

Natural resources; other; genetically engineered organisms;  
recognize in animal industry act.

NATURAL RESOURCES: Other; NATURAL RESOURCES: Wildlife;  
AGRICULTURE: Animals; AGRICULTURE: Agribusiness; ANIMALS:  
Exotic

A bill to amend 1988 PA 466, entitled  
"Animal industry act,"  
by amending sections 4, 6, 12, and 31 (MCL 287.704, 287.706,  
287.712, and 287.731), sections 4, 6, and 12 as amended by 2002  
PA 458 and section 31 as amended by 2000 PA 323.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) "Fish disease inspection report" means a docu-  
2   ment available from the Great Lakes fishery commission completed  
3   by a fish health official giving evidence of inspections and  
4   diagnostic work performed.

5       (2) "Fish health official" means a fish health specialist  
6   identified by member agencies of the Great Lakes fish disease  
7   control committee to the chair of the Great Lakes fish disease  
8   control committee responsible for conducting fish-hatchery  
9   inspections and the issuance of inspection reports.

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

(4) "Garbage" means any animal origin products, including those of poultry and fish origin, or other animal material resulting from the handling, processing, preparation, cooking, and consumption of foods. Garbage includes, but is not limited to, any refuse of any type that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food. Garbage does not include rendered products or manure.

(5) "GENETICALLY ENGINEERED ORGANISM" MEANS AN ORGANISM WHOSE GENOME, CHROMOSOMAL OR EXTRACHROMOSOMAL, IS MODIFIED PERMANENTLY AND HERITABLY USING RECOMBINANT NUCLEIC ACID TECHNIQUES.

(6) ~~-(5)-~~ "Grade" means an animal for which no proof of registration with an appropriate breed registry is provided.

(7) ~~-(6)-~~ "Hatchery" means incubators, hatchers, and auxiliary equipment on 1 premises operated and controlled for the purpose of hatching poultry.

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

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

1 herd or flock. Herd or flock of origin includes the place of  
2 origin, premises of origin, and farm of origin.

3 (10) ~~-(9)-~~ "Infectious disease" means an infection or dis-  
4 ease due to the invasion of the body by pathogenic organisms.

5 (11) ~~-(10)-~~ "Isolated" means the physical separation of ani-  
6 mals by a physical barrier in such a manner that other animals do  
7 not have access to the isolated animals' body, excrement, aero-  
8 sols, or discharges, not allowing the isolated animals to share a  
9 building with a common ventilation system with other animals, and  
10 not allowing the isolated animals to be within 10 feet of other  
11 animals if not sharing a building with a common ventilation  
12 system. Isolated animals have a feed and water system separate  
13 from other animals.

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

19 (2) "Official identification" means an identification ear  
20 tag, tattoo, electronic identification, or other identification  
21 approved by the United States department of agriculture or the  
22 department.

23 (3) "Official interstate health certificate" or "official  
24 interstate certificate of veterinary inspection" means a printed  
25 form adopted by any state that documents the information required  
26 under section 20 and that is issued for animals being imported to  
27 or exported from this state within 30 days before the importation

1 or exportation of the animals it describes. A photocopy of an  
2 official interstate health certificate or an official interstate  
3 certificate of veterinary inspection is considered an official  
4 copy if certified as a true copy by the issuing veterinarian or a  
5 livestock health official of the state of origin.

6 (4) "Official test" means a sample of specific material col-  
7 lected from an animal by an accredited veterinarian, state or  
8 federal veterinary medical officer, or other person authorized by  
9 the director and analyzed by a laboratory certified by the United  
10 States department of agriculture or the department to conduct the  
11 test, or a diagnostic injection administered and analyzed by an  
12 accredited veterinarian or a state or federal veterinary medical  
13 officer. An official test is conducted only by an accredited  
14 veterinarian or a state or federal veterinary medical officer  
15 except under special permission by the director.

16 (5) "Official vaccination" means a vaccination that the  
17 director has designated as reportable, administered by an accred-  
18 ited veterinarian or a state or federal veterinary medical offi-  
19 cer, and documented on a form supplied by the department.

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

22 (7) "Over 19 months of age" means cattle that have the first  
23 pair of permanent incisor teeth visibly present unless the owner  
24 can document the exact age. Parturient or postparturient heif-  
25 ers, regardless of their age, are considered over 19 months of  
26 age.

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

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

8       (10) "Prior entry permit" means a code that is obtained from  
9 the department for specific species of livestock imported into  
10 the state that is recorded on the official interstate health cer-  
11 tificate or official interstate certificate of veterinary inspec-  
12 tion before entry into the state.

13       (11) "Privately owned cervid" means all species of the  
14 cervid family including, but not limited to, deer, elk, moose,  
15 and all other members of the family cervidae raised or maintained  
16 in captivity for the production of meat and other agricultural  
17 products, sport, exhibition, or any other purpose. A privately  
18 owned cervid at large ~~will continue to be considered~~ REMAINS a  
19 privately owned cervid as long as it bears visible  
20 identification.

21       (12) "Privately owned cervid farm" means any private or  
22 public premises that contains 1 or more privately owned cervids  
23 and does not have any privately owned cervids removed by the  
24 hunting method.

25       (13) "Privately owned cervid ranch" means any private or  
26 public premises that contains 1 or more privately owned cervids  
27 and has privately owned cervids removed by the hunting method.

1       (14) "Privately owned white-tailed deer or elk ranch" means  
2 any private or public premises that contain 1 or more privately  
3 owned white-tailed deer or privately owned elk and has privately  
4 owned white-tailed deer or privately owned elk removed by the  
5 hunting method.

6       (15) "Pullorum-typhoid" means a disease of poultry caused by  
7 both salmonella pullorum and salmonella gallinarum.

8       (16) "Pullorum-typhoid clean flock" means a flock that  
9 receives and maintains this status by fulfilling the requirements  
10 prescribed in the national poultry improvement plan.

11       (17) "Quarantine" means enforced isolation of any animal or  
12 group of animals or restriction of movement of an animal or group  
13 of animals, equipment, or vehicles to or from any structure,  
14 premises, or area of this state including the entirety of this  
15 state.

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

20       (19) "Reasonable assistance" means safely controlling an  
21 animal by corralling, stabling, kenneling, holding, tying, chemi-  
22 cally restraining, or confining by halter or leash or crowding  
23 the animal in a safe and sensible manner so an examination or  
24 testing procedure considered necessary by the director can be  
25 performed.

1           (20) "RECOMBINANT NUCLEIC ACID TECHNIQUES" MEANS LABORATORY  
2     TECHNIQUES THROUGH WHICH GENETIC MATERIAL IS ISOLATED AND  
3     MANIPULATED IN VITRO AND THEN INSERTED INTO AN ORGANISM.

4           (21) ~~—(20)—~~ "Rendered products" means waste material derived  
5     in whole or in part from meat of any animal or other animal mate-  
6     rial and other refuse of any character whatsoever that has been  
7     associated with any such material at any time during the han-  
8     dling, preparation, cooking, or consumption of food that has been  
9     ground and heat-treated to a minimum temperature of 230 degrees  
10    Fahrenheit to make products including, but not limited to, animal  
11    protein meal, poultry protein meal, fish protein meal, grease, or  
12    tallow. Rendered products also include bakery wastes, eggs,  
13    candy wastes, and domestic dairy products including, but not  
14    limited to, milk.

15          (22) ~~—(21)—~~ "Reportable disease" means an animal disease on  
16    the current reportable animal disease list maintained by the  
17    state veterinarian that poses a serious threat to the livestock  
18    industry, public health, or human food chain.

19          (23) ~~—(22)—~~ "Slaughter facility premises" means all facili-  
20    ties, buildings, structures, including all immediate grounds  
21    where slaughtering occurs under federal or state inspection, or  
22    otherwise authorized by the director.

23          (24) ~~—(23)—~~ "Sow" means any female swine that has farrowed  
24    or given birth to or aborted 1 litter or more.

25          (25) ~~—(24)—~~ "State veterinarian" means the chief animal  
26    health official of the state as appointed by the director under  
27    section 7, or his or her authorized representative.

1           (26) ~~—(25)—~~ "Swine" means any of the ungulate mammals of the  
2 family suidae.

3           (27) ~~—(26)—~~ "Terminal operation" means a facility for  
4 cattle, privately owned cervids, and goats to allow for continued  
5 growth and finishing until such time as the cattle, privately  
6 owned cervids, and goats are shipped directly to slaughter.

7           (28) ~~—(27)—~~ "Toxic substance" means a natural or synthetic  
8 chemical in concentrations which alone or in combination with  
9 other natural or synthetic chemicals presents a threat to the  
10 health, safety, or welfare to human or animal life or which has  
11 the capacity to produce injury or illness through ingestion,  
12 inhalation, or absorption through the body surface.

13           (29) ~~—(28)—~~ "Toxicological disease" means any condition  
14 caused by or related to a toxic substance.

15           (30) ~~—(29)—~~ "U.S. registered shield" means a tattoo autho-  
16 rized and approved by the United States department of agriculture  
17 for use by an accredited veterinarian to designate cattle that  
18 have been vaccinated against brucellosis using an approved bru-  
19 cella abortus vaccine.

20           (31) ~~—(30)—~~ "Veterinarian" means a person licensed to prac-  
21 tice veterinary medicine under article 15 of the public health  
22 code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a state  
23 or federal law applicable to that person.

24           (32) ~~—(31)—~~ "Veterinary biological" means all viruses,  
25 serums, toxins, and analogous products of natural or synthetic  
26 origin, or products prepared from any type of genetic  
27 engineering, such as diagnostics, antitoxins, vaccines, live



1 microorganisms, killed microorganisms, and the antigenic or  
2 immunizing components of microorganisms intended for use in the  
3 diagnosis, treatment, or prevention of diseases in animals.

4 (33) ~~—(32)—~~ "Waters of the state" means groundwaters, lakes,  
5 rivers, and streams and all other watercourses and waters within  
6 the jurisdiction of the state and also the Great Lakes bordering  
7 the state.

8 (34) ~~—(33)—~~ "Wild animal" means any nondomesticated animal  
9 or any cross of a nondomesticated animal.

10 Sec. 12. (1) The director may issue a quarantine on ani-  
11 mals, equipment, vehicles, structures, premises, or any area in  
12 the state, including the entire state if necessary, for the pur-  
13 pose of controlling or preventing the spread of a known or sus-  
14 pected infectious, contagious, or toxicological disease.

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

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

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

24 (5) A person shall not import into this state an animal  
25 species, INCLUDING A GENETICALLY ENGINEERED ORGANISM THAT IS A  
26 VARIANT OF THAT SPECIES, from an area under quarantine for that

1 species for any infectious, contagious, or toxicological disease  
2 unless permission is granted from the director.

3 (6) The director may prescribe procedures for the identifi-  
4 cation, inventory, separation, mode of handling, testing, treat-  
5 ment, feeding, and caring for both quarantined animals and ani-  
6 mals within a quarantined area to prevent the infection or expo-  
7 sure of nonquarantined or quarantined animals to infectious, con-  
8 tagious, or toxicological diseases.

9 (7) The director may prescribe procedures required before  
10 any animal, structure, premises, or area or zone in this state,  
11 including the entirety of the state if necessary, are released  
12 from quarantine.

13 (8) An animal found running at large in violation of a quar-  
14 antine may be killed by a law enforcement agency. The director  
15 may enlist the cooperation of a law enforcement agency to enforce  
16 the provisions of this quarantine. A law enforcement agency kil-  
17 ling an animal due to a quarantine under this section is not  
18 subject to liability for the animal.

19 Sec. 31. (1) Any species having the potential to spread  
20 serious diseases or parasites, to cause serious physical harm, or  
21 to otherwise endanger native wildlife, human life, livestock,  
22 domestic animals, or property, as determined by the director,  
23 shall not be imported into this state. AN ORDER OF THE DIRECTOR  
24 UNDER THIS SUBSECTION APPLIES TO ANY GENETICALLY ENGINEERED  
25 ORGANISM THAT IS A VARIANT OF THE SPECIES IDENTIFIED IN THE  
26 ORDER, UNLESS THE ORDER EXPRESSLY PROVIDES OTHERWISE.

1       (2) The director may require compliance with any or all of  
2 the following before the importation of a wild animal or an  
3 exotic animal species not regulated by the fish and wildlife  
4 service of the United States department of interior or the  
5 department of natural resources of this state:

6       (a) Physical examination by an accredited veterinarian be  
7 conducted after importation to determine the health status,  
8 proper housing, husbandry, and confinement of any animal permit-  
9 ted to enter this state.

10       (b) Negative test results to specific official tests  
11 required by the director within a time frame before importation  
12 into this state as determined by the director.

13       (c) Identification prior to importation in a manner approved  
14 by the director.

15       (3) AN ORDER OF THE DIRECTOR UNDER SUBSECTION (2) APPLIES TO  
16 ANY GENETICALLY ENGINEERED ORGANISM THAT IS A VARIANT OF THE SPE-  
17 CIES IDENTIFIED IN THE ORDER, UNLESS THE ORDER EXPRESSLY PROVIDES  
18 OTHERWISE.

19       (4) ~~-(3)-~~ An official interstate health certificate or offi-  
20 cial interstate certificate of veterinary inspection signed by an  
21 accredited veterinarian from the state of origin shall accompany  
22 all wild animal or exotic animal species imported into this  
23 state. The official interstate health certificate or official  
24 interstate certificate of veterinary inspection shall comply with  
25 all the requirements of section 20(1)(a), (b), (c), (d), (e), and  
26 (f).

1       (5) ~~-(4)-~~ A wild animal or exotic animal species permitted  
2 to enter this state shall receive housing, feeding, restraining,  
3 and care that is approved by the director.

4       (6) ~~-(5)-~~ A person shall not import or release live feral  
5 swine or any crosses of feral swine in this state for any purpose  
6 without permission from the director.