

HOUSE BILL No. 5175

September 6, 2007, Introduced by Reps. Gaffney, Hune, Ward and Farrah and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8305 (MCL 324.8305), as amended by 2002 PA 418.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8305. (1) "Nematode" means invertebrate animals of the
2 phylum nemathelminthes and class nematoda, which are unsegmented
3 roundworms with elongated, fusiform, or sac-like bodies covered
4 with cuticle that inhabit soil, water, plants, or plant parts. A
5 nematode may also be called a nema or eelworm.

6 (2) "Person" means an individual, partnership, corporation,
7 association, governmental entity, or other legal entity.

8 (3) "Pest" means an insect, rodent, nematode, fungus, weed,
9 and other forms of terrestrial or aquatic plant or animal life or

1 virus, bacteria, or other microorganism, or any other organism that
2 the director declares to be a pest under section 8322, except
3 viruses, fungi, bacteria, nematodes, or other microorganisms in or
4 on living animals.

5 (4) "Pesticide" means a substance or mixture of substances
6 intended for preventing, destroying, repelling, or mitigating pests
7 or intended for use as a plant regulator, defoliant, or desiccant.
8 Pesticide does not include liquid chemical sterilant products,
9 including any sterilant or subordinate disinfectant claims on such
10 products, for use on a critical or semi-critical device, as defined
11 in section 201 of the federal food, drug, and cosmetic act, chapter
12 675, 52 Stat. 1040, 21 ~~U.S.C.~~ **USC** 321. As used in this subsection:

13 (a) "Critical device" includes any device that is introduced
14 directly into the human body, either into or in contact with the
15 bloodstream or normally sterile areas of the body.

16 (b) "Semi-critical device" includes any device that contacts
17 intact mucous membranes but that does not ordinarily penetrate the
18 blood barrier or otherwise enter normally sterile areas of the
19 body.

20 (5) "Pesticide registration renewal" means the registration of
21 any pesticide that was previously registered by the department.

22 (6) "Place of business" means a location that is staffed by at
23 least 1 person who independently, without supervision, sells or
24 uses pesticides within this state or where a person exercises the
25 right to control others in the sale or use of pesticides within
26 this state.

27 (7) "Plant regulator" means a substance or mixture of

1 substances intended through physiological action for accelerating
2 or retarding the rate of growth or rate of maturation or for
3 otherwise altering the behavior of plants or the produce of plants.
4 Plant regulator does not include substances to the extent that they
5 are intended as plant nutrients, trace elements, nutritional
6 chemicals, plant inoculants, and soil amendments.

7 (8) "Private agricultural applicator" means a certified
8 applicator who uses or supervises the use of a restricted use
9 pesticide for a private agricultural purpose.

10 (9) "Private agricultural purpose" means the application of a
11 pesticide for the production of an agricultural commodity on either
12 of the following:

13 (a) Property owned or rented by the person applying the
14 pesticide or by his or her employer.

15 (b) Property of another person if applied without
16 compensation. ~~other than~~ **THE** trading of personal services between
17 producers of agricultural commodities **IS CONSIDERED COMPENSATION**
18 **FOR PURPOSES OF THIS SUBDIVISION.**

19 (10) "Protect health and environment" means protection against
20 any unreasonable adverse effects on the environment.

21 (11) "Public building" means a building that is owned or
22 operated by a federal, state, or local government, including public
23 universities.