

HOUSE BILL No. 5128

June 23, 2009, Introduced by Reps. Mayes, Simpson, Huckleberry, Espinoza, Terry Brown, Daley, Kurtz, Tyler, Hansen, Cushingberry, Valentine, Segal, Barnett, Haase, Byrum, Nerat, Schuitmaker, Melton, Gonzales, Spade, Sheltrown, Byrnes, Angerer, Kandreas, Ball, Neumann and Haveman and referred to the Committee on Agriculture.

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
by amending section 3 (MCL 287.703), as amended by 2002 PA 458, and
by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Accredited veterinarian" means a veterinarian
2 approved by the administrator of the United States department of
3 agriculture, animal and plant health inspection service in
4 accordance with provisions of 9 ~~C.F.R.~~ **CFR** part 161, and considered
5 preapproved to perform certain functions of federal and cooperative
6 state/federal programs.

7 (2) "Animal" means mollusks, crustaceans, and vertebrates
8 other than human beings, including, but not limited to, livestock,
9 exotic animals, aquaculture, and domestic animals.

1 (3) "Animal movement certificate" means animal movement
2 authorization established in a manner approved and issued by the
3 director that contains, at a minimum, the following information
4 regarding animals or an animal:

5 (a) The point of origin and point of destination.

6 (b) Official identification.

7 (c) Anticipated movement date.

8 (d) Any required official test results for bovine
9 tuberculosis.

10 (4) "Aquaculture" means the commercial husbandry of
11 aquaculture species on the approved list of aquaculture species
12 under the Michigan aquaculture development act, 1996 PA 199, MCL
13 286.871 to 286.884, including, but not limited to, the culturing,
14 producing, growing, using, propagating, harvesting, transporting,
15 importing, exporting, or marketing of any products, coproducts, or
16 by-products of fish, crustaceans, mollusks, reptiles, and
17 amphibians, reared or cultured under controlled conditions in an
18 aquaculture facility.

19 (5) "Aquaculture facility" means that term as defined under
20 the Michigan aquaculture development act, 1996 PA 199, MCL 286.871
21 to 286.884.

22 (6) "Approved vaccine" means a veterinary biological
23 administered to livestock or other animals to induce immunity in
24 the recipient and approved by the state veterinarian.

25 (7) "Carcasses" means the dead bodies of animals, poultry, or
26 aquaculture. Carcasses do not include rendered products.

27 (8) "Cattle" means all bovine (genus bos) animals, bovinelike

1 animals (genus bison), also commonly referred to as American
2 buffalo or bison, and any cross of these species unless otherwise
3 specifically provided.

4 (9) "Cattle importation lot" means a premises registered with
5 the department and used only to feed cattle in preparation for
6 slaughter.

7 (10) "Commingling" means concurrently or subsequently sharing
8 or subsequent use by livestock or other domestic animals of the
9 same pen or same section in a facility or same section in a
10 transportation unit where there is physical contact or contact with
11 bodily excrements, aerosols, or fluids from other livestock or
12 domestic animals.

13 (11) "Consignee" means the person receiving the animals at the
14 point of destination named on the official interstate or intrastate
15 health certificate, official interstate certificate of veterinary
16 inspection or animal movement certificate, entry authorization
17 form, fish disease inspection report, owner-shipper statement, or
18 sales invoice.

19 (12) "Contagious disease" means an illness due to a specific
20 infectious agent or suspected infectious agent or its toxic
21 products which arises through transmission of that agent or its
22 products from an infected animal, or inanimate reservoir to a
23 susceptible host, either directly or indirectly through an
24 intermediate plant or animal host, vector, or the inanimate
25 environment, or via an airborne mechanism.

26 (13) "COUNCIL" MEANS THE ANIMAL CARE ADVISORY COUNCIL CREATED
27 IN SECTION 7A.

1 (14) ~~(13)~~—"Dealer" means any person required to be licensed
2 under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the
3 business of buying, receiving, selling, exchanging, transporting,
4 negotiating, or soliciting the sale, resale, exchange,
5 transportation, or transfer of livestock.

6 (15) ~~(14)~~—"Department" means the Michigan department of
7 agriculture.

8 (16) ~~(15)~~—"Direct movement" means transfer of animals to a
9 destination without unloading the animals en route and without
10 exposure to any other animals or bodily excrements, aerosols, or
11 fluids from other animals.

12 (17) ~~(16)~~—"Director" means the director of the Michigan
13 department of agriculture or his or her authorized representative.

14 (18) ~~(17)~~—"Disease" means any animal health condition with
15 potential for economic impact, public or animal health concerns, or
16 food safety concerns.

17 (19) ~~(18)~~—"Distribute" means to deliver other than by
18 administering or dispensing a veterinary biological.

19 (20) ~~(19)~~—"Domestic animal" means those species of animals
20 that live under the husbandry of humans.

21 (21) ~~(20)~~—"Emergency fish diseases" means certain infectious
22 diseases of fish that are transmissible directly or indirectly from
23 1 fish to another and are not known to exist within the waters of
24 the state. Emergency fish diseases include, but are not limited to,
25 viral hemorrhagic septicemia, infectious hematopoietic necrosis,
26 ceratomyxosis, and proliferative kidney disease.

27 (22) ~~(21)~~—"Equine" means all animals of the equine family,

1 which includes horses, asses, jacks, jennies, hinnies, mules,
2 donkeys, burros, ponies, and zebras.

3 (23) ~~(22)~~—"Exhibition or exposition" means a congregation,
4 gathering, or collection of livestock that are presented or exposed
5 to public view for show, display, swap, exchange, entertainment,
6 educational event, instruction, advertising, or competition.

7 Exhibition or exposition does not include livestock for sale at
8 public stockyards, auctions, saleyards, and livestock yards
9 licensed under the provisions of 1937 PA 284, MCL 287.121 to
10 287.131.

11 (24) ~~(23)~~—"Exhibition facility" means any facility used or
12 intended to be used for public view, show, display, swap, exchange,
13 entertainment, advertisement, educational event, or competition
14 involving livestock. Exhibition facility does not include a public
15 stockyard, an auction saleyard, and a livestock yard where
16 livestock are accepted on consignment and the auction method is
17 used in the marketing of the livestock.

18 (25) ~~(24)~~—"Exhibitor" means any person who presents livestock
19 for public display, exhibition, or competition or enters livestock
20 in a fair, show, exhibition, or exposition.

21 (26) ~~(25)~~—"Exotic animal" means those animals that are not
22 native to North America.

23 (27) ~~(26)~~—"Fair" means a competition and educational
24 exhibition of agricultural commodities and manufactured products
25 for which premiums may be paid and which is conducted by an
26 association or governmental entity.

27 (28) "FARM" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE

1 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

2 (29) ~~(27)~~—"Feral swine" means swine which have lived their
3 life—LIVES or any part of their life—LIVES as free roaming or not
4 under the husbandry of humans.

5 SEC. 7A. (1) THERE IS CREATED AN ANIMAL CARE ADVISORY COUNCIL
6 WITHIN THE DEPARTMENT.

7 (2) THE DIRECTOR, OR HIS OR HER DESIGNEE, IS CONSIDERED A
8 NONVOTING EX OFFICIO MEMBER OF THE COUNCIL. THE COUNCIL MEMBERS
9 SHALL INCLUDE REPRESENTATION FROM THE FOLLOWING:

10 (A) TWO VETERINARIANS SPECIALIZING IN FOOD ANIMAL AND
11 LIVESTOCK HEALTH ISSUES APPOINTED FROM A LIST OF CANDIDATES
12 PROVIDED BY THE MICHIGAN VETERINARY MEDICAL ASSOCIATION.

13 (B) TWO INDIVIDUALS DIRECTLY INVOLVED IN AGRICULTURE
14 PRODUCTION APPOINTED FROM A LIST OF CANDIDATES PROVIDED BY THE
15 PRODUCERS OF THE AGRICULTURAL COMMODITIES FOR WHICH THIS ACT
16 ESTABLISHED ANIMAL CARE GUIDELINES.

17 (C) ONE INDIVIDUAL SPECIALIZING IN ANIMAL WELFARE RESEARCH AND
18 HUSBANDRY PRACTICES WITH INTERNATIONALLY RECOGNIZED PEER-REVIEWED
19 PUBLISHED RESEARCH APPOINTED FROM A LIST OF CANDIDATES PROVIDED BY
20 THE DEAN OF THE COLLEGE OF AGRICULTURE AND NATURAL RESOURCES AT
21 MICHIGAN STATE UNIVERSITY.

22 (D) ONE INDIVIDUAL REPRESENTING AN ANIMAL WELFARE AGENCY
23 APPOINTED FROM A LIST OF CANDIDATES PROVIDED BY THE MICHIGAN HUMANE
24 SOCIETY.

25 (E) ONE INDIVIDUAL REPRESENTING THE FOOD PROCESSING INDUSTRY
26 IN THE STATE APPOINTED FROM A LIST OF CANDIDATES PROVIDED BY THE
27 MICHIGAN FOOD PROCESSORS ASSOCIATION.

1 (F) ONE INDIVIDUAL REPRESENTING THE RETAIL FOOD INDUSTRY IN
2 THE STATE APPOINTED FROM A LIST OF CANDIDATES PROVIDED BY THE
3 MICHIGAN GROCER'S ASSOCIATION.

4 (G) ONE INDIVIDUAL REPRESENTING RESTAURANTS APPOINTED FROM A
5 LIST OF CANDIDATES PROVIDED BY THE MICHIGAN RESTAURANT ASSOCIATION.

6 (3) THE MEMBERS OF THE COUNCIL SHALL BE APPOINTED BY THE
7 DIRECTOR WITH THE ADVICE AND CONSENT OF THE COMMISSION OF
8 AGRICULTURE. INDIVIDUALS SHALL SERVE A TERM OF 4 YEARS, EXCEPT THAT
9 THE FIRST TERM FOR 1 VETERINARIAN, 1 AGRICULTURAL PRODUCER, THE
10 ANIMAL WELFARE AND HUSBANDRY RESEARCHER, THE WELFARE AGENCY
11 REPRESENTATIVE, AND THE FOOD PROCESSING REPRESENTATIVE SHALL BE FOR
12 6 YEARS.

13 (4) THE COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR TO SERVE A
14 TERM OF 2 YEARS INITIALLY, AND THEREAFTER A TERM OF 1 YEAR. MEMBERS
15 MAY BE REELECTED TO SERVE CONSECUTIVE TERMS AS CHAIR AND VICE-
16 CHAIR. THE DIRECTOR SHALL SERVE AS THE SECRETARY OF THE COUNCIL.

17 (5) THE COUNCIL IS AN ADVISORY ENTITY AND SHALL PROVIDE
18 RECOMMENDATIONS TO THE DIRECTOR AND THE COMMISSION OF AGRICULTURE
19 AND SHALL DO ALL OF THE FOLLOWING:

20 (A) NOT LATER THAN 18 MONTHS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION, REVIEW THE ON-FARM
22 CERTIFICATION PROGRAM FOR ANIMAL CARE STANDARDS BASED UPON SOUND
23 SCIENTIFIC PRINCIPLES. THE RECOMMENDATIONS DESCRIBED IN THIS
24 SUBDIVISION MAY BE MADE THROUGH SUBCOMMITTEES APPOINTED BY THE
25 COUNCIL THAT INCLUDE NONCOUNCIL MEMBERS WHO SPECIALIZE IN SCIENCE-
26 BASED SPECIES-SPECIFIC ISSUES.

27 (B) NOT LESS THAN EVERY 5 YEARS, CONSIDER AND CHANGE SPECIES-

1 SPECIFIC SCIENCE-BASED ANIMAL CARE STANDARDS AND IMPLEMENTATION
2 GUIDELINES THAT CONSIDER CHANGES OR DEVELOPMENTS IN THE EXISTING
3 NATIONAL STANDARDS.

4 (C) DEVELOP A PROCESS FOR THE CERTIFICATION OF THIRD-PARTY
5 AUDITORS BY THE DEPARTMENT AND IMPOSE AN APPROPRIATE FEE TO BE PAID
6 BY THE THIRD-PARTY AUDITOR TO THE DEPARTMENT FOR CERTIFICATION.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No. 5127(request no.
9 03310'09) of the 95th Legislature is enacted into law.