

# HOUSE BILL No. 5432

March 26, 2014, Introduced by Reps. MacMaster, Graves, Daley, Franz, McBroom, Somerville, Kelly and Genetski and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 41301 and 41302 (MCL 324.41301 and 324.41302),  
section 41301 as amended by 2009 PA 51 and section 41302 as added  
by 2009 PA 52.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2       (A) "AQUACULTURE SPECIES" MEANS A SPECIES ON THE APPROVED LIST  
3       OF AQUACULTURE SPECIES UNDER SECTION 5 OF THE MICHIGAN AQUACULTURE  
4       DEVELOPMENT ACT, 1996 PA 199, MCL 286.875, OR A SPECIES NOT ON THE  
5       APPROVED LIST THAT IS THE SUBJECT OF RESEARCH CONDUCTED UNDER AN  
6       AQUACULTURE RESEARCH PERMIT IN A CONFINEMENT RESEARCH FACILITY, AS  
7       DESCRIBED IN SECTION 8 OF THE MICHIGAN AQUACULTURE DEVELOPMENT ACT,  
8       1996 PA 199, MCL 286.878.

1 (B) "DOMESTIC ANIMAL" MEANS THOSE SPECIES OF ANIMALS THAT LIVE  
2 UNDER THE HUSBANDRY OF HUMANS.

3 (C) "FARM PRODUCT" MEANS THAT TERM AS IT IS DEFINED IN SECTION  
4 2 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

5 (D) "FERAL OR WILD SWINE" MEANS SWINE THAT HAVE LIVED THEIR  
6 LIFE OR ANY PART OF THEIR LIFE AS FREE ROAMING OR NOT UNDER THE  
7 HUSBANDRY OF HUMANS.

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

12 (F) ~~(b)~~—"Introduce", with reference to an organism, means to  
13 knowingly and willfully stock, place, plant, release, or allow the  
14 release of the organism in this state at any specific location  
15 where the organism is not already naturalized.

16 (G) "LIVESTOCK" MEANS THOSE SPECIES OF DOMESTIC ANIMALS USED  
17 FOR HUMAN FOOD OR FIBER OR THOSE SPECIES OF DOMESTIC ANIMALS USED  
18 FOR SERVICE TO HUMANS. LIVESTOCK INCLUDES, BUT IS NOT LIMITED TO,  
19 CATTLE, SHEEP, NEW WORLD CAMELIDS, GOATS, BISON, PRIVATELY OWNED  
20 CERVIDS, RATITES, NATIVE SWINE, EQUINES, POULTRY, AQUACULTURE  
21 SPECIES, AND RABBITS. LIVESTOCK DOES NOT INCLUDE DOGS OR CATS OR  
22 FERAL OR WILD SWINE.

23 (H) "NATIVE SWINE" MEANS SWINE BORN AND RAISED IN THIS STATE  
24 OR LEGALLY IMPORTED INTO THIS STATE.

25 (I) "SWINE" MEANS ANY OF THE UNGULATE MAMMALS OF THE FAMILY  
26 SUIDAE.

27 (J) ~~(e)~~—"Prohibited species", subject to section 41302, means

1 any of the following:

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

6 (A) African oxygen weed (*Lagarosiphon major*).

7 (B) Brazilian elodea (*Egeria densa*).

8 (C) Cyllindro (*Cylindrospermopsis raciborskii*).

9 (D) European frogbit (*Hydrocharis morsus-ranae*).

10 (E) Fanwort (*Cabomba caroliniana*).

11 (F) Giant hogweed (*Heracleum mantegazzianum*).

12 (G) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or  
13 *herzogii*).

14 (H) Hydrilla (*Hydrilla verticillata*).

15 (I) Japanese knotweed (*Fallopia japonica*).

16 (J) Parrot's feather (*Myriophyllum aquaticum*).

17 (K) Starry stonewort (*Nitellopsis obtusa*).

18 (L) Water chestnut (*Trapa natans*).

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

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

24 (iii) The following prohibited crustacean species, including a  
25 hybrid or genetically engineered variant of the species or an egg  
26 of the species or of a hybrid or genetically engineered variant:  
27 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

1 variant:

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

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

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

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

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

7 (F) Wrinkled dune snail (*Candidula intersecta*).

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

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

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

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

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

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

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

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

27 (ii) Any of the following restricted mollusk species, including

1 a hybrid or genetically engineered variant of the species or an egg  
2 of the species or of a hybrid or genetically engineered variant:

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

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

5 (2) For the purposes of this part:

6 (a) A person is not considered to possess a live organism  
7 simply because the organism is present on land or in waters owned  
8 by that person unless the person has knowingly introduced that live  
9 organism on that land or in those waters.

10 (b) A person is not considered to possess a live organism if  
11 the organism was obtained from the environment and the person only  
12 possesses the organism at the specific location at which it was  
13 obtained from the environment.

14 (c) A person is not considered to possess a live organism if  
15 the possession is for the purpose of promptly destroying the  
16 organism.

17 Sec. 41302. (1) The ~~commission of~~ natural resources **COMMISSION**  
18 may by order add to or delete from the list of prohibited species  
19 or restricted species under section 41301 any species other than an  
20 ~~insect or plant species.~~ **INSECTS, PLANTS, LIVESTOCK, OR FARM**  
21 **PRODUCTS.** Before issuing an order under this subsection, the  
22 ~~commission of~~ natural resources **COMMISSION** shall consult with the  
23 department of agriculture **AND RURAL DEVELOPMENT.** After the  
24 consultation, and at least 30 days before the ~~commission of~~ natural  
25 resources **COMMISSION** issues the order, the department of natural  
26 resources shall post a copy of the proposed order on the department  
27 of natural resources' website and shall submit a copy of the

1 proposed order to all of the following:

2 (a) The legislature.

3 (b) The standing committees of the senate and house of  
4 representatives with primary responsibility for any of the  
5 following:

6 (i) Agricultural issues.

7 (ii) Environmental issues.

8 (iii) Natural resources issues.

9 (2) The commission of agriculture **AND RURAL DEVELOPMENT** may by  
10 order add to or delete from the list of prohibited species or  
11 restricted species under section 41301 any insect or plant species.  
12 Before issuing an order under this subsection, the commission of  
13 agriculture **AND RURAL DEVELOPMENT** shall consult with the department  
14 of natural resources. After the consultation, and at least 30 days  
15 before the commission of agriculture **AND RURAL DEVELOPMENT** issues  
16 the order, the department of agriculture **AND RURAL DEVELOPMENT**  
17 shall post a copy of the proposed order on the department of  
18 ~~agriculture's~~ **AGRICULTURE AND RURAL DEVELOPMENT'S** website and shall  
19 submit a copy of the proposed order to all of the following:

20 (a) The legislature.

21 (b) The standing committees of the senate and house of  
22 representatives with primary responsibility for any of the  
23 following:

24 (i) Agricultural issues.

25 (ii) Environmental issues.

26 (iii) Natural resources issues.

27 (3) The ~~commission of~~ natural resources **COMMISSION** or the

1 commission of agriculture **AND RURAL DEVELOPMENT**, as applicable,  
2 shall list a species as a prohibited species or restricted species  
3 if the ~~commission of~~ natural resources **COMMISSION** or commission of  
4 agriculture **AND RURAL DEVELOPMENT**, respectively, determines the  
5 following:

6 (a) For a prohibited species, all of the following  
7 requirements are met:

8 (i) The organism is not native to this state.

9 (ii) The organism is not naturalized in this state or, if  
10 naturalized, is not widely distributed in this state.

11 (iii) One or more of the following apply:

12 (A) The organism has the potential to harm human health or to  
13 severely harm natural, agricultural, or silvicultural resources.

14 (B) Effective management or control techniques for the  
15 organism are not available.

16 (b) For a restricted species, all of the following  
17 requirements are met:

18 (i) The organism is not native to this state.

19 (ii) The organism is naturalized and widely distributed in this  
20 state.

21 (iii) One or more of the following apply:

22 (A) The organism has the potential to harm human health or to  
23 harm natural, agricultural, or silvicultural resources.

24 (B) Effective management or control techniques for the  
25 organism are available.