

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 212

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 41303. (1) ~~A person shall not possess or release a live~~
2 ~~prohibited species.~~ SUBJECT TO SUBSECTION (2), A PERSON SHALL NOT
3 KNOWINGLY POSSESS A LIVE ORGANISM IF THE ORGANISM IS A PROHIBITED
4 SPECIES OR RESTRICTED SPECIES, EXCEPT UNDER 1 OR MORE OF THE
5 FOLLOWING CIRCUMSTANCES:

6 (A) THE PERSON INTENDS TO PRESENT A SPECIMEN OF THE PROHIBITED
7 SPECIES OR RESTRICTED SPECIES, FOR IDENTIFICATION OR SIMILAR
8 PURPOSES, TO A PERSON WHO IS A CERTIFIED APPLICATOR OR REGISTERED
9 APPLICATOR UNDER PART 83, TO A PUBLIC OR PRIVATE INSTITUTION OF
10 HIGHER EDUCATION, OR TO THE DEPARTMENT OR ANY OTHER STATE, LOCAL,

1 OR FEDERAL AGENCY WITH RESPONSIBILITY FOR THE ENVIRONMENT OR
2 NATURAL RESOURCES.

3 (B) THE PERSON HAS BEEN PRESENTED WITH A SPECIMEN OF A
4 PROHIBITED SPECIES OR RESTRICTED SPECIES FOR IDENTIFICATION OR
5 SIMILAR PURPOSES UNDER SUBDIVISION (A).

6 (C) THE PERSON POSSESSES THE PROHIBITED SPECIES OR RESTRICTED
7 SPECIES IN CONJUNCTION WITH OTHERWISE LAWFUL ACTIVITY TO ERADICATE
8 OR CONTROL THE PROHIBITED SPECIES OR RESTRICTED SPECIES.

9 (D) IF THE PROHIBITED SPECIES OR RESTRICTED SPECIES IS NOT AN
10 INSECT SPECIES, THE POSSESSION IS PURSUANT TO A PERMIT ISSUED FOR
11 EDUCATION OR RESEARCH PURPOSES BY THE DEPARTMENT UNDER SECTION
12 41306. IF THE PROHIBITED SPECIES OR RESTRICTED SPECIES IS AN INSECT
13 SPECIES, THE POSSESSION IS PURSUANT TO A PERMIT ISSUED FOR
14 EDUCATION OR RESEARCH PURPOSES BY THE DEPARTMENT OF AGRICULTURE
15 UNDER SECTION 41306 OR BY THE UNITED STATES DEPARTMENT OF
16 AGRICULTURE.

17 (2) A PERSON DESCRIBED IN SUBSECTION (1)(B) OR (C) SHALL
18 NOTIFY THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, OR THE
19 DEPARTMENT OF ENVIRONMENTAL QUALITY IF THE PROHIBITED SPECIES OR
20 RESTRICTED SPECIES WAS FOUND AT A LOCATION WHERE IT WAS NOT
21 PREVIOUSLY KNOWN TO BE PRESENT.

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 93rd Legislature are
24 enacted into law:

25 (a) Senate Bill No. 211.

26 (b) Senate Bill No. 213.

27 (c) Senate Bill No. 215.

- 1 (d) House Bill No. 4714.
- 2 (e) House Bill No. 4715.
- 3 (f) House Bill No. 4716.