

Act No. 51
Public Acts of 2009
Approved by the Governor
June 23, 2009
Filed with the Secretary of State
June 23, 2009
EFFECTIVE DATE: September 21, 2009

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Senators Van Woerkom, Birkholz, Whitmer, Pappageorge, Jansen and Hardiman

ENROLLED SENATE BILL No. 280

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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 41301 (MCL 324.41301), as amended by 2005 PA 77; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

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

(a) "Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny of such an organism.

(b) "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.

(c) "Prohibited species", subject to section 41302, means any of the following:

(i) Any of the following prohibited aquatic plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

- (A) African oxygen weed (*Lagarosiphon major*).
- (B) Brazilian elodea (*Egeria densa*).
- (C) Cyllindro (*Cylindrospermopsis raciborskii*).
- (D) European frogbit (*Hydrocharis morsus-ranae*).
- (E) Fanwort (*Cabomba caroliniana*).
- (F) Giant hogweed (*Heracleum mantegazzianum*).
- (G) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*).
- (H) Hydrilla (*Hydrilla verticillata*).
- (I) Japanese knotweed (*Fallopia japonica*).
- (J) Parrot's feather (*Myriophyllum aquaticum*).
- (K) Starry stonewort (*Nitellopsis obtusa*).
- (L) Water chestnut (*Trapa natans*).

(M) Yellow floating heart (*Nymphoides peltata*).

(ii) The following prohibited bird species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: Eurasian collared dove (*Streptopelia decaocto*).

(iii) The following prohibited crustacean species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: rusty crayfish (*Orconectes rusticus*).

(iv) Any of the following prohibited fish species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Bighead carp (*Hypophthalmichthys nobilis*).

(B) Bitterling (*Rhodeus sericeus*).

(C) Black carp (*Mylopharyngodon piceus*).

(D) Eurasian ruffe (*Gymnocephalus cernuus*).

(E) Grass carp (*Ctenopharyngodon idellus*).

(F) Ide (*Leuciscus idus*).

(G) Japanese weatherfish (*Misgurnus anguillicaudatus*).

(H) Round goby (*Neogobius melanostomus*).

(I) Rudd (*Scardinius erythrophthalmus*).

(J) Silver carp (*Hypophthalmichthys molitrix*).

(K) A fish of the snakehead family (family Channidae).

(L) Tench (*Tinca tinca*).

(M) Tubenose goby (*Proterorhinus marmoratus*).

(v) Any of the following prohibited insect species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Asian longhorned beetle (*Anoplophora glabripennis*).

(B) Emerald ash borer (*Agrilus planipennis*).

(vi) The following prohibited mammal species, including a hybrid or genetically engineered variant: nutria (*Myocastor coypus*).

(vii) Any of the following prohibited mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Brown garden snail (*Helix aspersa*).

(B) Carthusian snail (*Monacha cartusiana*).

(C) Giant African snail (*Achatina fulica*).

(D) Girdled snail (*Hygromia cinctella*).

(E) Heath snail (*Xerolenta obvia*).

(F) Wrinkled dune snail (*Candidula intersepta*).

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

(e) "Restricted species", subject to section 41302, means any of the following:

(i) Any of the following restricted aquatic plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) Curly leaf pondweed (*Potamogeton crispus*).

(B) Eurasian watermilfoil (*Myriophyllum spicatum*).

(C) Flowering rush (*Butomus umbellatus*).

(D) Phragmites or common reed (*Phragmites australis*).

(E) Purple loosestrife (*Lythrum salicaria*), except that cultivars of purple loosestrife developed and recognized to be sterile and approved by the director of the department of agriculture under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a, are not a restricted species.

(ii) Any of the following restricted mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Quagga mussel (*Dreissena bugensis*).

(B) Zebra mussel (*Dreissena polymorpha*).

(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. Section 41321 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41321, is repealed.

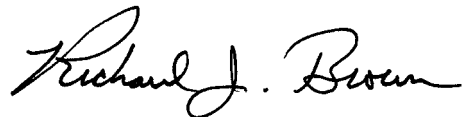
Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 3. This amendatory act does not take effect unless House Bill No. 4579 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor

Compiler's note: House Bill No. 4579, referred to in enacting section 3, was filed with the Secretary of State June 23, 2009, and became 2009 PA 52, Eff. Sept. 21, 2009.