

SENATE BILL No. 280

February 19, 2009, Introduced by Senators VAN WOERKOM, BIRKHOLZ, WHITMER, PAPPAGEORGE, JANSEN and HARDIMAN and referred to the Committee on Natural Resources and Environmental Affairs.

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.

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 resources.
- 5 (c) "Genetically engineered" refers to an organism whose
- 6 genome, chromosomal or extrachromosomal, is modified permanently

and heritably, using recombinant nucleic acid techniques, or the progeny thereof **OF SUCH AN ORGANISM.**

(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~~ **SPECIES" 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 OR SEED OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

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

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

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

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

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

(F) ~~(vi)~~ Hydrilla (*Hydrilla verticillata*). ~~or a hybrid or genetically engineered variant thereof.~~

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

~~genetically engineered variant thereof.~~

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

(I) ~~(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.~~

(J) ~~(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.~~

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

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

(C) ~~(iii)~~ Black carp (*Mylopharyngodon piceus*). ~~or a hybrid or~~

~~genetically engineered variant thereof.~~

(D) EURASIAN RUFFE (GYMNOCEPHALUS CERNUUS).

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

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

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

(H) ROUND GOBY (NEOGOBIUS MELANOSTOMUS).

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

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

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

~~(L) (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:~~

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

~~(B) (ii) Emerald ash borer (Agrilus planipennis). or a hybrid or genetically engineered variant thereof.~~

1 ~~_____ (h) "Prohibited species" means any of the following:~~

2 ~~_____ (i) A prohibited aquatic plant species.~~

3 ~~_____ (ii) A prohibited fish species.~~

4 ~~_____ (iii) A prohibited insect species.~~

5 (vi) THE FOLLOWING PROHIBITED MAMMAL SPECIES, INCLUDING A
6 HYBRID OR GENETICALLY ENGINEERED VARIANT: NUTRIA (MYOCASTOR
7 COYPUS) .

8 (vii) ANY OF THE FOLLOWING PROHIBITED MOLLUSK SPECIES,
9 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES
10 OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED
11 VARIANT:

12 (A) GIANT AFRICAN SNAIL (ACHATINA FULICA) .

13 (B) GIANT POND SNAIL (HELIX ASPERSA) .

14 (F) ~~(i)~~ "Recombinant nucleic acid techniques" means laboratory
15 techniques through which genetic material is isolated and
16 manipulated in vitro and then inserted into an organism.

17 (G) ~~(j)~~ "Restricted aquatic plant species" means any of the
18 following or fragments or seeds thereof **SPECIES" MEANS ANY OF THE**
19 **FOLLOWING:**

20 (i) ANY OF THE FOLLOWING RESTRICTED AQUATIC PLANT SPECIES,
21 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES
22 OR A FRAGMENT OR SEED OF THE SPECIES OR OF A HYBRID OR GENETICALLY
23 ENGINEERED VARIANT:

24 (A) ~~(i)~~ Curly leaf pondweed (Potamogeton crispus) . ~~or a hybrid~~
25 ~~or genetically engineered variant thereof.~~

26 (B) ~~(ii)~~ Eurasian watermilfoil (Myriophyllum spicatum) . ~~or a~~
27 ~~hybrid or genetically engineered variant thereof.~~

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

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

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

11 ~~—— (k) "Restricted species" means a restricted aquatic plant~~
 12 ~~species.~~

13 (ii) **ANY OF THE FOLLOWING RESTRICTED MOLLUSK SPECIES, INCLUDING**
 14 **A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG**
 15 **OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**

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

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

18 (2) For the purposes of this part:

19 (a) A person is not considered to possess a live organism
 20 simply because the organism is present on land or in waters owned
 21 by that person unless the person has knowingly introduced that live
 22 organism on that land or in those waters.

23 (b) A person is not considered to possess a live organism if
 24 the organism was obtained from the environment and the person only
 25 possesses the organism at the specific location at which it was
 26 obtained from the environment.

27 (c) A person is not considered to possess a live organism if

- 1 the possession is for the purpose of promptly destroying the
- 2 organism.