

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 228**

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
2 document available from the Great Lakes fishery commission
3 completed by a fish health official giving evidence of
4 inspections and 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.

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

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

12 (5) **"Genetically engineered" refers to an organism whose**
13 **genome, chromosomal or extrachromosomal, is modified permanently**
14 **and heritably using recombinant nucleic acid techniques, or the**
15 **progeny thereof.**

16 (6) ~~—(5)—~~ "Grade" means an animal for which no proof of
17 registration with an appropriate breed registry is provided.

18 (7) ~~—(6)—~~ "Hatchery" means incubators, hatchers, and
19 auxiliary equipment on 1 premises operated and controlled for the
20 purpose of hatching poultry.

21 (8) ~~—(7)—~~ "Hatching poultry eggs" means eggs for use in a
22 hatchery to produce young poultry or to produce embryonated
23 eggs.

24 (9) ~~—(8)—~~ "Herd or flock of origin" means any herd or flock
25 in which animals are born and remain until movement or any herd
26 or flock which animals remain for at least 30 days immediately
27 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 disease
4 due to the invasion of the body by pathogenic organisms.

5 (11) ~~—(10)—~~ "Isolated" means the physical separation of
6 animals by a physical barrier in such a manner that other animals
7 do not have access to the isolated animals' body, excrement,
8 aerosols, or discharges, not allowing the isolated animals to
9 share a building with a common ventilation system with other
10 animals, and not allowing the isolated animals to be within 10
11 feet of other animals if not sharing a building with a common
12 ventilation system. Isolated animals have a feed and water
13 system separate 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
7 collected 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
18 accredited veterinarian or a state or federal veterinary medical
19 officer, 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
25 heifers, regardless of their age, are considered over 19 months
26 of age.

27 (8) "Person" means an individual, partnership, corporation,

1 cooperative, association, joint venture, or other legal entity
2 including, but not limited to, contractual relationships.

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

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

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

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

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

27 (14) "Privately owned white-tailed deer or elk ranch" means

1 any private or public premises that contain 1 or more privately
2 owned white-tailed deer or privately owned elk and has privately
3 owned white-tailed deer or privately owned elk removed by the
4 hunting method.

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

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

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

15 (18) "Ratite" means flightless birds having a flat breastbone
16 without the keellike prominence characteristic of most flying
17 birds. Ratites include, but are not limited to, cassowaries,
18 kiwis, ostriches, emus, and rheas.

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

25 (20) **"Recombinant nucleic acid techniques"** means laboratory
26 techniques through which genetic material is isolated and
27 manipulated in vitro and then inserted into an organism.

1 (21) ~~-(20)-~~ "Rendered products" means waste material derived
2 in whole or in part from meat of any animal or other animal
3 material and other refuse of any character whatsoever that has
4 been associated with any such material at any time during the
5 handling, preparation, cooking, or consumption of food that has
6 been ground and heat-treated to a minimum temperature of 230
7 degrees Fahrenheit to make products including, but not limited
8 to, animal protein meal, poultry protein meal, fish protein meal,
9 grease, or tallow. Rendered products also include bakery wastes,
10 eggs, candy wastes, and domestic dairy products including, but
11 not limited to, milk.

12 (22) ~~-(21)-~~ "Reportable disease" means an animal disease on
13 the current reportable animal disease list maintained by the
14 state veterinarian that poses a serious threat to the livestock
15 industry, public health, or human food chain.

16 (23) ~~-(22)-~~ "Slaughter facility premises" means all
17 facilities, buildings, structures, including all immediate
18 grounds where slaughtering occurs under federal or state
19 inspection, or otherwise authorized by the director.

20 (24) ~~-(23)-~~ "Sow" means any female swine that has farrowed or
21 given birth to or aborted 1 litter or more.

22 (25) ~~-(24)-~~ "State veterinarian" means the chief animal
23 health official of the state as appointed by the director under
24 section 7, or his or her authorized representative.

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

27 (27) ~~-(26)-~~ "Terminal operation" means a facility for cattle,

1 privately owned cervids, and goats to allow for continued growth
2 and finishing until such time as the cattle, privately owned
3 cervids, and goats are shipped directly to slaughter.

4 **(28)** ~~—(27)—~~ "Toxic substance" means a natural or synthetic
5 chemical in concentrations which alone or in combination with
6 other natural or synthetic chemicals presents a threat to the
7 health, safety, or welfare to human or animal life or which has
8 the capacity to produce injury or illness through ingestion,
9 inhalation, or absorption through the body surface.

10 **(29)** ~~—(28)—~~ "Toxicological disease" means any condition
11 caused by or related to a toxic substance.

12 **(30)** ~~—(29)—~~ "U.S. registered shield" means a tattoo
13 authorized and approved by the United States department of
14 agriculture for use by an accredited veterinarian to designate
15 cattle that have been vaccinated against brucellosis using an
16 approved brucella abortus vaccine.

17 **(31)** ~~—(30)—~~ "Veterinarian" means a person licensed to
18 practice veterinary medicine under article 15 of the public
19 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a
20 state or federal law applicable to that person.

21 **(32)** ~~—(31)—~~ "Veterinary biological" means all viruses,
22 serums, toxins, and analogous products of natural or synthetic
23 origin, or products prepared from any type of genetic
24 engineering, such as diagnostics, antitoxins, vaccines, live
25 microorganisms, killed microorganisms, and the antigenic or
26 immunizing components of microorganisms intended for use in the
27 diagnosis, treatment, or prevention of diseases in animals.

1 (33) ~~—(32)—~~ "Waters of the state" means groundwaters, lakes,
2 rivers, and streams and all other watercourses and waters within
3 the jurisdiction of the state and also the Great Lakes bordering
4 the state.

5 (34) ~~—(33)—~~ "Wild animal" means any nondomesticated animal or
6 any cross of a nondomesticated animal.

7 Sec. 12. (1) The director may issue a quarantine on
8 animals, equipment, vehicles, structures, premises, or any area
9 in the state, including the entire state if necessary, for the
10 purpose of controlling or preventing the spread of a known or
11 suspected infectious, contagious, or toxicological disease.

12 (2) A person shall not move animals that are under quarantine
13 without permission from the director.

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

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

21 (5) A person shall not import into this state an animal
22 species, **including a genetically engineered organism that is a**
23 **variant of that species,** from an area under quarantine for that
24 species for any infectious, contagious, or toxicological disease
25 unless permission is granted from the director.

26 (6) The director may prescribe procedures for the
27 identification, inventory, separation, mode of handling, testing,

1 treatment, feeding, and caring for both quarantined animals and
2 animals within a quarantined area to prevent the infection or
3 exposure of nonquarantined or quarantined animals to infectious,
4 contagious, or toxicological diseases.

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

9 (8) An animal found running at large in violation of a
10 quarantine may be killed by a law enforcement agency. The
11 director may enlist the cooperation of a law enforcement agency
12 to enforce the provisions of this quarantine. A law enforcement
13 agency killing an animal due to a quarantine under this section
14 is not subject to liability for the animal.

15 Sec. 31. (1) Any species having the potential to spread
16 serious diseases or parasites, to cause serious physical harm, or
17 to otherwise endanger native wildlife, human life, livestock,
18 domestic animals, or property, as determined by the director,
19 shall not be imported into this state. **An order of the director**
20 **under this subsection applies to a genetically engineered variant**
21 **of the species identified in the order, unless the order**
22 **expressly provides otherwise. An order of the director under**
23 **this subsection may be limited to a genetically engineered**
24 **organism.**

25 (2) The director may require compliance with any or all of
26 the following before the importation of a wild animal or an
27 exotic animal species not regulated by the fish and wildlife

1 service of the United States department of interior or the
2 department of natural resources of this state:

3 (a) Physical examination by an accredited veterinarian be
4 conducted after importation to determine the health status,
5 proper housing, husbandry, and confinement of any animal
6 permitted to enter this state.

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

10 (c) Identification prior to importation in a manner approved
11 by the director.

12 (3) **An order of the director under subsection (2) applies to**
13 **a genetically engineered variant of the species identified in the**
14 **order, unless the order expressly provides otherwise. An order**
15 **of the director under subsection (2) may be limited to a**
16 **genetically engineered organism.**

17 (4) ~~-(3)-~~ An official interstate health certificate or
18 official interstate certificate of veterinary inspection signed
19 by an accredited veterinarian from the state of origin shall
20 accompany all wild animal or exotic animal species imported into
21 this state. The official interstate health certificate or
22 official interstate certificate of veterinary inspection shall
23 comply with all the requirements of section 20(1)(a), (b), (c),
24 (d), (e), and (f).

25 (5) ~~-(4)-~~ A wild animal or exotic animal species permitted to
26 enter this state shall receive housing, feeding, restraining, and
27 care that is approved by the director.

1 **(6)** ~~—(5)—~~ A person shall not import or release live feral
2 swine or any crosses of feral swine in this state for any purpose
3 without permission from the director.