIONS,
22 AND ALL AMENDMENTS TO THAT PUBLICATION THEREAFTER ADOPTED PURSU-
23 ANT TO RULES THAT THE DIRECTOR MAY PROMULGATE.

24 (ii) HAVE A NEGATIVE OFFICIAL TEST FOR SALMONELLA
25 PULLORUM-TYPHOID WITHIN 90 DAYS BEFORE THE EXHIBITION OR EXPOSI-
26 TION AND REMAIN SEGREGATED FROM ALL POULTRY OF UNKNOWN OR
27 POSITIVE SALMONELLA PULLORUM-TYPHOID TEST STATUS.

1 (b) A feed or water container provided for an exhibition
2 coop shall be new or properly cleaned.

3 (c) A feed or water container from which a bird has eaten or
4 drunk shall be refilled to prevent contamination of the common
5 supply of feed or water. A feed or water container shall not be
6 removed from an exhibition coop except for the purpose of
7 cleaning.

8 (d) An exhibition coop shall be thoroughly cleaned and dis-
9 infected before and after each exhibition.

10 (e) An exhibition coop shall be constructed and placed to
11 provide adequate light for proper inspection of poultry for evi-
12 dence of transmissible diseases.

13 (f) A shipping crate used in the shipment of birds by common
14 carrier shall not be used as an exhibition coop. A shipping
15 crate shall be cleaned and disinfected on the day of arrival
16 after birds have been removed for exhibition and before being
17 used again. Unless otherwise necessary, a shipping crate shall
18 not be stored in the exhibition area.

19 (g) Litter for an exhibition coop shall be clean and shall
20 be replaced daily or as often as needed.

21 (h) A bird shall not be handled except by the exhibitor,
22 attendant, or judge after the bird is placed in an exhibition
23 coop.

24 Sec. 42. (1) Whenever an official test is conducted or an
25 official vaccination is administered, livestock shall, unless
26 exempted by the director, be identified by an official
27 identification.

1 (2) The result of an official test shall be reported on a
2 form supplied by the department. If a tissue sample is submitted
3 for analysis, a properly completed sample submission form sup-
4 plied by the department shall accompany the sample. The official
5 test tissue sample shall be obtained and submitted only by an
6 accredited veterinarian except under special permission of the
7 director. The form used to document the results of an official
8 test, sample submission, or official vaccination shall be prop-
9 erly prepared and completed.

10 (3) An official brucellosis calfhood vaccination shall be
11 performed by an accredited veterinarian in compliance with the
12 method outlined in title 9 of the code of federal regulations and
13 the uniform methods and rules for brucellosis eradication
14 approved by veterinary services of the animal and plant health
15 inspection service of the United States department of agriculture
16 which became effective on July 1, 1986, and all amendments TO
17 THOSE PUBLICATIONS thereafter ~~published by the United States~~
18 ~~department of agriculture and~~ adopted pursuant to rules
19 ~~promulgated by~~ THAT the director MAY PROMULGATE.

20 (4) Except upon special permission from the director, offi-
21 cial brucellosis calfhood vaccination shall be performed only on
22 female cattle between the ages of 4 and 8 months.

23 (5) A person shall not tattoo any animal with the official
24 brucellosis vaccination tattoo unless the animal is an official
25 brucellosis calfhood vaccinate.

26 (6) Testing and surveillance for brucellosis and
27 tuberculosis shall be as follows:

1 (a) A brucellosis ring test shall be conducted on each herd
2 shipping milk to a dairy plant in this state. The test shall be
3 conducted as outlined in title 9 of the code of federal regula-
4 tions and the uniform methods and rules for brucellosis eradica-
5 tion approved by veterinary services of the animal and plant
6 health inspection service of the United States department of
7 agriculture which became effective on July 1, 1986, and all
8 amendments TO THOSE PUBLICATIONS thereafter ~~published by the~~
9 ~~United States department of agriculture and~~ adopted pursuant to
10 rules ~~promulgated by~~ THAT the director MAY PROMULGATE.

11 (b) Disease surveillance for tuberculosis and brucellosis
12 shall be conducted through the market cattle identification pro-
13 gram as set forth in title 9 of the code of federal regulations
14 and the uniform methods and rules for brucellosis eradication
15 approved by veterinary services of the animal and plant health
16 inspection service of the United States department of agriculture
17 which became effective on July 1, 1986, and all amendments TO
18 THOSE PUBLICATIONS thereafter adopted pursuant to rules
19 ~~promulgated by~~ THAT the director MAY PROMULGATE and the uniform
20 methods and rules for bovine tuberculosis eradication approved by
21 veterinary services of the animal and plant health inspection
22 service of the United States department of agriculture which
23 became effective on February 3, 1989, and all amendments TO THOSE
24 PUBLICATIONS thereafter ~~published by the United States depart-~~
25 ~~ment of agriculture and~~ adopted pursuant to rules ~~promulgated~~
26 ~~by~~ THAT the director MAY PROMULGATE.

1 (7) The department may participate in the programs described
2 in subsection (6) AND PROGRAMS FOR OTHER REPORTABLE DISEASES and
3 may test for ~~brucellosis and tuberculosis~~ REPORTABLE DISEASES
4 in any sample of livestock blood or tissue collected at a United
5 States department or department approved slaughter facility, any
6 livestock collection or market facility, or any sample of live-
7 stock blood or tissue submitted for diagnostic purposes to a
8 United States department of agriculture officially approved
9 laboratory. The slaughter facility, livestock collection or
10 market facility, or laboratory shall provide adequate room, time,
11 and safe conditions for the collection of blood or tissue
12 samples.

13 Sec. 43. (1) A company, manufacturer, firm, mail or tele-
14 phone order company, establishment, outlet, or mobile distributor
15 in another state shall not export any veterinary biologicals for
16 distribution or sale into this state unless notification prior to
17 sale or distribution is given to the director and any stipula-
18 tions set forth in or pursuant to title 9 of the code of federal
19 regulations under "licenses for biological products" and all
20 amendments TO THAT PUBLICATION thereafter adopted pursuant to
21 rules ~~promulgated by~~ THAT the director MAY PROMULGATE are met.

22 (2) A company or manufacturer manufacturing a veterinary
23 biological within this state shall not distribute or sell any
24 veterinary biological within this state unless notification prior
25 to distribution or sale is given to the director and any stipula-
26 tions set forth in or pursuant to title 9 of the code of federal
27 regulations under "licenses for biological products" and all

1 amendments TO THAT PUBLICATION thereafter adopted pursuant to
2 rules ~~promulgated by~~ THAT the director MAY PROMULGATE are met.

3 (3) The director shall pursue restrictions on the distribu-
4 tion and use of veterinary biologicals when the director deter-
5 mines that such restrictions are necessary for the protection of
6 domestic animals or the public health, interest, or safety, or
7 both, as set forth in title 9 of the code of federal regulations
8 under "licenses for biological products" and all amendments TO
9 THAT PUBLICATION thereafter adopted pursuant to rules
10 ~~promulgated by~~ THAT the director MAY PROMULGATE.

11 (4) Veterinary biologicals shall be administered only by a
12 licensed veterinarian or under the supervision of a licensed vet-
13 erinarian unless used in compliance with section 18814 of the
14 public health code, Act No. 368 of the Public Acts of 1978, being
15 section 333.18814 of the Michigan Compiled Laws.

16 (5) A veterinary biological required in title 9 of the code
17 of federal regulations under "licenses for biological products"
18 and all amendments thereafter adopted pursuant to rules promul-
19 gated by the director to be administered by, on the order of, or
20 under the supervision of a veterinarian shall be distributed only
21 to veterinarians, distributors who distribute the veterinary bio-
22 logical only to veterinarians, or pharmacies and other appropri-
23 ate retail outlets to be sold only on the prescription or order
24 of a veterinarian.

25 (6) When the director determines with advice and consulta-
26 tion from the livestock industry involved and the veterinary
27 profession that the protection of domestic animals or the public

1 health, interest, or safety, or both, or that a control or
2 eradication program for a disease or condition necessitates the
3 report of the sale, use, distribution, or administration of a
4 veterinary biological or diagnostic test, the director may
5 require that any person who sells, uses, distributes, or adminis-
6 ters a veterinary biological or diagnostic test report that
7 information to the department within 10 working days. If a form
8 is required, the form shall be supplied by the department.

9 SEC. 43A. A PERSON SHALL NOT GIVE FALSE INFORMATION IN A
10 MATTER PERTAINING TO THIS ACT AND SHALL NOT RESIST, IMPEDE, OR
11 HINDER THE DIRECTOR IN THE DISCHARGE OF HIS OR HER DUTIES UNDER
12 THIS ACT.

13 Sec. 44. (1) A person who commits 1 or more of the follow-
14 ing is guilty of a felony punishable by a fine of not less than
15 \$1,000.00 nor more than \$50,000.00, or imprisonment of not more
16 than 5 years, or both, and shall not receive any indemnification
17 payments at the discretion of the director:

18 (a) Intentionally contaminating or exposing livestock to an
19 infectious, contagious, or toxicological disease for the purpose
20 of receiving indemnification from the state or causing the state
21 to destroy affected livestock.

22 (b) Intentionally making a false statement on an application
23 for indemnification or reimbursement from the state.

24 (c) Intentionally violating a condition of quarantine.

25 (d) Intentionally importing into this state, without permis-
26 sion from the director, diseased livestock or livestock exposed
27 to an infectious, contagious, or toxicological disease.

1 (e) Intentionally misrepresenting the health, medical
2 status, or prior treatment for an infectious, contagious, or tox-
3 icological disease of livestock to facilitate movement or trans-
4 fer of ownership to another person.

5 (2) A person who violates this act or a rule promulgated
6 under this act other than subsection (1) is guilty of a misde-
7 meanor, punishable by a fine of not less than \$300.00 or impris-
8 onment of not less than 30 days, or both.

9 ~~(3) Any person authorized by the director to enforce the~~
10 ~~animal health laws of the state shall be able to issue an appear-~~
11 ~~ance ticket, as described and authorized by sections 9a to 9g of~~
12 ~~chapter 4 of the code of criminal procedure, Act No. 175 of the~~
13 ~~Public Acts of 1927, being sections 764.9a to 764.9g of the~~
14 ~~Michigan Compiled Laws, for any violation of this act classified~~
15 ~~as a misdemeanor.~~

16 (3) THE COURT MAY ALLOW THE DEPARTMENT TO RECOVER REASONABLE
17 COSTS AND ATTORNEY FEES INCURRED IN A PROSECUTION RESULTING IN A
18 CONVICTION FOR A VIOLATION OF SUBSECTIONS (1) AND (2). COSTS
19 ASSESSED AND RECOVERED UNDER THIS SUBSECTION SHALL BE PAID TO THE
20 STATE TREASURY AND CREDITED TO THE DEPARTMENT FOR THE ENFORCEMENT
21 OF THIS ACT.

22 (4) THE DIRECTOR, UPON FINDING THAT A PERSON HAS VIOLATED
23 ANY PROVISIONS OF THIS ACT OR A RULE PROMULGATED UNDER THIS ACT,
24 MAY DO THE FOLLOWING:

25 (A) ISSUE A WARNING.

26 (B) IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE THAN \$1,000.00
27 FOR EACH VIOLATION AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING

1 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT
2 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
3 24.328 OF THE MICHIGAN COMPILED LAWS.

4 (C) ISSUE AN APPEARANCE TICKET AS DESCRIBED AND AUTHORIZED
5 BY SECTIONS 9A TO 9G OF CHAPTER 4 OF THE CODE OF CRIMINAL PROCE-
6 DURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS
7 764.9A TO 764.9G OF THE MICHIGAN COMPILED LAWS, WITH A FINE OF
8 NOT LESS THAN \$300.00 OR IMPRISONMENT OF NOT LESS THAN 30 DAYS,
9 OR BOTH.

10 (5) THE DIRECTOR SHALL ADVISE THE ATTORNEY GENERAL OF THE
11 FAILURE OF ANY PERSON TO PAY AN ADMINISTRATIVE FINE IMPOSED UNDER
12 THIS SECTION. THE ATTORNEY GENERAL SHALL BRING A CIVIL ACTION IN
13 A COURT OF COMPETENT JURISDICTION TO RECOVER THE FINE AND COSTS
14 AND FEES. Civil penalties collected shall be paid to the state
15 treasury.

16 (6) ~~(4)~~ Notwithstanding the provisions of this act, the
17 department may bring an action to do 1 or more of the following:

18 (a) Obtain a declaratory judgment that a method, act, or
19 practice is a violation of this act.

20 (b) Obtain an injunction against a person who is engaging,
21 or about to engage, in a method, act, or practice that violates
22 this act.

23 Section 2. Section 18 of Act No. 466 of the Public Acts of
24 1988, being section 287.718 of the Michigan Compiled Laws, is
25 repealed.