

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 280

(As amended June 4, 2009)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
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:

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

2 ~~_____ (a) "Council" means the invasive species advisory council~~
3 ~~created in section 41321.~~

4 [~~(b) "Department" means the department of natural~~
5 ~~resources.~~

6 **(A)** ~~(c)~~ "Genetically engineered" refers to an organism whose
7 genome, chromosomal or extrachromosomal, is modified permanently
8 and heritably, using recombinant nucleic acid techniques, or the
9 progeny thereof **OF SUCH AN ORGANISM.**

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1 **[(B)]** ~~(d)~~ "Introduce", with reference to an organism, means to
2 knowingly and willfully stock, place, plant, release, or allow the
3 release of the organism in this state at any specific location
4 where the organism is not already naturalized.

5 **[(C)]** ~~(e)~~ "Prohibited aquatic plant species" means any of the
6 following or fragments or seeds thereof **SPECIES", SUBJECT TO**
7 **SECTION 41302, MEANS ANY OF THE FOLLOWING:**

8 **(i) ANY OF THE FOLLOWING PROHIBITED AQUATIC PLANT SPECIES,**
9 **INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES**
10 **OR A FRAGMENT, INCLUDING A SEED OR OTHER PROPAGULE, OF THE SPECIES**
11 **OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**

12 **(A)** ~~(i)~~ African oxygen weed (*Lagarosiphon major*). ~~or a hybrid~~
13 ~~or genetically engineered variant thereof.~~

14 **(B)** ~~(ii)~~ Brazilian elodea (*Egeria densa*). ~~or a hybrid or~~
15 ~~genetically engineered variant thereof.~~

16 **(C) CYLINDRO (CYLINDROSPERMOPSIS RACIBORSKII).**

17 **(D)** ~~(iii)~~ European frogbit (*Hydrocharis morsus-ranae*). ~~or a~~
18 ~~hybrid or genetically engineered variant thereof.~~

19 **(E) FANWORT (CABOMBA CAROLINIANA).**

20 **(F)** ~~(iv)~~ Giant hogweed (*Heracleum mantegazzianum*). ~~or a hybrid~~
21 ~~or genetically engineered variant thereof.~~

22 **(G)** ~~(v)~~ Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*,
23 *or herzogii*). ~~or a hybrid or genetically engineered variant~~
24 ~~thereof.~~

25 **(H)** ~~(vi)~~ Hydrilla (*Hydrilla verticillata*). ~~or a hybrid or~~
26 ~~genetically engineered variant thereof.~~

27 **(I)** ~~(vii)~~ Japanese knotweed (*Fallopia japonica*). ~~or a hybrid or~~

1 ~~genetically engineered variant thereof.~~

2 (J) ~~(viii)~~ Parrot's feather (*Myriophyllum aquaticum*). ~~or a~~
3 ~~hybrid or genetically engineered variant thereof.~~

4 (K) STARRY STONEWORT (*NITELLOPSIS OBTUSA*).

5 (L) ~~(ix)~~ Water chestnut (*Trapa natans*). ~~or a hybrid or~~
6 ~~genetically engineered variant thereof.~~

7 ~~—— (x) Yellow flag iris (*Iris pseudacorus*) or a hybrid or~~
8 ~~genetically engineered variant thereof.~~

9 (M) ~~(xi)~~ Yellow floating heart (*Nymphoides peltata*). ~~or a~~
10 ~~hybrid or genetically engineered variant thereof.~~

11 ~~—— (f) "Prohibited fish species" means any of the following or~~
12 ~~the eggs thereof.~~

13 (ii) THE FOLLOWING PROHIBITED BIRD SPECIES, INCLUDING A HYBRID
14 OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE
15 SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT: EURASIAN
16 COLLARED DOVE (*STREPTOPELIA DECAOCTO*).

17 (iii) THE FOLLOWING PROHIBITED CRUSTACEAN SPECIES, INCLUDING A
18 HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG
19 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:
20 RUSTY CRAYFISH (*ORCONECTES RUSTICUS*).

21 (iv) ANY OF THE FOLLOWING PROHIBITED FISH SPECIES, INCLUDING A
22 HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG
23 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

24 (A) ~~(i)~~ Bighead carp (*Hypophthalmichthys nobilis*). ~~or a hybrid~~
25 ~~or genetically engineered variant thereof.~~

26 (B) ~~(ii)~~ Bitterling (*Rhodeus sericeus*). ~~or a hybrid or~~
27 ~~genetically engineered variant thereof.~~

1 (C) ~~(iii)~~ Black carp (*Mylopharyngodon piceus*). ~~or a hybrid or~~
2 ~~genetically engineered variant thereof.~~

3 (D) EURASIAN RUFFE (*GYMNOCEPHALUS CERNUUS*).

4 (E) ~~(iv)~~ Grass carp (*Ctenopharyngodon idellus*). ~~or a hybrid or~~
5 ~~genetically engineered variant thereof.~~

6 (F) ~~(v)~~ Ide (*Leuciscus idus*). ~~or a hybrid or genetically~~
7 ~~engineered variant thereof.~~

8 (G) ~~(vi)~~ Japanese weatherfish (*Misgurnus anguillicaudatus*). ~~or~~
9 ~~a hybrid or genetically engineered variant thereof.~~

10 (H) ROUND GOBY (*NEOGOBIUS MELANOSTOMUS*).

11 (I) ~~(vii)~~ Rudd (*Scardinius erythrophthalmus*). ~~or a hybrid or~~
12 ~~genetically engineered variant thereof.~~

13 (J) ~~(viii)~~ Silver carp (*Hypophthalmichthys molitrix*). ~~or a~~
14 ~~hybrid or genetically engineered variant thereof.~~

15 (K) ~~(ix)~~ A fish of the snakehead family (family Channidae). ~~or~~
16 ~~a genetically engineered variant thereof.~~

17 (L) ~~(x)~~ Tench (*Tinca tinca*). ~~or a hybrid or genetically~~
18 ~~engineered variant thereof.~~

19 ~~— (g) "Prohibited insect species" means any of the following or~~
20 ~~the eggs thereof.~~

21 (M) TUBENOSE GOBY (*PROTERORHINUS MARMORATUS*).

22 (v) ANY OF THE FOLLOWING PROHIBITED INSECT SPECIES, INCLUDING
23 A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG
24 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

25 (A) ~~(i)~~ Asian longhorned beetle (*Anoplophora glabripennis*). ~~or~~
26 ~~a hybrid or genetically engineered variant thereof.~~

27 (B) ~~(ii)~~ Emerald ash borer (*Agrilus planipennis*). ~~or a hybrid~~

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 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.~~

(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 INTERSECTA) .

[(D)] ~~(i)~~—"Recombinant nucleic acid techniques" means laboratory
 techniques through which genetic material is isolated and
 manipulated in vitro and then inserted into an organism.

[(E)] ~~(j)~~—"Restricted aquatic plant species" means any of the
~~following or fragments or seeds thereof~~ 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

1 OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

2 (A) ~~(i)~~ Curly leaf pondweed (*Potamogeton crispus*). ~~or a hybrid~~
3 ~~or genetically engineered variant thereof.~~

4 (B) ~~(ii)~~ Eurasian watermilfoil (*Myriophyllum spicatum*). ~~or a~~
5 ~~hybrid or genetically engineered variant thereof.~~

6 (C) ~~(iii)~~ Flowering rush (*Butomus umbellatus*). ~~or a hybrid or~~
7 ~~genetically engineered variant thereof.~~

8 (D) ~~(iv)~~ Phragmites or common reed (*Phragmites australis*). ~~or a~~
9 ~~hybrid or genetically engineered variant thereof.~~

10 (E) ~~(v)~~ Purple loosestrife (*Lythrum salicaria*), ~~or a hybrid or~~
11 ~~genetically engineered variant thereof, except for THAT~~ cultivars
12 **OF PURPLE LOOSESTRIFE** developed and recognized to be sterile and
13 approved by the director of **THE DEPARTMENT OF** agriculture under
14 section 16a of the insect pest and plant disease act, 1931 PA 189,
15 MCL 286.216a, **ARE NOT A RESTRICTED SPECIES.**

16 ~~—— (k) "Restricted species" means a restricted aquatic plant~~
17 ~~species.~~

18 (ii) **ANY OF THE FOLLOWING RESTRICTED MOLLUSK SPECIES, INCLUDING**
19 **A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG**
20 **OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**

21 (A) **QUAGGA MUSSEL (*DREISSENA BUGENSIS*).**

22 (B) **ZEBRA MUSSEL (*DREISSENA POLYMORPHA*).**

23 (2) For the purposes of this part:

24 (a) A person is not considered to possess a live organism
25 simply because the organism is present on land or in waters owned
26 by that person unless the person has knowingly introduced that live
27 organism on that land or in those waters.

1 (b) A person is not considered to possess a live organism if
2 the organism was obtained from the environment and the person only
3 possesses the organism at the specific location at which it was
4 obtained from the environment.

5 (c) A person is not considered to possess a live organism if
6 the possession is for the purpose of promptly destroying the
7 organism.

8 Enacting section 1. Section 41321 of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.41321, is
10 repealed.

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

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