

# SENATE BILL No. 917

October 20, 2009, Introduced by Senator McMANUS and referred to the Committee on Appropriations.

A bill to amend 1996 PA 199, entitled  
"Michigan aquaculture development act,"  
by amending section 4 (MCL 286.874), as amended by 2003 PA 272.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4. (1) Aquaculture is an agricultural enterprise and is  
2 part of the farming and agricultural industry of this state. The  
3 director shall assure that aquaculture is afforded all rights,  
4 privileges, opportunities, and responsibilities of other  
5 agricultural enterprises.

6       (2) Aquaculture is a form of agriculture. Aquaculture  
7 facilities and aquaculture uses are a form of agricultural  
8 facilities and uses.

9       (3) Aquacultural products lawfully taken, produced, purchased,  
10 possessed, or acquired from within this state or imported into this

1 state are the exclusive and private property of the aquaculturist.

2 (4) This act does not prohibit an aquaculturist from  
3 exercising riparian rights for water diversion. If water is  
4 discharged back into the waters of the state, the discharge shall  
5 be pursuant to any appropriate permit issued by the department of  
6 ~~environmental quality~~ **NATURAL RESOURCES**, if such a permit is  
7 required.

8 (5) An aquaculturist harvesting aquaculture species from a  
9 registered aquaculture facility or a permitted confinement research  
10 facility is exempt from size, catch, and possession limits, closed  
11 seasons, and any other restriction imposed in parts 459 and 487 of  
12 the natural resources and environmental protection act, 1994 PA  
13 451, MCL 324.45901 to 324.45908 and 324.48701 to 324.48740.

14 (6) This act does not give an aquaculturist authority to take  
15 wild species from the waters of the state and held in trust, in  
16 violation of the natural resources and environmental protection  
17 act, 1994 PA 451, MCL 324.101 to 324.90106, unless under a permit  
18 issued by the department of natural resources.

19 (7) This act does not give an aquaculturist authority to  
20 release any aquaculture species into any waters of the state that  
21 are not an aquaculture facility unless the aquaculturist first  
22 obtains an appropriate permit from the director of the department  
23 of natural resources. It is intended that the department of natural  
24 resources shall consider a registration issued under this act as  
25 the equivalent of a game fish breeders license issued under part  
26 459 of the natural resources and environmental protection act, 1994  
27 PA 451, MCL 324.45901 to 324.45908.

1           (8) Any movement, importing, or exporting of aquaculture  
2 species shall be in compliance with the animal industry act, 1988  
3 PA 466, MCL 287.701 to 287.745, for purposes of obtaining a  
4 planting permit.

5           (9) For the purposes of this act, each genetically engineered  
6 variant of an aquaculture species shall be considered a distinct  
7 aquaculture species. A genetically engineered variant of an  
8 aquaculture species is not included on the list of approved  
9 aquaculture species under section 5 unless specifically identified  
10 on the list or specifically identified in a rule promulgated under  
11 section 12 as being included on the list. A genetically engineered  
12 organism that is a variant of an aquaculture species is not covered  
13 by an aquaculture research permit under section 8 unless  
14 specifically identified in the permit. An entry on the list of  
15 approved aquaculture species under section 5, a rule promulgated  
16 under section 12, or an aquaculture research permit under section 8  
17 may be limited to a genetically engineered organism.

18           Enacting section 1. This amendatory act does not take effect  
19 unless Senate Bill No 807

20                   of the 95th Legislature is enacted into law.