

Act No. 358
Public Acts of 2014
Approved by the Governor
December 9, 2014
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Rep. Jenkins

ENROLLED HOUSE BILL No. 4038

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 41301 (MCL 324.41301), as amended by 2009 PA 51.

The People of the State of Michigan enact:

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

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

(b) "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.

(c) "Prohibited species", subject to section 41302, 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, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

- (A) African oxygen weed (*Lagarosiphon major*).
- (B) Brazilian elodea (*Egeria densa*).
- (C) Cyllindro (*Cylindrospermopsis raciborskii*).
- (D) European frogbit (*Hydrocharis morsus-ranae*).
- (E) Fanwort (*Cabomba caroliniana*).
- (F) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*).
- (G) Hydrilla (*Hydrilla verticillata*).
- (H) Parrot's feather (*Myriophyllum aquaticum*).
- (I) Starry stonewort (*Nitellopsis obtusa*).
- (J) Water chestnut (*Trapa natans*).
- (K) Yellow floating heart (*Nymphoides peltata*).

(ii) Any of the following prohibited terrestrial plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

- (A) Giant hogweed (*Heracleum mantegazzianum*).
- (B) Japanese knotweed (*Fallopia japonica*).

(iii) 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*).

(iv) 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*).

(v) 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*).

(vi) 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*).

(vii) The following prohibited mammal species, including a hybrid or genetically engineered variant: nutria (*Myocastor coypus*).

(viii) 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) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated *in vitro* and then inserted into an organism.

(e) "Restricted 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 or of a hybrid or genetically engineered variant:

- (A) Curly leaf pondweed (*Potamogeton crispus*).
- (B) Eurasian watermilfoil (*Myriophyllum spicatum*).
- (C) Flowering rush (*Butomus umbellatus*).
- (D) Phragmites or common reed (*Phragmites australis*).

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

(ii) The following restricted terrestrial plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant: autumn olive (*Elaeagnus umbellata*).

(iii) Any of the following restricted 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) Quagga mussel (*Dreissena bugensis*).

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

(2) For the purposes of this part:

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor