

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

**Introduced by Reps. O'Malley, Steven Johnson, Tisdell, Bollin, Beeler, Meerman, Calley, Rendon,
Bellino, Hoitenga, Clements, Lightner, Eisen, Allor, Outman and Alexander**

ENROLLED HOUSE BILL No. 6204

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 sections 41302 and 41303 (MCL 324.41302 and 324.41303), as amended by 2018 PA 451.

The People of the State of Michigan enact:

Sec. 41302. (1) The relevant commission may by order add to or delete a species from the list of prohibited species or restricted species under section 41301. Before the natural resources commission issues an order under this subsection, it shall consult with the department of agriculture and rural development. Before the commission of agriculture and rural development issues an order under this subsection, it shall consult with the department of natural resources. After the consultation, and at least 30 days before the relevant commission issues the order, the relevant department shall post a copy of the proposed order on the relevant department's website and shall submit a copy of the proposed order to all of the following:

- (a) The legislature.
- (b) The standing committees of the senate and the house of representatives with primary responsibility for any of the following:
 - (i) Agricultural issues.
 - (ii) Environmental issues.
 - (iii) Natural resources issues.
- (2) Within 24 hours after issuing an order under subsection (1), the relevant department shall notify the senate and the house of representatives in writing.
- (3) The relevant commission shall list a nonaquatic species as a prohibited species or restricted species if the relevant commission determines the following:
 - (a) For a nonaquatic prohibited species, all of the following requirements are met:
 - (i) The organism is not native.
 - (ii) The organism is not naturalized in this state or, if naturalized, is not widely distributed in this state.

- (iii) Based on a risk assessment, any of the following apply:
 - (A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.
 - (B) Effective management or control techniques for the organism are not available.
- (b) For a nonaquatic restricted species, all of the following requirements are met:
 - (i) The organism is not native.
 - (ii) The organism is naturalized and widely distributed in this state.
 - (iii) Based on a risk assessment, any of the following apply:
 - (A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.
 - (B) Effective management or control techniques for the organism are available.
- (4) The relevant commission shall list an aquatic species as a prohibited species or restricted species if the relevant commission determines the following based on a review by the relevant department:
 - (a) For an aquatic prohibited species, all of the following requirements are met:
 - (i) The organism is not native or is genetically engineered.
 - (ii) The organism is not naturalized in this state or, if naturalized, is not widely distributed.
 - (iii) Based on a risk assessment, any of the following apply:
 - (A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.
 - (B) Effective management or control techniques for the organism are not available.
 - (b) For an aquatic restricted species, all of the following requirements are met:
 - (i) The organism is not native.
 - (ii) The organism is naturalized in this state.
 - (iii) Based on a risk assessment, any of the following apply:
 - (A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.
 - (B) Effective management or control techniques for the organism are available.
- (5) The following apply to a review by the relevant department of an aquatic species for listing as a prohibited species or restricted species under subsection (4):
 - (a) The relevant department shall review each aquatic animal listed or delisted as injurious wildlife under the Lacey act, 16 USC 3371 to 3378, and each aquatic plant designated or removed from designation as a noxious weed under the plant protection act, 7 USC 7701 to 7786, for listing or delisting as a prohibited species or restricted species within 180 days after the change in federal listing or designation.
 - (b) The relevant department shall review each aquatic species that has the potential to harm human health or natural, agricultural, or silvicultural resources for listing as a prohibited species or restricted species even if the species is not currently on either federal list described in subdivision (a).
 - (c) The relevant department may review other aquatic species for listing as prohibited or restricted species.
- (6) The relevant director may issue an emergency order designating an organism as a prohibited species or restricted species if the organism has the potential to harm human health or to severely harm natural, agriculture, or silvicultural resources. An emergency order is effective for 90 days or a shorter period if specified in the order. The relevant department shall do all of the following:
 - (a) Post a proposed emergency order on its website and otherwise publicize the proposed emergency order in a manner that ensures that interested persons are provided notice of the proposed emergency order, the reasons for the emergency order, and the proposed effective date of the order.
 - (b) Provide a copy of the proposed emergency order to each member of the standing committees of the senate and the house of representatives that consider legislation pertaining to conservation, the environment, recreation, tourism, or natural resources.
 - (c) Post the final emergency order on its website.
 - (d) Notify the senate and house of representatives of the final emergency order, in writing, within 24 hours after the order is issued.
- (7) The relevant director shall not issue an emergency order designating an organism as a prohibited species or restricted species if the same organism was previously designated by emergency order as a prohibited species or restricted species, respectively.

(8) The relevant department may issue an order setting forth the conditions under which naturalized organisms of an aquatic restricted species may be harvested, possessed, and transported.

Sec. 41303. (1) A person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species, except under 1 or more of the following circumstances:

(a) The person intends to present a specimen of the prohibited species or restricted species, for identification or similar purposes, to a person who is a certified applicator or registered applicator under part 83, to a public or private institution of higher education, or to the department of natural resources, the department of agriculture and rural development, or any other state, local, or federal agency with responsibility for the environment, natural resources, or agriculture.

(b) The person has been presented with a specimen of a prohibited species or restricted species for identification or similar purposes under subdivision (a).

(c) The person possesses the prohibited species or restricted species in conjunction with otherwise lawful activity to eradicate or control the prohibited species or restricted species.

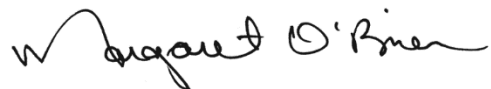
(d) The possession is pursuant to a permit issued for education or research purposes by the relevant department under section 41306 or, if the prohibited species or restricted species is a plant species or an insect other than a wiggler, by the United States Department of Agriculture.

(e) The species is an aquatic restricted species and the person possesses the species in compliance with an order under section 41302(8).

(2) A person described in subsection (1)(b) or (c) shall notify the department of natural resources, the department of agriculture and rural development, or the department of environment, Great Lakes, and energy if the prohibited species or restricted species was found at a location where it was not previously known to be present.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor