

SENATE BILL No. 423

May 31, 2017, Introduced by Senators JONES, HERTEL, KNEZEK, BIEDA, HOPGOOD, WARREN, KNOLLENBERG, CONYERS and SCHMIDT and referred to the Committee on Agriculture.

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 2 (MCL 286.872), as amended by 2003 PA 272.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Aquacultural products" means any products, coproducts, or
3 by-products of aquaculture species.

4 (b) "Aquaculture" means the commercial husbandry of
5 aquaculture species on the approved list of aquaculture species,
6 including, but not limited to, the culturing, producing, growing,
7 using, propagating, harvesting, transporting, importing, exporting,
8 or marketing of aquacultural products under an appropriate permit
9 or registration.

1 (c) "Aquaculture facility" means a farm or farm operation
2 engaged in any aspect of aquaculture in privately controlled waters
3 capable of holding all life stages of aquaculture species with a
4 barrier or enclosure to prevent their escape into waters of the
5 state.

6 (d) "Aquaculture facility registration" means a registration
7 issued by the director allowing a facility to engage in
8 aquaculture.

9 (e) "Aquaculture research permit" means a permit issued by the
10 director to researchers to study and culture aquaculture species
11 not included on the approved list of aquaculture species for the
12 evaluation of aquacultural potential and to provide a scientific
13 basis for including the aquaculture species on the approved list.

14 (f) "Aquaculture species" means aquatic animal organisms
15 including, but not limited to, fish, crustaceans, mollusks,
16 reptiles, or amphibians reared or cultured under controlled
17 conditions in an aquaculture facility.

18 (g) "Aquaculturist" means a person involved in or engaged in
19 any aspect of aquaculture.

20 (h) "Aquarium" means any park, building, cage, enclosure, or
21 other structure or premises in which aquaculture species are kept
22 for public exhibition or viewing, regardless of whether
23 compensation is received.

24 (i) "Confinement research facility" means a facility ~~holding~~
25 **SUBJECT TO** an aquaculture research permit, enclosed in a secure
26 structure, and separated from other aquaculture facilities and in
27 which aquaculture species are isolated and maintained in complete

1 and continuous confinement to prevent their escape into the
2 environment and to prevent the release of any possible pathogens
3 into the environment.

4 (j) "Department" means the ~~Michigan~~ department of agriculture
5 **AND RURAL DEVELOPMENT.**

6 (k) "Director" means the director of the ~~Michigan~~ department
7 ~~of agriculture~~ or his or her designee.

8 (l) "Farm" or "farm operation" means those terms as defined in
9 the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

10 (m) "Genetically engineered" refers to an organism whose
11 genome, chromosomal or extrachromosomal, is modified permanently
12 and heritably using recombinant nucleic acid techniques, or the
13 progeny thereof.

14 (N) **"INLAND LAKE OR STREAM" MEANS THAT TERM AS DEFINED IN**
15 **SECTION 30101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**
16 **ACT, 1994 PA 451, MCL 324.30101.**

17 (O) ~~(n)~~ "Law enforcement officer" means ~~a person~~ **AN INDIVIDUAL**
18 appointed by the state or a local governmental unit who is
19 responsible for the enforcement of the criminal laws of this state.

20 (P) ~~(o)~~ "Person" means an individual, corporation, limited
21 liability company, partnership, association, joint venture, or
22 other legal entity.

23 (Q) ~~(p)~~ "Privately controlled waters" means waters controlled
24 within ponds, vats, raceways, tanks, and any other indoor or
25 outdoor structure wholly within or on land owned or leased by an
26 aquaculturist and used with an aquaculture facility or confinement
27 research facility. Privately controlled waters includes those

1 waters diverted for use in an aquaculture facility by an
2 aquaculturist exercising his or her riparian rights. **PRIVATELY**
3 **CONTROLLED WATERS DO NOT INCLUDE EITHER OF THE FOLLOWING:**

4 (i) **THE GREAT LAKES OR THE CONNECTING WATERS OF THE GREAT**
5 **LAKES.**

6 (ii) **AN INLAND LAKE OR STREAM.**

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

10 (S) ~~(r)~~ "Retail bait outlet" means a facility that sells
11 directly to the consumer any live or dead organism, edible or
12 digestible material, organic or processed food, or scented material
13 each of which may be used to attract fish, including, but not
14 limited to, worms, leeches, aquatic insects, crayfish, amphibians,
15 fish eggs, minnows or other fish, marshmallows, cheese, pork rinds,
16 or any part thereof.

17 (T) ~~(s)~~ "Retail ornamental fish facility" means a facility in
18 which a person sells, imports or exports at wholesale or retail,
19 leases, or loans ornamental species of aquatic organisms that may
20 live in fresh, brackish, or saltwater environments to the general
21 public for home or public display purposes.

22 (U) ~~(t)~~ "Waters of the state" means groundwaters, lakes,
23 rivers, and streams and all other watercourses and waters within
24 the jurisdiction of the state and also the Great Lakes bordering
25 the state.

26 (V) ~~(u)~~ "Zoo" means any park, building, cage, enclosure, or
27 other structure or premises in which a live animal is kept for

1 public exhibition or viewing, regardless of whether compensation is
2 received.