

# SENATE BILL No. 228

February 27, 2003, Introduced by Senators SANBORN, HAMMERSTROM, BIRKHOLZ, JACOBS, GOSCHKA, CROSEY and SIKKEMA and referred to the Committee on Natural Resources and Environmental Affairs.

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 organism" means an organism whose**  
13 **genome, chromosomal or extrachromosomal, is modified permanently**  
14 **and heritably using recombinant nucleic acid techniques.**

15           (6) ~~—(5)—~~ "Grade" means an animal for which no proof of  
16 registration with an appropriate breed registry is provided.

17           (7) ~~—(6)—~~ "Hatchery" means incubators, hatchers, and  
18 auxiliary equipment on 1 premises operated and controlled for the  
19 purpose of hatching poultry.

20           (8) ~~—(7)—~~ "Hatching poultry eggs" means eggs for use in a  
21 hatchery to produce young poultry or to produce embryonated  
22 eggs.

23           (9) ~~—(8)—~~ "Herd or flock of origin" means any herd or flock  
24 in which animals are born and remain until movement or any herd  
25 or flock which animals remain for at least 30 days immediately  
26 following direct movement into the herd or flock from another  
27 herd or flock. Herd or flock of origin includes the place of

1 origin, premises of origin, and farm of origin.

2       (10) ~~—(9)—~~ "Infectious disease" means an infection or disease  
3 due to the invasion of the body by pathogenic organisms.

4       (11) ~~—(10)—~~ "Isolated" means the physical separation of  
5 animals by a physical barrier in such a manner that other animals  
6 do not have access to the isolated animals' body, excrement,  
7 aerosols, or discharges, not allowing the isolated animals to  
8 share a building with a common ventilation system with other  
9 animals, and not allowing the isolated animals to be within 10  
10 feet of other animals if not sharing a building with a common  
11 ventilation system. Isolated animals have a feed and water  
12 system separate from other animals.

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

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

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

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

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

15 (5) "Official vaccination" means a vaccination that the  
16 director has designated as reportable, administered by an  
17 accredited veterinarian or a state or federal veterinary medical  
18 officer, and documented on a form supplied by the department.

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

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

26 (8) "Person" means an individual, partnership, corporation,  
27 cooperative, association, joint venture, or other legal entity

1 including, but not limited to, contractual relationships.

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

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

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

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

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

26 (14) "Privately owned white-tailed deer or elk ranch" means  
27 any private or public premises that contain 1 or more privately

1 owned white-tailed deer or privately owned elk and has privately  
2 owned white-tailed deer or privately owned elk removed by the  
3 hunting method.

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

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

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

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

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

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

27 (21) ~~—(20)—~~ "Rendered products" means waste material derived

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

11       (22) ~~-(21)-~~ "Reportable disease" means an animal disease on  
12 the current reportable animal disease list maintained by the  
13 state veterinarian that poses a serious threat to the livestock  
14 industry, public health, or human food chain.

15       (23) ~~-(22)-~~ "Slaughter facility premises" means all  
16 facilities, buildings, structures, including all immediate  
17 grounds where slaughtering occurs under federal or state  
18 inspection, or otherwise authorized by the director.

19       (24) ~~-(23)-~~ "Sow" means any female swine that has farrowed or  
20 given birth to or aborted 1 litter or more.

21       (25) ~~-(24)-~~ "State veterinarian" means the chief animal  
22 health official of the state as appointed by the director under  
23 section 7, or his or her authorized representative.

24       (26) ~~-(25)-~~ "Swine" means any of the ungulate mammals of the  
25 family suidae.

26       (27) ~~-(26)-~~ "Terminal operation" means a facility for cattle,  
27 privately owned cervids, and goats to allow for continued growth

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

3       (28) ~~—(27)—~~ "Toxic substance" means a natural or synthetic  
4 chemical in concentrations which alone or in combination with  
5 other natural or synthetic chemicals presents a threat to the  
6 health, safety, or welfare to human or animal life or which has  
7 the capacity to produce injury or illness through ingestion,  
8 inhalation, or absorption through the body surface.

9       (29) ~~—(28)—~~ "Toxicological disease" means any condition  
10 caused by or related to a toxic substance.

11       (30) ~~—(29)—~~ "U.S. registered shield" means a tattoo  
12 authorized and approved by the United States department of  
13 agriculture for use by an accredited veterinarian to designate  
14 cattle that have been vaccinated against brucellosis using an  
15 approved brucella abortus vaccine.

16       (31) ~~—(30)—~~ "Veterinarian" means a person licensed to  
17 practice veterinary medicine under article 15 of the public  
18 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a  
19 state or federal law applicable to that person.

20       (32) ~~—(31)—~~ "Veterinary biological" means all viruses,  
21 serums, toxins, and analogous products of natural or synthetic  
22 origin, or products prepared from any type of genetic  
23 engineering, such as diagnostics, antitoxins, vaccines, live  
24 microorganisms, killed microorganisms, and the antigenic or  
25 immunizing components of microorganisms intended for use in the  
26 diagnosis, treatment, or prevention of diseases in animals.

27       (33) ~~—(32)—~~ "Waters of the state" means groundwaters, lakes,

1 rivers, and streams and all other watercourses and waters within  
2 the jurisdiction of the state and also the Great Lakes bordering  
3 the state.

4       (34) ~~—(33)—~~ "Wild animal" means any nondomesticated animal or  
5 any cross of a nondomesticated animal.

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

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

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

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

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

25       (6) The director may prescribe procedures for the  
26 identification, inventory, separation, mode of handling, testing,  
27 treatment, feeding, and caring for both quarantined animals and

1 animals within a quarantined area to prevent the infection or  
2 exposure of nonquarantined or quarantined animals to infectious,  
3 contagious, or toxicological diseases.

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

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

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

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

27 (a) Physical examination by an accredited veterinarian be

1 conducted after importation to determine the health status,  
2 proper housing, husbandry, and confinement of any animal  
3 permitted to enter this state.

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

7 (c) Identification prior to importation in a manner approved  
8 by the director.

9 (3) **An order of the director under subsection (2) applies to**  
10 **any genetically engineered organism that is a variant of the**  
11 **species identified in the order, unless the order expressly**  
12 **provides otherwise.**

13 (4) ~~(3)~~ An official interstate health certificate or  
14 official interstate certificate of veterinary inspection signed  
15 by an accredited veterinarian from the state of origin shall  
16 accompany all wild animal or exotic animal species imported into  
17 this state. The official interstate health certificate or  
18 official interstate certificate of veterinary inspection shall  
19 comply with all the requirements of section 20(1)(a), (b), (c),  
20 (d), (e), and (f).

21 (5) ~~(4)~~ A wild animal or exotic animal species permitted to  
22 enter this state shall receive housing, feeding, restraining, and  
23 care that is approved by the director.

24 (6) ~~(5)~~ A person shall not import or release live feral  
25 swine or any crosses of feral swine in this state for any purpose  
26 without permission from the director.