

Act No. 77
Public Acts of 2005
Approved by the Governor
July 19, 2005
Filed with the Secretary of State
July 19, 2005
EFFECTIVE DATE: July 19, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

**Introduced by Senators Birkholz, Toy, Allen, Gilbert, Sanborn, Patterson, Van Woerkom, Hardiman,
Hammerstrom and Basham**

ENROLLED SENATE BILL No. 211

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

The People of the State of Michigan enact:

Sec. 41301. (1) As used in this part:

- (a) "Council" means the invasive species advisory council created in section 41321.
- (b) "Department" means the department of natural resources.
- (c) "Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny thereof.
- (d) "Introduce", with reference to an organism, means to knowingly and willfully stock, place, plant, release, or allow the release of the organism in this state at any specific location where the organism is not already naturalized.
- (e) "Prohibited aquatic plant species" means any of the following or fragments or seeds thereof:
 - (i) African oxygen weed (*Lagarosiphon major*) or a hybrid or genetically engineered variant thereof.
 - (ii) Brazilian elodea (*Egeria densa*) or a hybrid or genetically engineered variant thereof.
 - (iii) European frogbit (*Hydrocharis morsus-ranae*) or a hybrid or genetically engineered variant thereof.
 - (iv) Giant hogweed (*Heracleum mantegazzianum*) or a hybrid or genetically engineered variant thereof.
 - (v) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*) or a hybrid or genetically engineered variant thereof.

- (vi) Hydrilla (*Hydrilla verticillata*) or a hybrid or genetically engineered variant thereof.
- (vii) Japanese knotweed (*Fallopia japonica*) or a hybrid or genetically engineered variant thereof.
- (viii) Parrot's feather (*Myriophyllum aquaticum*) or a hybrid or genetically engineered variant thereof.
- (ix) Water chestnut (*Trapa natans*) or a hybrid or genetically engineered variant thereof.
- (x) Yellow flag iris (*Iris pseudacorus*) or a hybrid or genetically engineered variant thereof.
- (xi) Yellow floating heart (*Nymphoides peltata*) or a hybrid or genetically engineered variant thereof.
- (f) "Prohibited fish species" means any of the following or the eggs thereof:
 - (i) Bighead carp (*Hypophthalmichthys nobilis*) or a hybrid or genetically engineered variant thereof.
 - (ii) Bitterling (*Rhodeus sericeus*) or a hybrid or genetically engineered variant thereof.
 - (iii) Black carp (*Mylopharyngodon piceus*) or a hybrid or genetically engineered variant thereof.
 - (iv) Grass carp (*Ctenopharyngodon idellus*) or a hybrid or genetically engineered variant thereof.
 - (v) Ide (*Leuciscus idus*) or a hybrid or genetically engineered variant thereof.
 - (vi) Japanese weatherfish (*Misgurnus anguillicaudatus*) or a hybrid or genetically engineered variant thereof.
 - (vii) Rudd (*Scardinius erythrophthalmus*) or a hybrid or genetically engineered variant thereof.
 - (viii) Silver carp (*Hypophthalmichthys molitrix*) or a hybrid or genetically engineered variant thereof.
 - (ix) A fish of the snakehead family (family *Channidae*) or a genetically engineered variant thereof.
 - (x) Tench (*Tinca tinca*) or a hybrid or genetically engineered variant thereof.
- (g) "Prohibited insect species" means any of the following or the eggs thereof:
 - (i) Asian longhorned beetle (*Anoplophora glabripennis*) or a hybrid or genetically engineered variant thereof.
 - (ii) Emerald ash borer (*Agrilus planipennis*) or a hybrid or genetically engineered variant thereof.
- (h) "Prohibited species" means any of the following:
 - (i) A prohibited aquatic plant species.
 - (ii) A prohibited fish species.
 - (iii) A prohibited insect species.
- (i) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.
- (j) "Restricted aquatic plant species" means any of the following or fragments or seeds thereof:
 - (i) Curly leaf pondweed (*Potamogeton crispus*) or a hybrid or genetically engineered variant thereof.
 - (ii) Eurasian watermilfoil (*Myriophyllum spicatum*) or a hybrid or genetically engineered variant thereof.
 - (iii) Flowering rush (*Butomus umbellatus*) or a hybrid or genetically engineered variant thereof.
 - (iv) Phragmites or common reed (*Phragmites australis*) or a hybrid or genetically engineered variant thereof.
 - (v) Purple loosestrife (*Lythrum salicaria*) or a hybrid or genetically engineered variant thereof, except for cultivars developed and recognized to be sterile and approved by the director of agriculture under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a.
- (k) "Restricted species" means a restricted aquatic plant species.
- (2) For the purposes of this part:
 - (a) A person is not considered to possess a live organism simply because the organism is present on land or in waters owned by that person unless the person has knowingly introduced that live organism on that land or in those waters.
 - (b) A person is not considered to possess a live organism if the organism was obtained from the environment and the person only possesses the organism at the specific location at which it was obtained from the environment.
 - (c) A person is not considered to possess a live organism if the possession is for the purpose of promptly destroying the organism.

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

- (a) Senate Bill No. 212.
- (b) Senate Bill No. 213.
- (c) Senate Bill No. 215.
- (d) House Bill No. 4714.
- (e) House Bill No. 4715.
- (f) House Bill No. 4716.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved _____

Governor