

FEED LAW (EXCERPT)
Act 120 of 1975

287.524 Persons required to be licensed; application; fee; late fee; issuance of initial or renewal license; notice of incomplete application; display and expiration of license; labels; powers of director; refusing, conditioning, revoking, or suspending license; hearing; revoking or refusing to issue or renew license after hearing; licensed distributor and guarantor operating from out-of-state location; effect of license issued before October 1, 2015.

Sec. 4. (1) Except as provided in subsection (2), the following persons shall obtain a license under this act:

(a) A manufacturer of commercial feed for each facility in this state used to manufacture commercial feed.

(b) A person, other than a manufacturer, that distributes commercial feed within this state or that serves as guarantor of commercial feed distributed within this state.

(2) The following persons are not required to obtain a license:

(a) A person that makes only retail sales of commercial feed that contains labeling or another approved indication that the commercial feed is from a licensed manufacturer, distributor, or guarantor that has assumed full responsibility for the inspection fee due under section 6.

(b) An on-farm mixer-feeder, if the person is not distributing feed commercially.

(c) An integrated operator that does not distribute feed commercially.

(d) A person that manufactures or distributes food that was originally intended for human consumption or other processed by-product that is intended for use as animal feed, is not exempt under section 3(g), and is not adulterated as defined in section 8, and that person distributes the food or other processed by-product only to a person holding a commercial feed license. The person holding a commercial feed license is responsible for ensuring the animal feed complies with the requirements of this act, including labeling under section 5 and the inspection fee under section 6.

(3) A person that wishes to obtain a license shall submit an application to the department on a form provided by or approved by the director and accompanied by a license fee payable to this state in the following amount:

(a) For a manufacturer, \$100.00 for each manufacturing facility, except that the fee for a manufacturer that manufactures commercial feed in containers of 5 pounds or less is \$25.00 for each manufacturing facility.

(b) For a distributor or guarantor whose name appears on the label, \$100.00, except that the fee for a distributor or guarantor of commercial feed that is distributed in containers of 5 pounds or less is \$25.00.

(4) A new applicant that fails to obtain a license within 30 calendar days after notification of the requirement to obtain a license, or any licensee that fails to comply with license renewal requirements by June 30, shall pay a \$50.00 late fee in addition to the license fee.

(5) License fees and late fees collected under this section must be forwarded to the state treasurer for deposit into the fund.

(6) The director shall issue an initial or renewal license not later than 90 days after the applicant submits a complete application accompanied by the appropriate license fee. If the application is incomplete, the department shall notify the applicant within 60 days after the department receives the application.

(7) After approval by the director, a license must be furnished to the applicant. The license must be displayed prominently at each manufacturing facility used to manufacture commercial feed and must be available at the principal business office or the registered office of each distributor or guarantor.

(8) A license expires on June 30. A license is not transferable from 1 person to another, from 1 owner to another, or from 1 location to another.

(9) To determine compliance with this act and rules promulgated under this act, the director may require a current licensee or an applicant for a new license to submit labels or labeling being used or intended for use with a commercial feed.

(10) The director may do 1 or more of the following:

(a) Place conditions that limit the manufacture or distribution of a particular commercial feed on the license of any person found not in compliance with this act or the rules promulgated under this act.

(b) Refuse to license an applicant, or revoke or suspend the license of any person not in compliance with this act or the rules promulgated under this act.

(11) A license must not be refused, conditioned, revoked, or suspended until the licensee or applicant for a license is given the opportunity for a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(12) After a hearing is conducted pursuant to the administrative procedures act of 1969, 1969 PA 306,

MCL 24.201 to 24.328, under subsection (11), the department may revoke or refuse to issue or renew a license if any of the following occurred within the 3 years preceding the date of the license application:

(a) A previous license issued under this act to a person with an ownership or management interest in the new operation was revoked due to the adulteration of commercial feed under section 8 or a violation of section 9.

(b) The applicant, a manager employed by the applicant, or any other individual with management responsibilities for the feed manufacturing operation of the applicant was convicted of any felony involving fraud, conversion, or embezzlement.

(c) The applicant's license under the federal food, drug, and cosmetic act, 21 USC 301 to 399h, registration under 21 USC 350d, or commercial feed license in another state was revoked or canceled because of a violation of the respective act.

(13) Each distributor and guarantor holding a license that operates from a business location outside this state shall do either of the following:

(a) Continuously maintain in this state a registered office and a resident agent, which agent may be an individual resident in this state whose business office or residence is identical with the registered office, a domestic corporation or limited liability company, or a foreign corporation or limited liability company authorized to transact business in this state and having a business office identical with the registered office. The licensee shall file with the department the name, address, and telephone number of the resident agent and shall maintain and make available records required by this act.

(b) Maintain and make available to the department records required by this act and pay all costs incurred by the department in auditing the records if they are held at an out-of-state location.

(14) A license issued before October 1, 2015, remains in effect until July 1, 2016, subject to revocation or suspension as otherwise provided in this act. Beginning July 1, 2016, all persons required to obtain a license under this section shall obtain a license as provided in this section.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015;—Am. 2018, Act 93, Imd. Eff. Mar. 26, 2018