

**SUBSTITUTE FOR
SENATE BILL NO. 174**

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
by amending the title and sections 1, 3, 7, 9, 11b, 12, 14, 19, 20,
22, 31, 39, 40, 43, 44, and 46 (MCL 287.701, 287.703, 287.707,
287.709, 287.711b, 287.712, 287.714, 287.719, 287.720, 287.722,
287.731, 287.739, 287.740, 287.743, 287.744, and 287.746), the
title and section 43 as amended by 1996 PA 369, sections 1, 20, 39,
and 40 as amended by 2000 PA 323, sections 3, 9, 11b, 14, 19, 22,
and 44 as amended by 2002 PA 458, section 7 as amended by 1994 PA
41, sections 12 and 31 as amended by 2003 PA 271, section 43 as
amended by 1996 PA 369, and section 46 as added by 2009 PA 117, and
by adding sections 3a, 3b, 12a, 12b, 14a, 17b, 17c, 17d, 40a, 40b,
and 43a; and to repeal acts and parts of acts.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to authorize and require the appointment of a state
 3 veterinarian within the department of agriculture **and rural**
 4 **development**; to protect the human food chain and the livestock ~~and~~
 5 ~~aquaculture industries~~ **industry** of ~~the~~ **this** state through
 6 prevention, control, and eradication of infectious ~~, contagious, or~~
 7 toxicological diseases of livestock and other animals; to prevent
 8 the importation of certain nonindigenous animals under certain
 9 circumstances; to safeguard the human population from certain
 10 diseases that are communicable between animals and humans; to
 11 prevent or control the contamination of ~~livestock~~ **animals** with
 12 certain toxic substances through certain ~~livestock~~ **animals** or
 13 ~~livestock~~ **animal** products; to provide for indemnification for
 14 livestock under certain circumstances; to provide for certain
 15 powers and duties for certain state agencies and departments; to
 16 provide for the promulgation of rules; to provide for certain
 17 hearings; to provide for remedies and penalties; and to repeal acts
 18 and parts of acts.

19 Sec. 1. (1) This act shall be known and may be cited as the
 20 "animal industry act".

21 (2) This act is intended to protect the health ~~and~~ safety ~~and~~
 22 ~~and welfare~~ of humans and **the health, safety, and welfare of**
 23 animals ~~and~~ to be consistent with applicable federal and state
 24 laws ~~and~~ shall be so construed.

25 Sec. 3. **As used in this act:**

26 (a) ~~(1)~~ "Accredited veterinarian" means a veterinarian
 27 approved by the administrator of the United States ~~department~~
 28 **Department** of agriculture, ~~animal~~ **Agriculture, Animal** and plant



1 ~~health inspection service~~ **Plant Health Inspection Service** in
 2 accordance with ~~provisions of 9 C.F.R.~~ **CFR** part 161, and considered
 3 preapproved to perform certain functions of federal and cooperative
 4 state/federal programs.

5 (b) ~~(2)~~—"Animal" means mollusks, crustaceans, and vertebrates
 6 other than human beings including, but not limited to, livestock,
 7 exotic animals, aquaculture **species**, and domestic animals.

8 (c) ~~(3)~~—"Animal movement certificate" means animal movement
 9 authorization established in a manner approved and issued by the
 10 director that contains, at a minimum, the following information
 11 regarding animals or an animal:

12 (i) ~~(a)~~—The point of origin and point of destination.

13 (ii) ~~(b)~~—Official identification.

14 (iii) ~~(c)~~—Anticipated movement date.

15 (iv) ~~(d)~~—Any required official test results. ~~for bovine~~
 16 ~~tuberculosis.~~

17 (d) "Animal welfare" means the well-being of animals based
 18 upon animal husbandry, animal science, and veterinary science
 19 practices and standards.

20 (e) "Approved laboratory" means a state, federal, or private
 21 veterinary diagnostic laboratory approved by the United States
 22 Department of Agriculture, Animal and Plant Health Inspection
 23 Service, veterinary services, to conduct approved official
 24 laboratory tests for a specific reportable animal disease.

25 (f) "Approved vaccine" means a veterinary biological as
 26 described in 9 CFR subchapter E that is administered to livestock
 27 or other animals to induce immunity in the recipient and approved
 28 by the state veterinarian.

29 (g) ~~(4)~~—"Aquaculture" means the ~~commercial husbandry~~



1 **propagation and rearing** of aquaculture species on the approved list
 2 of aquaculture species under the Michigan aquaculture development
 3 act, 1996 PA 199, MCL 286.871 to 286.884, ~~including, in controlled~~
 4 **or selected environments. Aquaculture includes**, but **is** not limited
 5 to, the culturing, producing, growing, using, propagating,
 6 harvesting, transporting, importing, exporting, or marketing of ~~any~~
 7 **aquaculture** products. ~~, coproducts, or by-products of fish,~~
 8 ~~crustaceans, mollusks, reptiles, and amphibians, reared or cultured~~
 9 ~~under controlled conditions in an aquaculture facility.~~

10 (h) ~~(5)~~ "Aquaculture facility" means that term as defined
 11 ~~under in~~ the Michigan aquaculture development act, 1996 PA 199, MCL
 12 286.871 to 286.884.

13 ~~(6)~~ "Approved vaccine" means a veterinary biological
 14 administered to livestock or other animals to induce immunity in
 15 the recipient and approved by the state veterinarian.

16 (i) "Aquaculture lot" means a group of aquatic animals that
 17 share approximately the same risk of exposure to a pathogenic agent
 18 or toxin within a defined location due to common management or
 19 sharing a common aquatic environment.

20 (j) "Aquaculture species" means that term as defined in the
 21 Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to
 22 286.884.

23 (k) "Autogenous veterinary biological" means all bacteria,
 24 viruses, serums, toxins, or analogous products from a specific herd
 25 that are custom-made with herd-specific antigens.

26 (l) ~~(7)~~ "Carcasses" means the dead bodies of **domestic** animals.
 27 ~~, poultry, or aquaculture.~~ Carcasses do not include rendered
 28 products.

29 (m) ~~(8)~~ "Cattle" means all bovine (genus bos) animals,



1 bovinelike animals (genus bison) also commonly referred to as
 2 American buffalo or bison, and any cross of these species unless
 3 otherwise specifically provided.

4 ~~(9) "Cattle importation lot" means a premises registered with~~
 5 ~~the department and used only to feed cattle in preparation for~~
 6 ~~slaughter.~~

7 **(n)** ~~(10)~~ "Commingling" means concurrently or subsequently
 8 sharing or subsequent use by livestock or other domestic animals of
 9 the same pen or same section in a facility or same section in a
 10 transportation unit where there is physical contact or contact with
 11 bodily excrements, aerosols, or fluids from other livestock or
 12 domestic animals.

13 **(o)** ~~(11)~~ "Consignee" means ~~the~~ **a** person receiving ~~the~~ animals
 14 at the point of destination named on ~~the~~ **an** official interstate or
 15 intrastate health certificate, official interstate certificate of
 16 veterinary inspection or animal movement certificate, entry
 17 authorization form, fish disease inspection report, owner-shipper
 18 statement, or sales invoice.

19 **(p)** "Consignor" means **a person moving animals from a point of**
 20 **origin named on an official interstate or intrastate health**
 21 **certificate, official interstate certificate of veterinary**
 22 **inspection or animal movement certificate, entry authorization**
 23 **form, fish disease inspection report, owner-shipper statement, or**
 24 **sales invoice.**

25 ~~(12) "Contagious disease" means an illness due to a specific~~
 26 ~~infectious agent or suspected infectious agent or its toxic~~
 27 ~~products which arises through transmission of that agent or its~~
 28 ~~products from an infected animal, or inanimate reservoir to a~~
 29 ~~susceptible host, either directly or indirectly through an~~



1 ~~intermediate plant or animal host, vector, or the inanimate~~
 2 ~~environment, or via an airborne mechanism.~~

3 (q) ~~(13)~~ "Dealer" means ~~any~~ a person required to be licensed
 4 under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the
 5 business of buying, receiving, selling, exchanging, transporting,
 6 negotiating, or soliciting the sale, resale, exchange,
 7 transportation, or transfer of livestock.

8 (r) ~~(14)~~ "Department" means the ~~Michigan~~ department of
 9 agriculture **and rural development.**

10 (s) ~~(15)~~ "Direct movement" means transfer of animals to a
 11 destination without unloading the animals en route. ~~and without~~
 12 ~~exposure to any other animals or bodily excrements, aerosols, or~~
 13 ~~fluids from other animals.~~

14 (t) ~~(16)~~ "Director" means the director of the ~~Michigan~~
 15 department ~~of agriculture~~ or his or her authorized representative.

16 (u) ~~(17)~~ "Disease" means any animal health condition with
 17 potential for economic impact, public or animal health concerns, or
 18 food safety concerns.

19 (v) **"Disease free zone" means an area in this state with a**
 20 **defined dimension determined by the director to be free of a**
 21 **specific reportable animal disease.**

22 (w) ~~(18)~~ "Distribute" means to deliver other than by
 23 administering or dispensing a veterinary biological.

24 (x) ~~(19)~~ "Domestic animal" means ~~those~~ a species of animals
 25 **animal** that ~~live~~ **lives** under the husbandry of humans.

26 ~~(20) "Emergency fish diseases" means certain infectious~~
 27 ~~diseases of fish that are transmissible directly or indirectly from~~
 28 ~~1 fish to another and are not known to exist within the waters of~~
 29 ~~the state. Emergency fish diseases include, but are not limited to,~~



1 ~~viral hemorrhagic septicemia, infectious hematopoietic necrosis,~~
 2 ~~ceratomyxosis, and proliferative kidney disease.~~

3 (y) ~~(21) "Equine"~~ **"Equidae"** means all animals of the equine
 4 family ~~which and~~ includes horses, asses, jacks, jennies, hinnies,
 5 mules, donkeys, burros, ponies, and zebras.

6 (z) ~~(22)~~ "Exhibition or exposition" means a congregation,
 7 gathering, or collection of ~~livestock~~ **animals** that are presented or
 8 exposed to public view for show, display, swap, exchange,
 9 entertainment, educational event, instruction, advertising, or
 10 competition. Exhibition or exposition does not include livestock
 11 for sale at public stockyards, auctions, saleyards, ~~and or~~
 12 livestock yards licensed under ~~the provisions of~~ 1937 PA 284, MCL
 13 287.121 to 287.131.

14 (aa) ~~(23)~~ "Exhibition facility" means ~~any a~~ facility used or
 15 intended to be used for public view, show, display, swap, exchange,
 16 entertainment, advertisement, educational event, or competition
 17 involving ~~livestock~~ **animals**. Exhibition facility does not include
 18 a public stockyard, an auction saleyard, ~~and a livestock or an~~
 19 **animal** yard where ~~livestock~~ **animals** are accepted on consignment and
 20 the auction method is used in the marketing of the
 21 ~~livestock~~ **animals**.

22 (bb) ~~(24)~~ "Exhibitor" means ~~any a~~ person ~~who that~~ presents
 23 ~~livestock~~ **an animal** for public display, exhibition, or competition
 24 or enters ~~livestock~~ **an animal** in a fair, show, exhibition, or
 25 exposition.

26 (cc) ~~(25)~~ "Exotic animal" means ~~these animals a~~ **species of**
 27 **animal** that are ~~is~~ not native to ~~North America~~ **the United States**.

28 (dd) ~~(26)~~ "Fair" means a competition and educational
 29 exhibition of agricultural commodities and manufactured products



1 for which premiums may be paid. ~~and which is conducted by an~~
 2 ~~association or governmental entity.~~

3 (ee) ~~(27)~~ "Feral swine" means swine ~~which~~ **that** have lived
 4 their life or any part of their life as free roaming. ~~or not under~~
 5 ~~the husbandry of humans.~~

6 (ff) "Fish disease inspection report" means a document
 7 prepared by a fish health laboratory approved by the director, a
 8 veterinarian, or a fish health official giving evidence of
 9 inspections and diagnostic work performed.

10 (gg) "Fish health official" means a veterinarian or a fish
 11 health specialist approved by the director who is responsible for
 12 conducting aquaculture facility inspections and issuing fish
 13 disease inspection reports.

14 (hh) "Flock" means all of the poultry on 1 premises or, in the
 15 discretion of the department, a group of poultry that is segregated
 16 from all other poultry on the same premises.

17 (ii) "Garbage" means any animal origin products, including
 18 those of poultry and fish origin, or other animal material
 19 resulting from the handling, processing, preparation, cooking, or
 20 consumption of foods. Garbage includes, but is not limited to, any
 21 refuse of any type that has been associated with any such material
 22 at any time during the handling, preparation, cooking, or
 23 consumption of food. Garbage does not include rendered products or
 24 manure.

25 (jj) "Genetically engineered" refers to an organism whose
 26 genome, chromosomal or extrachromosomal, is modified permanently
 27 and heritably using recombinant nucleic acid techniques, or the
 28 progeny thereof.

29 (kk) "Grade" means an animal for which no proof of



1 registration with an appropriate breed registry is provided.

2 (ll) "Herd" means an isolated group of livestock maintained on
3 common ground for any purpose, or 2 or more groups of livestock
4 under common ownership or supervision that are geographically
5 separated but that have an interchange or movement of livestock
6 without regard to health status as determined by the director.

7 (mm) "Herd or flock of origin" means any herd or flock in
8 which animals are born and remain until movement or any herd or
9 flock in which animals remain for at least 30 days immediately
10 following direct movement into the herd or flock from another herd
11 or flock. Herd or flock of origin includes the place of origin,
12 premises of origin, and farm of origin.

13 (nn) "High-risk area" means an area in this state that has a
14 defined dimension determined by the director in which a specific
15 reportable animal disease has been diagnosed in domesticated
16 animals.

17 (oo) "Infectious disease" means a disorder caused by an
18 organism, including, but not limited to, a bacteria, virus, fungus,
19 parasite, prion, or analogous organism, and that can be directly or
20 indirectly passed from animal to animal.

21 (pp) "Infected zone" means an area in this state that has a
22 defined dimension determined by the director in which a specific
23 reportable animal disease is present in animals and separated from
24 a disease-free zone by a surveillance zone.

25 (qq) "Intrastate movement" means movement from 1 premises to
26 another within this state.

27 (rr) "Isolated" means the physical separation of animals by a
28 physical barrier or geographical distance in such a manner that
29 other animals do not have access to the isolated animals' bodies,



1 excrement, aerosols, or discharges, as approved by the director.

2 (ss) "Law enforcement agency" means the department of state
3 police, the department of natural resources, a law enforcement
4 agency of a county, township, city, or village, or a tribal law
5 enforcement agency that is responsible for the prevention and
6 detection of crime and enforcement of the criminal laws of this
7 state.

8 (tt) "Livestock" means those species of animals used for human
9 food or for fiber or those species of animals used for service to
10 humans. Livestock includes, but is not limited to, cattle, sheep,
11 new world camelids, old world camelids, goats, bison, privately
12 owned cervids, ratites, swine, equids, poultry, aquaculture
13 species, and rabbits. Livestock does not include dogs or cats.

14 (uu) "Livestock auction market" means a livestock market where
15 livestock is accepted on consignment and the auction method is used
16 in the marketing of consigned livestock as defined in 1937 PA 284,
17 MCL 287.121 to 287.131.

18 (vv) "National Poultry Improvement Plan" means a plan for the
19 control or eradication of certain poultry diseases that is
20 published in 9 CFR parts 56, 145, 146, and 147.

21 (ww) "Native" means an animal born and raised in this state,
22 or legally imported into this state and having complied with entry
23 requirements prescribed by the director, and having been maintained
24 in this state for at least 30 days.

25 (xx) "New world camelids" means animals belonging to the genus
26 llama and vicuna of the family camelidae of the order artiodactyla
27 including, but not limited to, the llama, alpaca, vicuna, and
28 guanaco.

29 (yy) "Offal" means the waste parts resulting from the



1 processing of animals, poultry, fish, and aquaculture species.
2 Offal does not include rendered products.

3 (zz) "Official identification" means an identification ear
4 tag, tattoo, electronic identification, or other identification
5 approved by the United States Department of Agriculture or the
6 department.

7 (aaa) "Official interstate health certificate" or "official
8 interstate certificate of veterinary inspection" means a form in
9 paper or electronic format approved by the director with a unique
10 identifier that documents the information required under section 20
11 and that is issued for animals that are being imported to or
12 exported from this state not more than 30 days prior to the
13 importation or exportation of those animals. A photocopy of an
14 official interstate health certificate or an official interstate
15 certificate of veterinary inspection is considered an official copy
16 if certified as a true copy by the issuing veterinarian or animal
17 health official of the state of origin.

18 (bbb) "Official intrastate health certificate" or "official
19 intrastate certificate of veterinary inspection" means a form in
20 paper or electronic format approved by the director with a unique
21 identifier that documents the information required under section 20
22 and that is issued for animals that are being moved within this
23 state not more than 30 days prior to the movement of those animals.
24 A photocopy of an official intrastate health certificate of
25 veterinary inspection is considered an official copy if certified
26 as a true copy by the issuing veterinarian or animal health
27 official.

28 (ccc) "Official test" means a sample of specific material
29 collected from an animal with official identification by an



1 accredited veterinarian, state or federal veterinary medical
2 officer, or other person authorized by the director and analyzed by
3 a laboratory certified by the United States Department of
4 Agriculture or the department to conduct the test, or a diagnostic
5 injection administered and analyzed by an accredited veterinarian
6 or a state or federal veterinary medical officer. An official test
7 is conducted only by an accredited veterinarian or a state or
8 federal veterinary medical officer except under special permission
9 by the director.

10 (ddd) "Official vaccination" means a vaccination that the
11 director has designated for a reportable animal disease,
12 administered by an accredited veterinarian or a state or federal
13 veterinary medical officer, and documented on a form supplied by
14 the department.

15 (eee) "Old world camelid" means a Bactrian or an Arabian or
16 dromedary camel.

17 (fff) "Originate" means the direct movement of animals from a
18 herd or flock of origin.

19 (ggg) "Person" means an individual, partnership, corporation,
20 cooperative, association, joint venture, or other legal entity
21 including, but not limited to, contractual relationships.

22 (hhh) "Potential high-risk area" means an area in this state
23 that has a defined dimension determined by the director in which a
24 specific reportable animal disease has been diagnosed in wild
25 animals.

26 (iii) "Poultry" means, but is not limited to, chickens, guinea
27 fowl, turkeys, waterfowl, pigeons, doves, peafowl, and game birds
28 that are propagated and maintained under the husbandry of humans.

29 (jjj) "Prior entry permit" means a code that is obtained from



1 the department for specific species of animals imported into this
 2 state that is recorded on the official interstate health
 3 certificate, official interstate certificate of veterinary
 4 inspection, or fish disease inspection report before entry into
 5 this state.

6 (kkk) "Prior movement permit" means prior documented
 7 permission given by the director before intrastate movement of an
 8 animal.

9 (lll) "Privately owned cervid" means all species of the cervid
 10 family including, but not limited to, deer, elk, moose, and all
 11 other members of the family cervidae propagated and maintained
 12 under the husbandry of humans for the production of meat and other
 13 agricultural products, sport, exhibition, or any other purpose
 14 approved by the director. A privately owned cervid at large remains
 15 a privately owned cervid as long as it bears visible identification
 16 and is recovered by its owner within 48 hours after the time the
 17 cervid is discovered.

18 (mmm) "Pullorum-typhoid" means a disease of poultry caused by
 19 *Salmonella pullorum* or *Salmonella gallinarum*.

20 (nnn) "Pullorum-typhoid clean flock" means a flock that
 21 receives and maintains this status by fulfilling the requirements
 22 prescribed in the National Poultry Improvement Plan.

23 (ooo) "Quarantine" means enforced isolation of an animal or
 24 group of animals or restriction of movement of an animal or group
 25 of animals, equipment, feed and food products, or vehicles to or
 26 from any structure, premises, or area of this state, including the
 27 entirety of this state, determined by the director.

28 (ppp) "Ratite" means flightless birds having a flat breastbone
 29 without the keellike prominence characteristic of most flying



1 birds. Ratites include, but are not limited to, cassowaries, kiwis,
2 ostriches, emus, and rheas.

3 (qqq) "Reasonable assistance" means safely controlling an
4 animal by corralling, stabling, kenneling, holding, tying,
5 chemically restraining, or confining by halter or leash or crowding
6 the animal in a safe and sensible manner so an examination or
7 testing procedure considered necessary by the director can be
8 performed.

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

12 (sss) "Rendered products" means waste material derived in
13 whole or in part from meat of an animal or other animal material
14 and other refuse of any character that has been associated with any
15 such material at any time during the handling, preparation,
16 cooking, or consumption of food that has been ground and heat-
17 treated to a minimum temperature of 170 degrees Fahrenheit for a
18 minimum of 30 minutes to make products including, but not limited
19 to, animal protein meal, poultry protein meal, fish protein meal,
20 grease, or tallow. Rendered products also include bakery wastes,
21 eggs, candy wastes, and domestic dairy products including, but not
22 limited to, milk.

23 (ttt) "Reportable animal disease" means an animal disease on
24 the current reportable animal disease list maintained by the state
25 veterinarian that poses a serious threat to the animal industry,
26 public health, or animal health.

27 (uuu) "Slaughter premises" means all facilities, buildings,
28 structures, including all immediate grounds where slaughtering
29 occurs under federal or state inspection, or otherwise authorized



1 by the director.

2 (vvv) "Sow" means a female swine that has farrowed or given
3 birth to or aborted 1 litter or more.

4 (www) "State veterinarian" means the chief animal health
5 official of this state as appointed by the director under section
6 7, or his or her authorized representative.

7 (xxx) "Surveillance zone" means an area in this state that has
8 a defined dimension determined by the director to be at risk for a
9 specific reportable animal disease and is located adjacent and
10 contiguous to an infected zone.

11 (yyy) "Swine" means any of the ungulate mammals of the family
12 suidae.

13 (zzz) "Toxic substance" means a natural or synthetic chemical
14 or radiologic material in concentrations that alone or in
15 combination with other natural or synthetic chemicals presents a
16 threat to the health, safety, or welfare of human or animal life or
17 that has the capacity to produce injury or illness through
18 ingestion, inhalation, or absorption through the body surface.

19 (aaaa) "Toxicological disease" means any condition caused by
20 or related to a toxic substance.

21 (bbbb) "Veterinarian" means a person licensed to practice
22 veterinary medicine under article 15 of the public health code,
23 1978 PA 368, MCL 333.16101 to 333.18838, or under a state or
24 federal law applicable to that person.

25 (cccc) "Veterinary biological" means all bacteria, viruses,
26 serums, toxins, and analogous products of natural or synthetic
27 origin, or products prepared from any type of genetic engineering,
28 such as diagnostics, antitoxins, vaccines, live microorganisms,
29 killed microorganisms, or the antigenic or immunizing components of



1 microorganisms intended for use in the diagnosis, treatment, or
2 prevention of diseases in animals.

3 (dddd) "Wild animal" means that term as defined in section
4 43508 of the natural resources and environmental protection act,
5 1994 PA 451, MCL 324.43508.

6 Sec. 3a. (1) If the director determines that a disease or
7 condition in animals in this state poses an extraordinary emergency
8 to the animal industry, public health, or human food chain of this
9 state, the director shall notify the governor of the determination
10 and the reasons for this determination. The director shall
11 recommend to the governor the procedures the director considers
12 necessary to eliminate the threat.

13 (2) Upon being notified, the governor may issue a proclamation
14 declaring a state of emergency. After proclamation of a state of
15 emergency by the governor, the governor may expedite necessary
16 procedures to control the spread of, or to eradicate, the disease
17 or condition.

18 (3) The director may develop, implement, and enforce a
19 scientifically based extraordinary emergency order if the director
20 determines that a delayed response to a specific reportable animal
21 disease or condition in animals will cause a significant impact on
22 animals, an animal industry, or public health. The extraordinary
23 emergency order shall be specific and shall consider the impact on
24 animals and product movement. An extraordinary emergency order
25 shall not be in effect for more than 72 hours without notification
26 to and advice from the impacted animal industry and in no case
27 shall remain effective for longer than 6 months. The director shall
28 act in consultation with the director of the department of health
29 and human services if there is an extraordinary emergency causing a



1 significant impact on public health.

2 Sec. 3b. (1) The director may develop, implement, and enforce
3 scientifically based orders. These orders may include requirements
4 for testing, animal or premises identification, record keeping,
5 premovement documentation, or on-farm management practices that
6 must be completed before the movement of animals from any premises
7 within this state, or between premises within this state.

8 (2) Before issuing an order described in subsection (1), the
9 department shall comply with all of the following to ensure public
10 notice and opportunity for public comment:

11 (a) The department shall develop scientifically based
12 requirements with advice and consultation from the impacted animal
13 industry and veterinary professionals.

14 (b) The department shall place the proposed requirements on
15 the commission of agriculture and rural development agenda at least
16 1 month before final review and issuance of the order by the
17 director. During the 1-month period described in this subdivision,
18 written comments may be submitted to the director and the director
19 shall hold at least 1 public hearing on the order within the
20 affected areas.

21 (c) The department shall, at least 1 month before
22 implementation of the order, place the proposed requirements in a
23 media channel in each county within the area subject to the
24 proposed requirements and at least 1 media channel having
25 circulation outside of the area.

26 (3) The director may revise or rescind an order described in
27 subsection (1). A revision or rescission described in this
28 subsection shall comply with the requirements of subsection (2),
29 unless the revision or rescission does not alter the boundary of a



1 previously established zone.

2 (4) The director may create an order to establish high-risk
3 areas, potential high-risk areas, a disease-free zone, an infected
4 zone, or a surveillance zone based upon the finding of a reportable
5 animal disease or scientifically based epidemiology and may consult
6 with the appropriate state or federal department or agency in
7 creating that order. The director shall notify the commission of
8 agriculture and rural development and the impacted animal industry.

9 (5) The director may call upon a law enforcement agency to
10 assist in enforcing the director's quarantines, orders, or any
11 other provision of this act.

12 (6) If the director considers it a benefit to the health or
13 condition of the animal industry in this state, the director may
14 enter into agreements with the federal government, other state
15 governments, tribal governments, or any other person to protect or
16 enhance the growth of this state's animal industry or the human
17 food chain.

18 Sec. 7. (1) The director ~~shall~~**must** appoint an individual as
19 state veterinarian who ~~shall~~**will** be the chief animal health
20 official of ~~the~~**this** state. The appointment shall be made in
21 accordance with the rules of the state civil service commission.
22 The individual appointed as state veterinarian ~~shall~~**must** maintain
23 a current license to practice veterinary medicine in this state and
24 be federally accredited in this state by the United States
25 ~~department~~**Department** of ~~agriculture~~**Agriculture**. The state
26 veterinarian ~~shall~~**must** be skilled in the diagnosis, treatment, and
27 control of infectious ~~, contagious,~~ and toxicological diseases of
28 ~~livestock~~**animals**. The state veterinarian ~~shall~~**must** also be
29 knowledgeable of state and federal laws as they relate to the



1 intrastate, interstate, and international movement of animals.

2 (2) Office facilities and laboratory services for the
3 investigation of infectious ~~, contagious,~~ or toxicological diseases
4 of animals shall be made available for the state veterinarian's
5 use.

6 (3) Under the direction of the director, the state
7 veterinarian shall do all of the following:

8 (a) Develop and enforce policy and supervise activities to
9 carry out this act and other state and federal laws, rules, and
10 regulations that pertain to the health and welfare of animals in
11 this state on public or private premises.

12 (b) Serve as the authority for animal welfare oversight on
13 livestock-related issues.

14 (c) Maintain a list of reportable animal diseases. The state
15 veterinarian shall review and update the list annually and more
16 often if necessary. When feasible and practical, the state
17 veterinarian shall seek input from stakeholders for any changes in
18 the list of reportable animal diseases.

19 (d) Develop and implement scientifically based surveillance
20 and monitoring programs for reportable animal diseases when the
21 director determines, with advice and consultation from the impacted
22 animal industry and veterinary profession, that these programs
23 would aid in the control or eradication of a specific reportable
24 animal disease or strengthen the economic viability of the
25 industry.

26 (e) Maintain a list of veterinary biologicals whose sale,
27 distribution, use, or administration by any person is reported to
28 the director when requested by the director within 10 working days
29 after the sale, distribution, use, or administration. The state



1 veterinarian shall review and update the list annually and more
2 often if necessary.

3 (f) Promulgate rules under the administrative procedures act
4 of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the use of
5 veterinary biologicals, including diagnostic biological agents.

6 (4) Unless otherwise prohibited by law, the state veterinarian
7 may enter upon any public or private premises to enforce this act.

8 (5) The state veterinarian shall maintain requirements for the
9 importation of animals into this state. When feasible and
10 practical, the state veterinarian shall seek input from
11 stakeholders for any changes in importation requirements.

12 (6) The director may waive any testing requirements after
13 epidemiologic review.

14 Sec. 9. (1) A person ~~who~~**that** discovers, suspects, or has
15 reason to believe that an animal is either affected by a reportable
16 **animal** disease or contaminated with a toxic substance shall
17 immediately report that fact, suspicion, or belief to the director.
18 The director shall take appropriate action to investigate the
19 report. A person possessing an animal affected by, or suspected of
20 being affected by, a reportable **animal** disease or contaminated with
21 a toxic substance shall allow the director to examine the animal or
22 collect diagnostic specimens. The director may enter premises where
23 animals, animal products, or animal feeds are suspected of being
24 contaminated with an infectious ~~or contagious~~ disease ~~or~~ a
25 disease caused by a toxic substance and seize or impound the animal
26 products or feed located on the premises. The director may withhold
27 a certain amount of animal products or feed for the purpose of
28 controlled research and testing. A person ~~who~~**that** knowingly
29 possesses or harbors affected or suspected animals shall not expose



1 other animals to the affected or suspected animals or otherwise
 2 move the affected or suspected animals or animals under quarantine
 3 except with permission from the director.

4 (2) A person owning animals shall provide reasonable
 5 assistance to the director during the examination and necessary
 6 testing procedures.

7 ~~(3) The director may call upon a law enforcement agency to~~
 8 ~~assist in enforcing the director's quarantines, orders, or any~~
 9 ~~other provisions of this act.~~ **All of the following apply to any**
 10 **medical or epidemiological information that identifies the owner of**
 11 **an animal and is gathered by the department in connection with the**
 12 **reporting of a discovery, suspicion, or reason to believe that an**
 13 **animal is either affected by a reportable animal disease or**
 14 **contaminated with a toxic substance, or information gathered in**
 15 **connection with an investigation of the reporting of a discovery,**
 16 **suspicion, or reason to believe that an animal is affected by a**
 17 **reportable animal disease or contaminated with a toxic substance:**

18 (a) The information is confidential.

19 (b) The information is exempt from disclosure under the
 20 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

21 (c) State employees or contractors are bound by section 2 of
 22 1973 PA 196, MCL 15.342, with respect to the information.

23 (d) The information is not open to public inspection without
 24 the owner's consent unless 1 of the following applies:

25 (i) Public inspection is necessary to protect the public health
 26 or animal health as determined by the director.

27 (ii) Public inspection is necessary to protect the public
 28 health, as determined by the director of the department of health
 29 and human services.



1 (e) If the information is released to a legislative body, the
2 information shall not contain any information that identifies a
3 specific owner or location.

4 (4) Notwithstanding any other provision of this act, the state
5 veterinarian shall be notified of a reportable animal disease found
6 in a wild bird, wild animal, game, or protected animal under the
7 natural resources and environmental protection act, 1994 PA 451,
8 MCL 324.101 to 324.90106, or a state or federal fish hatchery. The
9 appropriate resource agency, including, but not limited to, the
10 department of natural resources and the United States Fish and
11 Wildlife Service, shall retain authority over the wild bird, wild
12 animal, game, protected animal, or state or federal fish hatchery.

13 ~~(4) A person shall not remove or alter the official~~
14 ~~identification of an animal. A person shall not misrepresent an~~
15 ~~animal's identity or the ownership of an animal. A person shall not~~
16 ~~misrepresent the animal's health status to a potential buyer.~~

17 ~~(5) The director shall devise and implement a program to~~
18 ~~compensate livestock owners for livestock that die, are injured, or~~
19 ~~need to be destroyed for humane reasons due to injury occurring~~
20 ~~while the livestock are undergoing mandatory or required testing~~
21 ~~for a reportable disease.~~

22 ~~(6) Any medical or epidemiological information that identifies~~
23 ~~the owners of animals and is gathered in connection with the~~
24 ~~reporting of a discovery, suspicion, or reason to believe that an~~
25 ~~animal is either affected by a reportable disease or contaminated~~
26 ~~with a toxic substance, or information gathered in connection with~~
27 ~~an investigation of the reporting of a discovery, suspicion, or~~
28 ~~reason to believe that an animal is affected by a reportable~~
29 ~~disease or contaminated with a toxic substance is confidential, is~~



1 ~~exempt from disclosure under the freedom of information act, 1976~~
2 ~~PA 442, MCL 15.231 to 15.246, and is not open to public inspection~~
3 ~~without the individual's consent unless public inspection is~~
4 ~~necessary to protect the public or animal health as determined by~~
5 ~~the director. Such medical or epidemiological information that is~~
6 ~~released to a legislative body shall not contain information that~~
7 ~~identifies a specific owner.~~

8 ~~(7) As used in subsections (8) to (10):~~

9 ~~(a) "Disease free zone" means any area in the state with~~
10 ~~defined dimensions determined by the department in consultation~~
11 ~~with the United States department of agriculture to be free of~~
12 ~~bovine tuberculosis in livestock.~~

13 ~~(b) "Infected zone" means any area in the state with defined~~
14 ~~dimensions in which bovine tuberculosis is present in livestock and~~
15 ~~separated from the disease free zone by a surveillance zone as~~
16 ~~determined by the department in consultation with the United States~~
17 ~~department of agriculture.~~

18 ~~(c) "Official intrastate health certificate or official~~
19 ~~intrastate certificate of veterinary inspection" means a printed~~
20 ~~form adopted by the department and completed and issued by an~~
21 ~~accredited veterinarian that documents an animal's point of origin,~~
22 ~~point of destination, official identification, and any required~~
23 ~~official test results.~~

24 ~~(d) "Prior movement permit" means prior documented permission~~
25 ~~given by the director before movement of livestock.~~

26 ~~(e) "Surveillance zone" means any area in the state with~~
27 ~~defined dimensions that is located adjacent and contiguous to an~~
28 ~~infected zone as determined by the department in consultation with~~
29 ~~the United States department of agriculture.~~



1 ~~(8) The director may develop, implement, and enforce~~
 2 ~~scientifically based movement restrictions and requirements~~
 3 ~~including official bovine tuberculosis test requirements, prior~~
 4 ~~movement permits, official intrastate health certificates or animal~~
 5 ~~movement certificates to accompany movement of animals, and~~
 6 ~~official identification of animals for movement between or within a~~
 7 ~~disease free zone, surveillance zone, and an infected zone, or any~~
 8 ~~combination of those zones.~~

9 ~~(9) The department shall comply with the following procedures~~
 10 ~~before issuing zoning requirements described in subsection (8) that~~
 11 ~~assure public notice and opportunity for public comment:~~

12 ~~(a) Develop scientifically based zoning requirements with~~
 13 ~~advice and consultation from the livestock industry and veterinary~~
 14 ~~profession.~~

15 ~~(b) Place the proposed zoning requirements on the commission~~
 16 ~~of agriculture agenda at least 1 month before final review and~~
 17 ~~order by the director. During the 1 month period described in this~~
 18 ~~subdivision, written comments may be submitted to the director and~~
 19 ~~the director shall hold at least 1 public forum within the affected~~
 20 ~~areas.~~

21 ~~(c) Place the proposed zoning requirements at least 1 month~~
 22 ~~before implementation in a newspaper of each county within the~~
 23 ~~proposed zoning requirement area and at least 2 newspapers having~~
 24 ~~circulation outside of the proposed zoning requirement area.~~

25 ~~(10) The director may revise or rescind movement restrictions~~
 26 ~~and other requirements described in subsection (8), pursuant to~~
 27 ~~this section, and any revision or revocation of such movement~~
 28 ~~restrictions or other requirements shall comply with the procedure~~
 29 ~~set forth in subsection (9) unless the revision does not alter the~~



1 ~~boundary of a previously established zone.~~

2 ~~(11) As used in subsections (12) to (32):~~

3 ~~(a) "High-risk area" means an area designated by the director~~
4 ~~where bovine tuberculosis has been diagnosed in livestock.~~

5 ~~(b) "Intrastate movement" means movement from 1 premises to~~
6 ~~another within this state. Intrastate movement does not include the~~
7 ~~movement of livestock from 1 premises within the state directly to~~
8 ~~another premises within the state when both premises are a part of~~
9 ~~the same livestock operation under common ownership and both~~
10 ~~premises are directly interrelated as part of the same livestock~~
11 ~~operation. Except that when intrastate movement causes livestock to~~
12 ~~cross from 1 zone into another zone, livestock must meet the~~
13 ~~testing requirements for their zone of origin.~~

14 ~~(c) "Potential high-risk area" means an area determined by the~~
15 ~~director in which bovine tuberculosis has been diagnosed in wild~~
16 ~~animals only.~~

17 ~~(d) "Whole herd" means any isolated group of cattle, privately~~
18 ~~owned cervids, or goats maintained on common ground for any~~
19 ~~purpose, or 2 or more groups of cattle, privately owned cervids, or~~
20 ~~goats under common ownership or supervision geographically~~
21 ~~separated but that have an interchange or movement of cattle,~~
22 ~~privately owned cervids, or goats without regard to health status~~
23 ~~as determined by the director.~~

24 ~~(e) "Whole herd test" means a test of any isolated group of~~
25 ~~cattle or privately owned cervids 12 months of age and older or~~
26 ~~goats 6 months of age or older maintained on common ground for any~~
27 ~~purpose; 2 or more groups of cattle, goats, or privately owned~~
28 ~~cervids under common ownership or supervision geographically~~
29 ~~separated but that have an interchange or movement of cattle,~~



1 ~~goats, or privately owned cervids without regard to health status~~
 2 ~~as determined by the director; or any other test of an isolated~~
 3 ~~group of livestock considered a whole herd test by the director.~~

4 ~~(12) This section does not exempt dairy herds from being~~
 5 ~~tested in the manner provided for by grade "A" pasteurized milk~~
 6 ~~ordinance, 2001 revision of the United States public health~~
 7 ~~service/food and drug administration, with administrative~~
 8 ~~procedures and appendices, set forth in the public health~~
 9 ~~service/food and drug administration publication no. 229, and the~~
 10 ~~provisions of the 1995 grade "A" condensed and dry milk products~~
 11 ~~and condensed and dry whey-supplement I to the grade "A"~~
 12 ~~pasteurized milk ordinance, 2001 revisions, and all amendments to~~
 13 ~~those publications thereafter adopted pursuant to the rules that~~
 14 ~~the director may promulgate.~~

15 ~~(13) The director may establish high risk areas and potential~~
 16 ~~high-risk areas based upon scientifically based epidemiology. The~~
 17 ~~director shall notify the commission of agriculture and publish~~
 18 ~~public notice in a newspaper of each county with general~~
 19 ~~circulation in any area designated as a high-risk or potential~~
 20 ~~high-risk area.~~

21 ~~(14) All cattle and goat herds located in high-risk areas~~
 22 ~~shall be whole herd bovine tuberculosis tested at least once per~~
 23 ~~year. After the first whole herd bovine tuberculosis test, testing~~
 24 ~~shall occur between 10 and 14 months from the anniversary date of~~
 25 ~~the first test. This section does not prevent whole herd testing by~~
 26 ~~the owner or by department mandate at shorter intervals. When 36~~
 27 ~~months of testing fails to disclose a newly affected herd within~~
 28 ~~the high-risk area or any portion of the high-risk area, the~~
 29 ~~director shall remove the high risk area designation from all or~~



1 ~~part of that area.~~

2 ~~(15) Terminal operations located in high-risk areas in this~~
3 ~~state are exempt from the requirements of subsection (14) and shall~~
4 ~~be monitored by a written surveillance plan approved by the~~
5 ~~director.~~

6 ~~(16) All cattle and goat herds located in potential high-risk~~
7 ~~areas shall be whole herd bovine tuberculosis tested within 6~~
8 ~~months after the director has established a potential high-risk~~
9 ~~area or have a written herd plan with a targeted whole herd bovine~~
10 ~~tuberculosis testing date. When all herds meet the testing~~
11 ~~requirements imposed in this subsection, the director shall remove~~
12 ~~the potential high-risk area designation.~~

13 ~~(17) Terminal operations located in potential high-risk areas~~
14 ~~in this state are exempt from the requirements of subsection (16)~~
15 ~~and may be monitored by a written surveillance plan approved by the~~
16 ~~director.~~

17 ~~(18) Each owner of any privately owned cervid herd within a~~
18 ~~high-risk area shall cause an annual whole herd bovine tuberculosis~~
19 ~~test to be conducted on all privately owned cervids 12 months of~~
20 ~~age and older within the herd and all cattle and goats 6 months of~~
21 ~~age and older in contact with the cervids. Following the initial~~
22 ~~annual whole herd test, subsequent whole herd tests shall be~~
23 ~~completed at 9- to 15-month intervals. This section does not~~
24 ~~prevent whole herd testing by the owner or by department mandate at~~
25 ~~shorter intervals.~~

26 ~~(19) Each owner of any privately owned cervid ranch within a~~
27 ~~high-risk area may elect to undergo a tuberculosis slaughter~~
28 ~~surveillance plan approved by the director in lieu of the annual~~
29 ~~whole herd testing. This slaughter surveillance plan must include~~



1 ~~examination of animals removed from the herd for detection of~~
 2 ~~tuberculosis. Examination must be performed by a state or federal~~
 3 ~~veterinarian or accredited veterinarian. The number to be examined~~
 4 ~~at each testing interval shall include adult animals and must be~~
 5 ~~equal to the amount necessary to establish an official tuberculosis~~
 6 ~~monitored herd as defined in the bovine tuberculosis eradication~~
 7 ~~uniform methods and rules, effective January 22, 1999, and all~~
 8 ~~amendments to those publications thereafter adopted pursuant to~~
 9 ~~rules that the director may promulgate.~~

10 ~~(20) All cattle and goat herds, except livestock assembled at~~
 11 ~~feedlots where all animals are fed for slaughter before 24 months~~
 12 ~~of age, that are located in any area outside a high-risk area or a~~
 13 ~~potential high-risk area in this state shall be whole herd bovine~~
 14 ~~tuberculosis tested between January 1, 2000 and December 31, 2003.~~
 15 ~~Privately owned cervid herds located in the non high risk areas or~~
 16 ~~potential high-risk areas shall be tested per sections 30c and 30d.~~
 17 ~~The director may order testing for any reportable disease in any~~
 18 ~~geographical area or in any herd to accomplish surveillance~~
 19 ~~necessary for the state of Michigan to participate in the national~~
 20 ~~tuberculosis eradication program, to complete epidemiologic~~
 21 ~~investigations for any reportable disease, or in any instance where~~
 22 ~~a reportable disease is suspected. The director may establish a~~
 23 ~~surveillance testing program for cattle and goats to replace the~~
 24 ~~testing protocol and meet the intrastate movement requirements~~
 25 ~~under subsections (22) and (23). A person shall not sell or offer~~
 26 ~~for sale, move, or transfer any livestock that originate from a~~
 27 ~~herd or area under order for testing by the director unless the~~
 28 ~~livestock have met the requirements of the order issued under this~~
 29 ~~subsection. If a person does not cause a herd to be tested in~~



1 ~~compliance with this order, the director shall notify the person~~
 2 ~~responsible for management of the herd of the necessity for testing~~
 3 ~~to occur and the deadline for testing to occur and shall quarantine~~
 4 ~~any herd that has not been tested until such time as the testing~~
 5 ~~can be completed by state or federal regulatory veterinarians or~~
 6 ~~accredited veterinarians.~~

7 ~~(21) Terminal operations and privately owned cervid premises~~
 8 ~~located in any area outside a high risk area or a potential high-~~
 9 ~~risk area in this state may be exempted from subsection (18) and~~
 10 ~~may be monitored by a written surveillance plan approved by the~~
 11 ~~director.~~

12 ~~(22) Subject to subsection (24), cattle and goats originating~~
 13 ~~in an area not designated as a high-risk area moving intrastate~~
 14 ~~shall meet at least 1 of the following until the zone, area, or the~~
 15 ~~entirety of the state from which they originate receives~~
 16 ~~tuberculosis-free status from the United States department of~~
 17 ~~agriculture or under other circumstances as approved by the~~
 18 ~~director:~~

19 ~~(a) Originate directly from a herd that has received an~~
 20 ~~official negative whole herd bovine tuberculosis test within the 24~~
 21 ~~months before the intrastate movement.~~

22 ~~(b) Has received an individual official negative bovine~~
 23 ~~tuberculosis test within 60 days before the intrastate movements.~~

24 ~~(c) Has originated directly from an accredited bovine~~
 25 ~~tuberculosis-free herd as defined in title 9 of the code of federal~~
 26 ~~regulations and the bovine tuberculosis eradication: uniform~~
 27 ~~methods and rules, effective January 22, 1999, approved by~~
 28 ~~veterinary services of the United States department of agriculture,~~
 29 ~~and all amendments to those publications thereafter adopted~~



1 ~~pursuant to rules that the director may promulgate.~~

2 ~~(23) Subject to subsection (24), cattle and goats originating~~
 3 ~~in a high-risk area that move intrastate shall meet at least 1 of~~
 4 ~~the following until the zone, area, or the entirety of the state~~
 5 ~~from which they originate is no longer designated as a high-risk~~
 6 ~~area by the director or under other circumstances as approved by~~
 7 ~~the director:~~

8 ~~(a) Originate directly from a herd that has received an~~
 9 ~~official negative whole herd bovine tuberculosis test within the 12~~
 10 ~~months before the intrastate movement.~~

11 ~~(b) Has received an individual official negative bovine~~
 12 ~~tuberculosis test within 60 days before the intrastate movements.~~

13 ~~(c) Has originated directly from an accredited bovine~~
 14 ~~tuberculosis-free herd as defined in title 9 of the code of federal~~
 15 ~~regulations and the bovine tuberculosis eradication: uniform~~
 16 ~~methods and rules effective January 22, 1999, approved by~~
 17 ~~veterinary services of the United States department of agriculture,~~
 18 ~~and all amendments to those publications thereafter adopted~~
 19 ~~pursuant to rules that the director may promulgate.~~

20 ~~(24) Cattle and goats not meeting subsection (22) or (23) may~~
 21 ~~be sold through a livestock auction market for slaughter only.~~
 22 ~~Slaughter must occur within 5 days after the sale. The buyer of~~
 23 ~~livestock sold for slaughter shall provide verification that the~~
 24 ~~slaughter occurred within 5 days after sale upon request of the~~
 25 ~~director. Failure of a buyer of livestock sold for slaughter to~~
 26 ~~comply with this subsection subjects that buyer to the penalties~~
 27 ~~and sanctions of this act.~~

28 ~~(25) Privately owned cervids moving intrastate shall meet~~
 29 ~~requirements under section 30b.~~



1 ~~(26) Bovine tuberculosis testing required under this section~~
 2 ~~shall be an official test. Accredited veterinarians under contract~~
 3 ~~and approved under this subsection may be paid by the department~~
 4 ~~for testing services. Approved veterinarians paid by the department~~
 5 ~~or the United States department of agriculture for bovine~~
 6 ~~tuberculosis testing required by this section must attend an~~
 7 ~~initial bovine tuberculosis educational seminar approved by the~~
 8 ~~director.~~

9 ~~(27) Bovine tuberculosis testing shall be conducted by the~~
 10 ~~department, United States department of agriculture, or accredited~~
 11 ~~veterinarians.~~

12 ~~(28) Individual livestock that have been injected and are~~
 13 ~~undergoing bovine tuberculosis testing shall not be removed from~~
 14 ~~the premises where the test is administered until the test is read~~
 15 ~~except as permitted by the director.~~

16 ~~(29) With advice and consultation from the livestock industry~~
 17 ~~and veterinary profession, the director shall pay to a producer for~~
 18 ~~assistance approved by the Michigan commission of agriculture for~~
 19 ~~whole herd bovine tuberculosis testing required in subsections~~
 20 ~~(14), (16), (18), and (20).~~

21 ~~(30) The director shall pay to an operator or owner of a~~
 22 ~~livestock auction market on a 50/50 cost share basis for chutes,~~
 23 ~~gates, and remodeling to expedite identification of livestock for~~
 24 ~~bovine tuberculosis surveillance and eradication.~~

25 Sec. 11b. (1) All cattle , goats, sheep, and privately owned
 26 eervids shall **must** bear official identification before they leave a
 27 premises, **unless the first point of destination is a tagging**
 28 **agreement site approved by the director. As used in this**
 29 **subsection, "official identification" means an electronic radio**



1 frequency identification or other forms of official identification
2 for cattle as approved by the director.

3 (2) Subject to subsection (3), all goats, sheep, and privately
4 owned cervids shall bear official identification before they leave
5 a premises.

6 (3) Sheep and swine presented for exhibition or exposition or
7 at fairs within this state shall be individually identified with an
8 official identification tag. For purposes of this subsection, a
9 tattoo is not an official identification tag.

10 (4) ~~(2)~~—Compliance with this section regarding official
11 identification is the responsibility of the **animal** owner.

12 (5) A person shall not do either of the following:

13 (a) Remove or alter the official identification of an animal.

14 (b) Misrepresent an animal's identity or the ownership of an
15 animal.

16 (6) ~~(3)~~—Official identification ~~shall~~**may** be supplied by the
17 department.

18 Sec. 12. (1) The director may issue a quarantine on animals,
19 equipment, vehicles, structures, premises, or any area in ~~the~~**this**
20 state, including the entire state if necessary, for the purpose of
21 controlling or preventing the spread of a known or suspected
22 infectious ~~, contagious,~~ or toxicological disease.

23 (2) A person shall not move animals ~~that are under~~**or any**
24 **other items that are included in the** quarantine without permission
25 from the director.

26 (3) A person shall not allow animals under quarantine to
27 mingle **with** or have contact with other animals not under quarantine
28 without permission by the director.

29 (4) A person shall not import into this state an animal from



1 another state or jurisdiction if that animal is under quarantine by
 2 the other state or jurisdiction unless that person obtains prior
 3 permission from the director.

4 (5) A person shall not import into this state an animal
 5 species, including a genetically engineered organism that is a
 6 variant of that species, from an area under quarantine for that
 7 species for any infectious ~~, contagious,~~ or toxicological disease
 8 unless permission is granted from the director.

9 (6) The director may prescribe procedures for the
 10 identification, inventory, separation, mode of handling, testing,
 11 treatment, feeding, and caring for both quarantined animals and
 12 animals within a quarantined area to prevent the ~~infection or~~
 13 exposure of nonquarantined or quarantined animals to infectious ~~r~~
 14 ~~contagious,~~ or toxicological diseases.

15 (7) The director may prescribe procedures required before any
 16 animal, structure, premises, or area or zone in this state,
 17 including the entirety of ~~the~~ **this** state if necessary, are released
 18 from quarantine.

19 (8) An animal found running at large in violation of a
 20 quarantine may be killed by a law enforcement agency. The director
 21 may enlist the cooperation of a law enforcement agency to enforce
 22 the provisions of this quarantine. A law enforcement agency killing
 23 an animal due to a quarantine under this section is not subject to
 24 liability for the animal.

25 **Sec. 12a. (1) The director may require movement controls for**
 26 **the movement of animals within this state to prevent or control a**
 27 **specific reportable animal disease, as provided in section 3b.**

28 **(2) The director may require an official intrastate health**
 29 **certificate or official intrastate certificate of veterinary**



1 inspection or another form approved by the director to be prepared
2 and signed by an accredited veterinarian. The forms described in
3 this subsection shall include the information required in section
4 20(1) (a) to (e).

5 (3) Animals subject to movement controls required by the
6 director under subsection (1) shall be accompanied with a copy of
7 an official intrastate health certificate, official intrastate
8 certificate of veterinary inspection, or other form approved by the
9 director.

10 (4) When the intrastate movement of livestock causes livestock
11 to cross from 1 zone into another zone, the livestock shall meet
12 the testing requirements for their zone of origin or destination.

13 (5) If livestock enter a slaughter facility premises, the
14 livestock and offspring born on the premises shall not leave the
15 slaughter facility premises unless prior permission is granted by
16 the director to move the livestock to an alternate premises.

17 Sec. 12b. (1) Notwithstanding any other provision of this act
18 to the contrary, all live privately owned cervids moving from 1
19 premises to another premises within this state are subject to all
20 of the following requirements:

21 (a) Within 5 business days of the movement of the privately
22 owned cervids, the owner shall notify the department of the
23 information described in section 20(1) (a) and (b).

24 (b) The cervids shall be in compliance with section 11b and
25 bear official identification.

26 (2) All live privately owned cervids 6 months of age or older
27 moving from 1 premises to another premises within this state,
28 except those consigned directly to a state or federally inspected
29 slaughter facility premises, shall comply with 1 of the following:



1 (a) Originate directly from an official tuberculosis
2 accredited, qualified, or monitored herd as defined by the United
3 States Department of Agriculture, and be accompanied by a copy of
4 the current official letter from the department verifying herd
5 status.

6 (b) Originate directly from a herd that has received an
7 official negative tuberculosis test of all privately owned cervids
8 12 months of age or older and all cattle and goats 6 months of age
9 or older in contact with the herd within 24 months before movement.

10 (c) Receive an individual negative official test for
11 tuberculosis within 90 days before movement and a negative official
12 whole herd test within the 120 months before movement, and be
13 accompanied by a copy of the official tests for tuberculosis
14 verifying that testing.

15 (d) Be isolated from all other animals until it receives 2
16 official negative tuberculosis tests conducted not less than 90
17 days apart, with the first test conducted not more than 120 days
18 before movement.

19 (3) All live privately owned cervids less than 6 months of age
20 moving from 1 premises to another premises within this state,
21 except those consigned directly to a state or federally inspected
22 slaughter facility premises, must comply with 1 of the following:

23 (a) Originate directly from an official tuberculosis
24 accredited, qualified, or monitored herd as defined by the United
25 States Department of Agriculture, and be accompanied by a copy of
26 the current official letter from the department verifying the herd
27 status.

28 (b) Originate directly from a herd that has received an
29 official negative tuberculosis test of all privately owned cervids



1 12 months of age or older and all cattle and goats 6 months of age
2 or older in contact with the herd within 24 months before movement.

3 (c) Originate directly from a herd that has received an
4 official negative tuberculosis test of all privately owned cervids
5 12 months of age or older and all cattle and goats 6 months of age
6 or older in contact with the herd within the 120 months before
7 movement and be accompanied by an official permit for movement of
8 privately owned cervids less than 6 months of age within this state
9 and remain at the destination stated on the permit until it
10 receives an official negative tuberculosis test when it reaches 6
11 months of age, but not more than 8 months of age. For purposes of
12 this section, the age of the privately owned cervids shall be
13 determined by the age placed on the official permit for movement of
14 privately owned cervids less than 6 months of age within this
15 state. A copy of the official test for tuberculosis and a copy of
16 the official permit for movement of privately owned cervids less
17 than 6 months of age within this state shall be forwarded to the
18 department within 10 days following completion of the testing.

19 (4) Privately owned cervids with a response other than
20 negative to any tuberculosis test are not eligible for intrastate
21 movement without permission from the director.

22 (5) Privately owned cervids known to be affected with or
23 exposed to tuberculosis shall not be moved intrastate without
24 permission from the director.

25 (6) The department shall keep a current database of premises
26 where privately owned cervids are kept in this state. The database
27 shall include the owner's name, the owner's current address, the
28 location of the privately owned cervids, the species of the
29 privately owned cervids at the premises, identification of



1 individual animals, and the approximate number of privately owned
2 cervids at the premises.

3 Sec. 14. (1) If the director determines that the control or
4 eradication of a disease or condition of livestock warrants entry
5 onto property where livestock or domestic animals are located, the
6 director shall order the entry onto property where livestock or
7 domestic animals are located and authorize seizure, slaughter,
8 destruction, or other disposition of individual livestock or
9 domestic animals or the entire herd, flock, or school. ~~If the~~
10 ~~director has signed an order for the slaughter, destruction, or~~
11 ~~other disposition of livestock or domestic animals, the director~~
12 ~~shall notify the attorney general and the house and senate~~
13 ~~appropriations committees and the department of management and~~
14 ~~budget on the issue of indemnity under this section. The director~~
15 ~~may approve facilities and procedures for the orderly disposal of~~
16 ~~animals, animal products, and animal feeds for the purpose of~~
17 ~~controlling or preventing the spread of an infectious, contagious,~~
18 ~~or toxicological disease. The director may select a site or method~~
19 ~~for the disposal with the advice of the director of the department~~
20 ~~of environmental quality.~~ **aquaculture lot.**

21 ~~(2) The director may, under rules promulgated by the~~
22 ~~department, allow indemnification for the slaughter, destruction,~~
23 ~~or other disposition of livestock or domestic animals due to~~
24 ~~livestock diseases or toxicological contamination. If the director~~
25 ~~has signed an order for the slaughter, destruction, or other~~
26 ~~disposition of livestock or domestic animals, the owner may apply~~
27 ~~for indemnification. The director shall appraise and inventory the~~
28 ~~condemned livestock or domestic animals. The appraisals and~~
29 ~~inventories shall be on forms approved by the director. The~~



1 ~~director shall use agricultural pricing information from commercial~~
2 ~~livestock or domestic animal auction markets and other livestock or~~
3 ~~domestic animal market information as determined by the director to~~
4 ~~determine the value of condemned livestock or domestic animals.~~

5 ~~(3) Except as otherwise provided in subsection (5),~~
6 ~~indemnification for individual livestock or domestic animals within~~
7 ~~a herd, flock, or school shall be based upon 100% of the fair~~
8 ~~market value of that type of livestock or domestic animal on the~~
9 ~~date of the appraisal and marketable for the purpose for which the~~
10 ~~livestock or domestic animal was intended, not to exceed \$4,000.00~~
11 ~~for each livestock or domestic animal. The appraisal determination~~
12 ~~shall not delay the slaughter, destruction, or disposition of the~~
13 ~~livestock or domestic animals. The indemnification amount under~~
14 ~~this subsection shall include a deduction for any compensation~~
15 ~~received, or to be received, from any other source including, but~~
16 ~~not limited to, indemnification by the United States department of~~
17 ~~agriculture, insurance, salvage value, or any monetary value~~
18 ~~obtained to encourage disposal of infected or exposed livestock or~~
19 ~~domestic animals in accordance with a disease control or~~
20 ~~eradication program. The owner shall furnish to the department all~~
21 ~~records indicating other sources of indemnity. An affidavit signed~~
22 ~~by the owner attesting to the amount of compensation for the~~
23 ~~livestock received or to be received from any other source shall~~
24 ~~accompany the appraisal certificate before indemnification under~~
25 ~~this section.~~

26 ~~(4) Except as otherwise provided in subsection (5),~~
27 ~~indemnification for entire herd, flock, or school depopulations of~~
28 ~~livestock or domestic animals shall be based upon 100% of the fair~~
29 ~~market value of that type of animal on the date of the appraisal~~



1 ~~and marketable for the purpose for which the livestock or domestic~~
2 ~~animal was intended, not to exceed an average of \$4,000.00 per~~
3 ~~animal in the flock, herd, or school. The appraisal determination~~
4 ~~shall not delay depopulation. The indemnification amount under this~~
5 ~~section shall include a deduction for any compensation received, or~~
6 ~~to be received, from any other source including, but not limited~~
7 ~~to, indemnification by the United States department of agriculture,~~
8 ~~insurance, salvage value, or any monetary value obtained to~~
9 ~~encourage disposal of infected or exposed livestock or domestic~~
10 ~~animals in accordance with a disease control or eradication~~
11 ~~program. The owner shall furnish to the department all records~~
12 ~~indicating other sources of indemnity. An affidavit signed by the~~
13 ~~owner attesting to the amount of compensation for the livestock or~~
14 ~~domestic animals received, or to be received, from any other source~~
15 ~~shall accompany the appraisal certificate prior to indemnification~~
16 ~~under this section.~~

17 ~~(5) The department may provide for indemnity pursuant to this~~
18 ~~section not to exceed \$100,000.00 per order, from any line item in~~
19 ~~the annual budget for the department in the applicable fiscal year.~~
20 ~~Any agreement greater than \$100,000.00 entered into between the~~
21 ~~department and an owner of livestock shall contain a provision~~
22 ~~indicating that, notwithstanding the terms of the agreement,~~
23 ~~indemnification shall be subject to specific appropriations by the~~
24 ~~legislature and not be paid from department funds.~~

25 ~~(6) Acceptance of compensation under this act constitutes a~~
26 ~~full and complete release of any claim the owner has against the~~
27 ~~state of Michigan, its departments, agencies, officers, employees,~~
28 ~~agents, and contractors to the extent these persons were acting on~~
29 ~~behalf of the state, within the scope of their employment with the~~



1 ~~state or under the direction of the state, its departments,~~
 2 ~~agencies, officers, or employees, arising out of testing, purchase,~~
 3 ~~removal, slaughter, destruction, and other disposition of the~~
 4 ~~owner's animals.~~

5 ~~(7) The right to indemnity from the state for animals~~
 6 ~~condemned and ordered slaughtered, destroyed, or otherwise disposed~~
 7 ~~of by the director applies only to native livestock and native~~
 8 ~~domestic animals. Indemnification shall not apply to livestock or~~
 9 ~~domestic animals determined by the department to be imported~~
 10 ~~without meeting import requirements such as official interstate~~
 11 ~~health certificate or official interstate certificate of veterinary~~
 12 ~~inspection, required testing, required vaccination, or for~~
 13 ~~livestock or domestic animals determined by the department to have~~
 14 ~~been illegally moved within this state. An owner is not entitled to~~
 15 ~~indemnity from the state for an animal that comes into the~~
 16 ~~possession of the owner with the owner's knowledge that the animal~~
 17 ~~is diseased or is suspected of having been exposed to an~~
 18 ~~infectious, contagious, or toxicological disease. In addition, the~~
 19 ~~director shall not indemnify an owner for animals that have been~~
 20 ~~exposed to an animal that comes in to the possession of the owner~~
 21 ~~with the owner's knowledge that the animal is diseased or is~~
 22 ~~suspected of having been exposed to an infectious, contagious, or~~
 23 ~~toxicological disease.~~

24 ~~(8) A premises that has been depopulated shall be cleaned and~~
 25 ~~disinfected as prescribed by the director.~~

26 ~~(9) Repopulation of the premises, except as approved by the~~
 27 ~~director, shall not confer eligibility for future indemnity under~~
 28 ~~this section.~~

29 ~~(10) The department may cooperate and coordinate with the~~



1 ~~secretary of the United States department of agriculture or the~~
2 ~~secretary's authorized representative or other governmental~~
3 ~~departments or agencies regarding indemnification under this~~
4 ~~section.~~

5 ~~(11) Not less than annually, within 60 days after the close of~~
6 ~~the fiscal year, the director shall make a written report to the~~
7 ~~standing committees of the house of representatives and senate~~
8 ~~having jurisdiction on agricultural and farming issues. The report~~
9 ~~will include the following:~~

10 ~~(a) The amount expended by the department for bovine~~
11 ~~tuberculosis eradication during the preceding fiscal year.~~

12 ~~(b) An explanation of the expenditures made by the department~~
13 ~~for bovine tuberculosis eradication during the preceding fiscal~~
14 ~~year.~~

15 ~~(c) The status of bovine tuberculosis eradication efforts in~~
16 ~~Michigan.~~

17 ~~(12) Not less than annually, within 60 days after the close of~~
18 ~~the fiscal year, the director of the department of natural~~
19 ~~resources shall make a written report to the standing committees of~~
20 ~~the house of representatives and senate having jurisdiction on~~
21 ~~agricultural and farming issues. The report will include the~~
22 ~~following:~~

23 ~~(a) The amount expended by the department of natural resources~~
24 ~~for bovine tuberculosis eradication during the preceding fiscal~~
25 ~~year.~~

26 ~~(b) An explanation of the expenditures made by the department~~
27 ~~of natural resources for bovine tuberculosis eradication during the~~
28 ~~preceding fiscal year.~~

29 **(2) Animals ordered to be slaughtered, destroyed, or otherwise**



1 disposed of for infectious or toxicological disease shall be
2 identified and slaughtered, destroyed, or otherwise disposed of in
3 a manner approved by the director.

4 (3) The director may approve facilities and procedures for the
5 orderly disposal of animals, animal products, animal feeds, and
6 contaminated materials that cannot be appropriately disinfected to
7 control or prevent the spread of an infectious or toxicological
8 disease.

9 (4) The director may select a site or method for the disposal
10 described in subsection (3) with the advice of the director of the
11 department of environment, Great Lakes, and energy in compliance
12 with 1982 PA 239, MCL 287.651 to 287.683.

13 (5) A premises that has been depopulated shall be cleaned and
14 disinfected as prescribed by the director.

15 (6) Repopulation of a premises, except as approved by the
16 director, does not confer eligibility for future indemnity under
17 section 14a.

18 (7) The director may require additional biosecurity and
19 wildlife risk mitigation measures, as determined by the director in
20 an order under this act, before allowing repopulation of a
21 premises.

22 Sec. 14a. (1) The director may allow indemnification for the
23 slaughter or destruction of livestock due to a reportable animal
24 disease or toxicological contamination. If the director has signed
25 an order for the slaughter or destruction of livestock, the owner
26 may apply for indemnification. To be eligible for indemnification
27 in an area of this state where a reportable animal disease is
28 prevalent and an order of the director is in place, a defined
29 management plan for the area shall be in place. The director shall



1 appraise and inventory the condemned livestock. The appraisals and
2 inventories shall be on forms approved by the director. The
3 director shall use agricultural pricing information from commercial
4 livestock auction markets and other livestock market information as
5 determined by the director to determine the value of condemned
6 livestock.

7 (2) The director may allow indemnification for the slaughter
8 or destruction of domestic animals due to reportable animal
9 diseases or toxicological contamination. The director shall
10 appraise and inventory the condemned domestic animals. The
11 appraisals and inventories shall be on forms approved by the
12 director. The director shall use pricing information from domestic
13 animal auctions and other domestic animal market information as
14 determined by the director to determine the value of condemned
15 domestic animals.

16 (3) Indemnification for individual or entire herd, flock, or
17 aquaculture lot depopulations of livestock shall be based upon 100%
18 of the fair market value of that type of animal on the date of the
19 appraisal and marketable for the purpose for which the livestock
20 was intended, not to exceed \$10,000.00 for each livestock or an
21 average of \$5,000.00 per animal in the flock, herd, or aquaculture
22 lot. The appraisal determination shall not delay depopulation. The
23 indemnification amount under this section shall include a deduction
24 for any compensation received, or to be received, from any other
25 source, including, but not limited to, indemnification by the
26 United States Department of Agriculture, insurance, salvage value,
27 or any monetary value obtained to encourage disposal of infected or
28 exposed livestock in accordance with a disease control or
29 eradication program. The owner shall furnish to the department all



1 records indicating other sources of indemnity. An affidavit signed
2 by the owner attesting to the amount of compensation for the
3 livestock received, or to be received, from any other source shall
4 accompany the appraisal certificate before indemnification under
5 this section.

6 (4) Indemnification for individual or entire group
7 depopulations of domestic animals shall be based upon 100% of the
8 fair market value of that type of animal on the date of the
9 appraisal and marketable for the purpose for which the domestic
10 animal was intended, not to exceed \$4,000.00 for each domestic
11 animal or an average of \$500.00 per animal in the group. The
12 appraisal determination shall not delay depopulation. The
13 indemnification amount under this section shall include a deduction
14 for any compensation received, or to be received, from any other
15 source, including, but not limited to, indemnification by the
16 United States Department of Agriculture, insurance, salvage value,
17 or any monetary value obtained to encourage disposal of infected or
18 exposed domestic animals in accordance with a disease control or
19 eradication program. The owner shall furnish to the department all
20 records indicating other sources of indemnity. An affidavit signed
21 by the owner attesting to the amount of compensation for the
22 domestic animals received, or to be received, from any other source
23 shall accompany the appraisal certificate before indemnification
24 under this section.

25 (5) Acceptance of compensation under this act constitutes a
26 full and complete release of any claim the owner has against this
27 state and its departments, agencies, officers, employees, agents,
28 and contractors to the extent these persons were acting on behalf
29 of this state, within the scope of their employment with this state



1 or under the direction of this state, its departments, agencies,
2 officers, or employees, arising out of testing, purchase, removal,
3 slaughter, destruction, and other disposition of the owner's
4 livestock or domestic animals.

5 (6) The right to indemnity from this state for livestock or
6 domestic animals condemned and ordered slaughtered, destroyed, or
7 otherwise disposed of by the director applies only to native
8 livestock and native domestic animals or as directed by the
9 director. Indemnification is not available for livestock or
10 domestic animals determined by the department to be imported or to
11 be moved within this state without meeting import or movement
12 requirements, including, but not limited to, an official interstate
13 health certificate or official interstate certificate of veterinary
14 inspection, required testing, required vaccination, or for
15 livestock or domestic animals determined by the department to have
16 been illegally moved into or within this state. An owner is not
17 entitled to indemnity from this state for livestock or a domestic
18 animal that comes into the possession of the owner with the owner's
19 knowledge that the livestock or domestic animal is diseased or is
20 suspected of having been exposed to an infectious or toxicological
21 disease. The director shall not indemnify an owner for livestock or
22 domestic animals that have been exposed to livestock or a domestic
23 animal that comes into the possession of the owner with the owner's
24 knowledge that the livestock or domestic animal is diseased or is
25 suspected of having been exposed to an infectious, contagious, or
26 toxicological disease, or that are in violation of an order of the
27 director.

28 (7) This state shall not indemnify an owner of livestock or
29 domestic animals for the loss of the livestock or domestic animals



1 due to an infectious, contagious, or toxicological disease until
2 the owner executes and signs a subrogation agreement assigning to
3 this state the rights of the owner to a cause of action to recover
4 damages for the loss up to the amount of indemnification paid to
5 the owner under this act, and presents all necessary documents,
6 including registration papers, a statement of names and addresses
7 of all persons to whom or from whom the owner has transferred
8 livestock or domestic animals within a time period determined by
9 the director, and signed permission allowing the breed association
10 to disclose information requested by the director.

11 (8) The director may require additional biosecurity and
12 wildlife risk mitigation measures, as determined by the director in
13 an order under this act, for future indemnification eligibility
14 under this act.

15 (9) The department may cooperate and coordinate with the
16 United States Secretary of Agriculture or the secretary's
17 authorized representative or other governmental departments or
18 agencies regarding indemnification under this section.

19 (10) A livestock owner shall be compensated for livestock that
20 dies or needs to be destroyed for humane reasons due to an injury
21 occurring while the livestock is undergoing mandatory testing for a
22 reportable animal disease.

23 (11) As used in this section, "domestic animal" does not
24 include livestock.

25 Sec. 17b. (1) The director may order surveillance testing of
26 animals for a specific reportable animal disease in this state with
27 a defined dimension as determined by the director. The director may
28 also order surveillance testing of animals for either of the
29 following purposes:



1 (a) To accomplish surveillance necessary for this state to be
2 in compliance with rules and regulations adopted by the United
3 States Secretary of Agriculture under any act of Congress providing
4 for the prevention, control, or eradication of a reportable animal
5 disease.

6 (b) To complete epidemiologic investigations for a specific
7 reportable animal disease, or in any instance where a reportable
8 animal disease is suspected.

9 (2) The director may establish a surveillance testing program
10 for the intrastate movement of animals.

11 (3) The director may designate the status of certain herds,
12 flocks, or aquaculture lots as certified, accredited, validated,
13 qualified, monitored, clean, or free of a specific disease when the
14 herd, flock, or aquaculture lot has met the director's requirements
15 for that status.

16 (4) Livestock in a herd, flock, or aquaculture lot that is
17 undergoing an official test shall not be removed from the premises
18 until the test results from the herd, flock, or aquaculture lot are
19 available, except as permitted by the director.

20 Sec. 17c. (1) As used in this section:

21 (a) "Change of ownership and location" means a transfer of
22 ownership of an equid from 1 person to another person through
23 selling, bartering, trading, leasing, adopting, or donating the
24 equid along with a change of location of the equid.

25 (b) "Equid herd" means any of the following:

26 (i) All animals of the family equidae under common ownership or
27 supervision that are grouped on 1 or more parts of any single
28 premises, lot, farm, or ranch.

29 (ii) All animals of the family equidae under common ownership



1 or supervision on 2 or more premises that are geographically
2 separated but in which either or both of the following have
3 occurred:

4 (A) The equids have been interchanged.

5 (B) Equids from 1 of the premises have had contact with equids
6 from a different premises.

7 (iii) All animals of the family equidae on common premises, such
8 as community pastures or grazing association units, but owned by
9 different persons.

10 (c) "Equine infectious anemia" means an infectious disease of
11 an equid caused by a lentivirus, equine infectious anemia virus.

12 (d) "Equine infectious anemia laboratory test form" means the
13 official federal government form required to submit blood samples
14 to an approved laboratory for equine infectious anemia testing or
15 other form approved by the director.

16 (e) "Equine infectious anemia test-positive equid" means any
17 animal of the family equidae that has been subjected to an official
18 equine infectious anemia test whose result is positive for equine
19 infectious anemia.

20 (f) "Exposed equid" means an animal in the family equidae that
21 has been exposed to equine infectious anemia by associating with an
22 equid known or later found to be affected with equine infectious
23 anemia.

24 (g) "Official equine infectious anemia test" means any test
25 for the laboratory diagnosis of equine infectious anemia that
26 utilizes a diagnostic product that is both of the following:

27 (i) Produced under license from the secretary of agriculture of
28 the United States Department of Agriculture, or the secretary's
29 authorized representative, under the virus-serum-toxin act, 21 USC



1 151 to 159.

2 (ii) Conducted in an approved laboratory.

3 (h) "Permit" means an official document or a United States
4 Department of Agriculture Veterinary Services form 1-27, commonly
5 known as vs form 1-27, or comparable state form, issued by a state
6 or federal representative or by an accredited veterinarian, that is
7 required to accompany an equine infectious anemia test-positive
8 equid or an exposed equid that is being moved under official seal
9 during its movement to a specified destination.

10 (i) "Restricted equid" means an equine infectious anemia test-
11 positive equid or exposed equid.

12 (2) Subject to subsection (3), before an equid may participate
13 in any of the following activities, it shall have an official
14 equine infectious anemia test with a negative result within the
15 previous 12 months of entry documented on an equine infectious
16 anemia laboratory test form:

17 (a) Exhibitions, expositions, or fairs.

18 (b) Change of ownership and location within this state.

19 (c) Entering, remaining at, or being present on the premises
20 of horse auctions or sales markets whether or not licensed under
21 1974 PA 93, MCL 287.111 to 287.119, and 1937 PA 284, MCL 287.121 to
22 287.131. If an equine infectious anemia test is not possible before
23 sale, then the equid must be held on the sale premises until the
24 test results are known.

25 (3) Subsection (2) does not apply to an equid that is both 6
26 months or younger and nursing.

27 (4) An equid that changes ownership and location in this state
28 or that is moved into this state from another state must have an
29 official equine infectious anemia test with a negative result



1 within the previous 12 months. An equid moved into this state from
2 another state must meet the requirements of section 19.

3 (5) An equine infectious anemia laboratory test form shall
4 contain, at a minimum, the color, breed, sex, age, markings, name
5 of owner, and location or address of the equid to which it applies.
6 A photographic or graphic likeness may also be used to demonstrate
7 the color and markings of the equid.

8 (6) An owner of an equid or an organization sponsoring an
9 event involving equids may require an official equine infectious
10 anemia test for the equids involved in an equid group activity or
11 that are commingling with or in proximity to other equids.

12 (7) The department shall test all equids located within a 1/4-
13 mile radius of the perimeter of the area in which an equine
14 infectious anemia test-positive equid is or has been contained at
15 the expense of the department. If the director determines that a
16 large number of equids are equine infectious anemia test-positive,
17 the director may require testing of all equids within an area
18 larger than the 1/4-mile radius described in this subsection at the
19 expense of the department.

20 (8) The director shall quarantine an equid that tests positive
21 to an official equine infectious anemia test and its herd of
22 origin. Equids that test positive to an official equine infectious
23 anemia test may, with approval from the director, be moved or
24 quarantined to a premises that confines them to an area that is a
25 minimum of 1/4 mile away from any other equid. Equids that test
26 positive to an official equine infectious anemia test may, with
27 approval from the director, be segregated and quarantined in an
28 insect-free enclosure as determined by the director.

29 (9) The owner or agent of an equid herd that is the source of



1 an equine infectious anemia test-positive equid shall allow the
2 director to test, in accordance with the following schedule, the
3 complete source herd with an official equine infectious anemia test
4 after the official equine infectious anemia test-positive equid has
5 been removed or segregated from the herd in a manner approved by
6 the director:

7 (a) Between November 1 and April 30, a source herd may be
8 tested at any time and qualify for quarantine release if all tested
9 equids are negative to an official equine infectious anemia test.

10 (b) Between May 1 and October 31, a source herd may be tested
11 after waiting a minimum of 45 days after the official equine
12 infectious anemia test-positive equid has been removed or
13 segregated from the herd. If all equids tested are negative to the
14 official equine infectious anemia test, the quarantine may be
15 released.

16 (10) To the best of his or her knowledge, the owner of an
17 equine infectious anemia test-positive equid shall provide to the
18 department records reflecting the time period during which the
19 equine infectious anemia test-positive equid both had been on the
20 premises and had been a member of the equid herd that include at
21 least the following information:

22 (a) The name and address of the previous owner.

23 (b) The location of other equids that were potentially exposed
24 to the equine infectious anemia test-positive equid.

25 (11) Within 30 days after positive test results are reported
26 to an owner of an equine infectious anemia test-positive equid or
27 at a different time period agreed to by the director, the owner of
28 an equine infectious anemia test-positive equid shall provide to
29 the department the records described in subsection (10).



1 (12) The director may conduct epidemiological investigations
2 on all equids that have possible exposure to official equine
3 infectious anemia test-positive equids to determine the need for
4 additional quarantining and official equine infectious anemia
5 testing.

6 (13) A person shall not destroy or remove an official equine
7 infectious anemia test-positive equid from the original test
8 location or premises without prior permission from the director.

9 (14) The owner shall not destroy an official equine infectious
10 anemia test-positive equid without permission from the director.
11 The director shall be present when the equid is destroyed or shall
12 allow an accredited veterinarian to document and certify that the
13 official equine infectious anemia test-positive equid has been
14 destroyed. The director shall not issue a quarantine release until
15 the official equine infectious anemia test-positive equid has been
16 destroyed.

17 (15) Unless immediately destroyed, an official equine
18 infectious anemia test-positive equid shall be identified by the
19 director with the freeze brand 34A, which shall be in characters
20 not less than 2 inches in height and placed on the left cervical
21 area of the neck or shall be identified in another manner approved
22 by the director.

23 (16) Restricted equids may move interstate only if accompanied
24 by a permit listing the owner's name and address, points of origin
25 and destination, number of equids included, purpose of the
26 movement, and at least either the individual equid registered breed
27 association registration tattoo or the individual equid registered
28 breed association registration number, or other unique official
29 identification. The permit shall also list the name, age, sex,



1 breed, color, and markings of the equids.

2 (17) An equine infectious anemia test-positive equid may only
3 move interstate under permit to the following locations, or as
4 determined by the director:

5 (a) A federally inspected slaughter facility.

6 (b) A federally approved diagnostic or research facility.

7 (c) A herd or farm of origin.

8 (18) The individual issuing the permit described in subsection
9 (16) shall consult with the state animal health official in the
10 state of destination for approval and shall determine that the
11 equine infectious anemia test-positive equid to be moved interstate
12 will be maintained in isolation sufficient to prevent the
13 transmission of equine infectious anemia to other equids. An equine
14 infectious anemia test-positive equid that is moved to a location
15 described in subsection (17) shall remain quarantined under state
16 authority at that location until natural death, slaughter, or
17 euthanasia. The carcass shall be disposed of as provided in 1982 PA
18 239, MCL 287.651 to 287.683.

19 (19) An individual exposed equid may be allowed to move from a
20 quarantined area for specific purposes if it has a negative test at
21 the time of movement. The equid shall be moved under quarantine and
22 maintained under quarantine at the new premises until tested
23 negative to an official equine infectious anemia test at least 60
24 days after the last known exposure to an equine infectious anemia
25 test-positive equid.

26 Sec. 17d. (1) The owner of a newly established privately owned
27 cervid operation shall initiate testing for tuberculosis within 18
28 months following assembly of the herd. The testing required by this
29 subsection must be conducted by an accredited veterinarian. This



1 subsection does not apply to an owner that follows a bovine
 2 tuberculosis accreditation program or an owner that acquired the
 3 cervids from a herd that was subject to bovine tuberculosis
 4 accreditation program requirements.

5 (2) A privately owned cervid premises shall meet minimum
 6 requirements for chronic wasting disease testing as required by the
 7 director. The owner of a privately owned cervid operation shall
 8 submit samples to an approved laboratory.

9 (3) A privately owned cervid premises that is licensed as a
 10 full facility under the privately owned cervidae producers
 11 marketing act, 2000 PA 190, MCL 287.951 to 287.969, shall
 12 participate in the chronic wasting disease herd certification
 13 program.

14 Sec. 19. (1) ~~Livestock~~ **An animal** imported into this state
 15 shall meet any and all requirements under ~~appropriate~~ **the**
 16 **applicable** provisions of this act and, **notwithstanding the**
 17 **provisions of any other act**, shall be accompanied by 1 of the
 18 following:

19 (a) An official interstate health certificate ~~or~~

20 ~~(b) An or an~~ official interstate certificate of veterinary
 21 inspection.

22 (b) ~~(e)~~ An owner-shipper statement or sales invoice if
 23 **imported and** consigned directly to slaughter ~~or if nonnative~~
 24 ~~neutered cattle imported directly to a cattle importation~~
 25 ~~let through a livestock auction market and then directly to~~
 26 **slaughter.**

27 (c) ~~(d)~~ A "report of sales of hatching eggs, chicks, and
 28 poults", ~~(vs form 9-3)~~ **United States Department of Agriculture**
 29 **Veterinary Services form 9-3, commonly known as vs form 9-3, for**



1 participants in the ~~national poultry improvement plan~~. **National**
 2 **Poultry Improvement Plan.**

3 (d) ~~(e)~~—A "permit for movement of restricted animals", ~~(vs~~
 4 ~~form 1-27)~~, **United States Department of Agriculture Veterinary**
 5 **Services form 1-27, commonly known as vs form 1-27**, if prior
 6 approval is granted by the director.

7 (e) ~~(f)~~—A fish disease inspection report for aquaculture only.

8 (f) ~~(g)~~—Permission from the director.

9 (2) **All livestock imported into this state shall meet federal**
 10 **regulations for official identification under 9 CFR part 86, unless**
 11 **otherwise approved by the director.**

12 (3) ~~(2)~~—Brucellosis or tuberculosis officially classified
 13 suspect or reactor cattle shall not be imported into this state.

14 (4) ~~(3)~~—A person shall not import or move intrastate livestock
 15 known to be affected with or exposed to chronic wasting disease,
 16 tuberculosis, ~~or~~ brucellosis, **or any other disease identified by**
 17 **the director**, as determined by an official test, without permission
 18 of the director.

19 (5) ~~(4)~~—The director may require that a prior entry permit be
 20 obtained for certain classifications of livestock.

21 (6) ~~(5)~~ ~~Any~~ **A** person, consignee, dealer, or livestock market
 22 operator must ensure that any testing **of an animal** required under
 23 this act, any official identification **of an animal** required under
 24 this act, and ~~any requirements for official interstate or~~
 25 ~~intrastate health certificate, official interstate or intrastate~~
 26 ~~certificate of veterinary inspection, animal movement certificate,~~
 27 ~~owner-shipper statement, sales invoice, "report of sales of~~
 28 ~~hatching eggs, chicks, and poults" (vs form 9-3), "permit for~~
 29 ~~movement of restricted animals" (vs form 1-27), or prior entry~~



1 ~~permit have been fulfilled before accepting any animals on such a~~
 2 ~~certificate and that a true copy is provided to the director upon~~
 3 ~~request.~~ **the appropriate documentation for an animal, accompanies**
 4 **the animal as provided in subsection (1).**

5 (7) ~~(6) Livestock~~ **An animal** shall not be diverted to premises
 6 other than the destination site named on the ~~official interstate or~~
 7 ~~intrastate health certificate, official interstate or intrastate~~
 8 ~~certificate of veterinary inspection, owner shipper statement, sale~~
 9 ~~invoice, entry authorization form, exit authorization form, prior~~
 10 ~~movement form, vs form 9-3, or vs form 1-27.~~ **documentation described**
 11 **in subsection (1) that accompanies the animal.**

12 (8) ~~(7) Livestock~~ **An animal** imported for exhibition shall meet
 13 the requirements ~~prescribed by~~ **of** this act for importation of
 14 ~~breeding animals of that~~ **the applicable** species and shall be
 15 accompanied by a copy of an official interstate health certificate
 16 or an official interstate certificate of veterinary inspection
 17 issued by an accredited veterinarian from the state of origin.

18 (9) ~~(8)~~ The director may refuse entry into this state of
 19 ~~livestock~~ **an animal** that the director has reason to believe may
 20 pose a threat to the public health or **the** health of ~~livestock.~~
 21 ~~Livestock animals.~~ **An animal** imported into this state shall not
 22 originate from a herd under quarantine unless accompanied by
 23 permission issued by the director. The director may waive specific
 24 requirements if ~~it is determined~~ **he or she determines** that
 25 ~~livestock~~ **an animal** imported from a certain area or state ~~are is~~
 26 not a threat to the public health or **the** health of
 27 ~~livestock animals.~~

28 (10) ~~(9)~~ If the director determines that there is a threat to
 29 public health or a threat to the health of animals in this state,



1 ~~the director~~ **he or she** may require additional testing, and
 2 vaccination, ~~requirements~~ **or biosecurity measures** for animals
 3 imported or to be imported into this state.

4 (11) Upon request of the director, a person transporting an
 5 animal shall produce the documentation required in subsection (1).

6 (12) The director may waive any testing requirements for
 7 importation of animals into this state based upon epidemiologic
 8 review and may consult with the appropriate state or federal
 9 department or agency to make that determination.

10 Sec. 20. (1) An official interstate or intrastate health
 11 certificate or official interstate or intrastate certificate of
 12 veterinary inspection shall be prepared and signed by an accredited
 13 veterinarian ~~in the state of origin~~ for animals requiring such a
 14 certificate and being imported into this state, or being moved from
 15 1 premises to another premises within this state. An official
 16 interstate or intrastate health certificate or official interstate
 17 or intrastate certificate of veterinary inspection for animals
 18 being imported to or exported from this state or being moved from 1
 19 premises to another premises within this state when required shall
 20 include all of the following:

21 (a) The complete names, **telephone numbers**, and **physical**
 22 addresses of the consignor and consignee, **the address of the**
 23 **premises of the animals to be moved**, and the **physical** destination
 24 address if different from the consignee address.

25 (b) A description of the animals by breed, sex, ~~and~~ age, and a
 26 signed certification by the consignor that the animals in the
 27 shipment are those described on the certificate. The **individual**
 28 **official identification number, as determined by the** director. ~~may~~
 29 ~~require that certain classifications of animals be individually~~



1 ~~officially identified by ear tag, tattoo, brand, or registration~~
2 ~~number.~~

3 (c) The date of examination of the animals by the accredited
4 veterinarian preparing the certificate, **and the date the**
5 **certificate was issued.**

6 (d) The intended use of the ~~livestock, animals,~~ including, **but**
7 **not limited to,** use for **sale,** dairy, breeding, feeding or grazing,
8 ~~or exhibition,~~ immediate slaughter, **or other.**

9 (e) The health status of the animals by recording the results
10 of the required tests, required vaccinations, and any other data
11 concerning the health of the animals including herd or state
12 disease-free status. The accredited veterinarian preparing the
13 certificate shall certify that the animals are free from clinical
14 signs of infectious ~~, contagious,~~ or toxicological diseases.

15 (f) The prior entry permit **number** issued by the director, if a
16 prior entry permit is required.

17 (2) A copy of the official interstate or intrastate health
18 certificate or official interstate or intrastate certificate of
19 veterinary inspection for ~~livestock-animals~~ being exported from
20 this state or for ~~livestock-animals~~ being moved from 1 premises to
21 another premises within this state shall be forwarded by the
22 issuing accredited veterinarian to the state veterinarian within ~~10~~
23 **7** working days after the date of issuance.

24 (3) Livestock delivered directly to a slaughter plant shall be
25 slaughtered within 5 days except for swine, which shall be
26 slaughtered within 48 hours. Livestock for slaughter delivered to a
27 **market for** livestock auction ~~market~~ as **that term is** defined in 1937
28 PA 284, MCL 287.121 to 287.131, shall be slaughtered within ~~10-5~~
29 days.



1 Sec. 22. (1) If an animal is imported into this state without
2 the required official tests, **vaccination, official identification,**
3 or documents, the director may do ~~any or all~~ **1 or more** of the
4 following:

5 (a) Quarantine the animal **or the premises, or both.**

6 (b) Require that the required tests, **vaccination, official**
7 **identification,** or documents be performed or obtained at the
8 owner's expense.

9 (c) Require the animal be returned to the state of origin
10 ~~within 10 days after such notification~~ **that the animal was imported**
11 **into this state without the required tests, vaccination, official**
12 **identification, or documents.**

13 (d) Order the slaughter, destruction, or other disposition of
14 the ~~livestock, animal,~~ if ~~it is determined by the director~~
15 **determines** that the control or eradication of a disease or
16 condition of the ~~livestock animal~~ is warranted. ~~Livestock~~
17 ~~determined to be imported without meeting import requirements are~~
18 ~~not eligible for indemnity.~~

19 (e) Allow a direct movement of the animal, ~~or animals~~ **if**
20 **applicable,** to slaughter by permit.

21 (f) Allow legal importation into another state.

22 (2) If the official test result, **proof of vaccination, proof**
23 **of identification,** or proof of shipment of the animal back to the
24 state of origin has not been received within 15 days after
25 notification, the director may order that ~~the any~~ required tests,
26 **vaccinations, or identification** be performed by a department **or**
27 **accredited** veterinarian, at the owner's or importer's expense.

28 Sec. 31. (1) **The director may create an order as provided in**
29 **this section.**



1 (2) Any species having the potential to spread serious
 2 diseases or parasites, to cause serious physical harm, or to
 3 otherwise endanger ~~native wildlife,~~ **wild animals, wild animal and**
 4 **domesticated animal crosses,** human life, livestock, domestic
 5 animals, or property, as determined by the director, shall not be
 6 imported into this state, **except as determined by the director of**
 7 **the department of natural resources under section 40107 of the**
 8 **natural resources and environmental protection act, 1994 PA 451,**
 9 **MCL 324.40107.** An order of the director under this subsection
 10 applies to ~~a genetically engineered variant of the species~~
 11 identified in the order, unless the order expressly provides
 12 otherwise. ~~An order of the director under this subsection may be~~
 13 ~~limited to a genetically engineered organism.~~

14 (3) ~~(2)~~ The director may require compliance with any or all of
 15 the following before the importation of a wild animal or an exotic
 16 animal species not regulated by the ~~fish~~ **Fish** and ~~wildlife service~~
 17 **Wildlife Service** of the United States ~~department~~ **Department** of
 18 ~~interior~~ **Interior** or the department of natural resources of this
 19 state:

20 (a) Physical examination by an accredited veterinarian be
 21 conducted after importation to determine the health status, proper
 22 housing, husbandry, and confinement of any animal permitted to
 23 enter this state.

24 (b) Negative test results to specific official tests required
 25 by the director within a time frame before importation into this
 26 state as determined by the director.

27 (c) Identification prior to importation in a manner approved
 28 by the director.

29 (d) **A prior entry permit.**



1 ~~(3) An order of the director under subsection (2) applies to a~~
 2 ~~genetically engineered variant of the species identified in the~~
 3 ~~order, unless the order expressly provides otherwise. An order of~~
 4 ~~the director under subsection (2) may be limited to a genetically~~
 5 ~~engineered organism.~~

6 ~~(4) An official interstate health certificate or official~~
 7 ~~interstate certificate of veterinary inspection signed by an~~
 8 ~~accredited veterinarian from the state of origin shall accompany~~
 9 ~~all wild animal or exotic animal species imported into this state.~~
 10 ~~The official interstate health certificate or official interstate~~
 11 ~~certificate of veterinary inspection shall comply with all the~~
 12 ~~requirements of section 20(1)(a), (b), (c), (d), (e), and (f).~~

13 ~~(5) A wild animal or exotic animal species permitted to enter~~
 14 ~~this state shall receive housing, feeding, restraining, and care~~
 15 ~~that is approved by the director.~~

16 **(4)** ~~(6)~~ A person shall not import or release live feral swine
 17 or any crosses of feral swine in this state for any purpose without
 18 permission from the director.

19 **(5) Notwithstanding any other provision of this act, and**
 20 **unless otherwise allowed under section 22 of the large carnivore**
 21 **act, 2000 PA 274, MCL 287.1122, a person shall not import a large**
 22 **carnivore, as that term is defined in section 2 of the large**
 23 **carnivore act, 2000 PA 274, MCL 287.1102, into this state.**

24 **(6) Notwithstanding any other provision of this act, and**
 25 **unless otherwise allowed under section 22 of the wolf-dog cross**
 26 **act, 2000 PA 246, MCL 287.1022, a person shall not import a wolf-**
 27 **dog cross, as that term is defined in section 2 of the wolf-dog**
 28 **cross act, 2000 PA 246, MCL 287.1002, into this state.**

29 Sec. 39. **(1)** Unless otherwise approved or waived by the



1 director, **all of** the following ~~shall~~ apply to exhibition
2 facilities:

3 (a) A facility for exhibition of ~~livestock~~-**animals** shall be
4 constructed **in a manner** to allow sufficient separation of each
5 exhibitor's ~~livestock~~-**animals** and to allow for sufficient
6 separation of species. The facility shall be constructed of a
7 material that can be adequately cleaned and disinfected.

8 (b) **Animal housing shall be constructed and placed to provide**
9 **adequate light and ventilation appropriate for the animals being**
10 **housed.**

11 (c) ~~(b)~~-An exhibition building or yarding facility **and**
12 **associated buildings** shall be cleaned and disinfected with ~~USDA-~~
13 ~~approved~~-**a state veterinarian-approved** disinfectant used in
14 accordance with label instructions before ~~livestock~~-**animals** are
15 admitted. ~~by removing from the premises all manure, litter, hay,~~
16 ~~straw, and forage from pens, runways, and show rings, and~~
17 ~~thoroughly disinfecting walls, partitions, floors, mangers, yarding~~
18 ~~facilities, and runways before each use in a manner approved by the~~
19 ~~director.~~

20 (d) **Access to hand-cleansing facilities or hand-sanitizing**
21 **methods shall be available in close proximity to each building that**
22 **houses animals.**

23 (e) **Bedding used by livestock, feed waste, shipping**
24 **containers, and other animal-associated waste shall be removed from**
25 **the animal area and disposed of in a timely and responsible manner.**

26 (f) **An animal shall not be used as a prize at a carnival or a**
27 **midway activity unless approved by the director.**

28 (2) **As used in this section:**

29 (a) **"Carnival" means a traveling carnival, charity fund-**



1 raiser, amusement arcade, amusement park, or a state or county fair
2 or similar event.

3 (b) "Midway activity" means a game of chance, game of skill,
4 or any other game for amusement or entertainment at a carnival.

5 Sec. 40. (1) A fair, **exhibition, exposition, or show** shall
6 have an accredited veterinarian on call whenever there are animals
7 on the premises during the ~~fair~~**event**.

8 (2) A fair, exhibition, exposition, or show authority shall do
9 all of the following:

10 (a) Notify exhibitors of **the official identification**, health
11 tests, and certificates required for importation **into** and
12 exhibition in this state.

13 (b) Examine and approve required ~~health~~**official** certificates
14 **of veterinarian inspection**, reports, test charts, ~~certificates~~, or
15 other required documentation before displaying, exhibiting, or
16 stabling the animals in the exhibition area or before commingling
17 with other animals.

18 (c) Provide shipping arrangements for all ~~swine~~**livestock**
19 exhibited that are to be removed from the fair, exhibition,
20 exposition, or show facility for direct movement to slaughter or a
21 **market for** livestock auction ~~market~~**as that term is** defined in 1937
22 PA 284, MCL 287.121 to 287.131.

23 (d) Notify exhibitors whether or not poultry vaccinated
24 against infectious laryngotracheitis are allowed in the fair,
25 exhibition, or exposition.

26 (3) A fair, exhibition, exposition, or show authority may
27 require additional testing or vaccination of animals before entry
28 and during the fair, exhibition, exposition, or show.

29 (4) ~~Livestock~~**An animal** with clinical signs of infectious ~~7~~



1 ~~contagious,~~ or toxicological disease **observed at check-in or during**
 2 **the event** shall be removed from the fair, exhibition, or exposition
 3 or, by permission of the director, shall be isolated on the
 4 premises. **An accredited veterinarian's knowledge and advice may be**
 5 **sought by an exhibitor or exhibition staff to assess for clinical**
 6 **signs of an infectious, contagious, or toxicological disease.**

7 (5) It is the responsibility of the exhibitor to ensure that
 8 ~~all requirements for testing,~~ **all reports, test charts, official**
 9 ~~identification, and official interstate health certificate~~
 10 **certificates** or official interstate ~~certificate~~ **certificates** of
 11 veterinary inspection are ~~fulfilled before importation~~ **required by**
 12 **this act accompany the animals of the exhibitor** and that proof of
 13 fulfilling these requirements is provided to the director, fair,
 14 exhibition, exposition, or show authority upon request.

15 ~~(6) Swine for exhibition within this state shall be~~
 16 ~~individually identified by official identification.~~

17 **(6)** ~~(7)~~ Swine shall not enter any fair, exhibition,
 18 exposition, or show facility unless it can be demonstrated that the
 19 swine presented for exhibition or exposition meet 1 or more of the
 20 following conditions:

21 (a) Originate as a direct movement from a swine premises
 22 located in a pseudorabies stage III area or region or other
 23 equivalent low prevalence area as recognized by the director.

24 (b) Originate directly from a pseudorabies qualified-negative
 25 herd as defined in title ~~9 C.F.R. part 85,~~ **9 CFR part 85**, which
 26 ~~proof~~ may consist of a copy of a valid certificate issued by the
 27 department stating that the herd meets the requirements for a
 28 pseudorabies qualified-negative herd.

29 (c) Unless the swine are piglets nursing a pseudorabies-



1 negative sow, present an official swine test report that indicates
 2 the swine have been tested for pseudorabies within 45 days before
 3 exhibition and have tested negative.

4 ~~(8) All swine removed from any exhibition facility shall be~~
 5 ~~moved directly to a livestock auction market or slaughter facility~~
 6 ~~premises for disposition in accordance with applicable laws~~
 7 ~~concerning movement of swine to slaughter unless all swine present~~
 8 ~~at the exhibition or exposition at any time for any reason have~~
 9 ~~entered the exhibition facility according to the provisions of~~
 10 ~~subsection (7) (b) or (c).~~

11 ~~(9) Upon request, a person who exhibits livestock shall~~
 12 ~~present for inspection all reports, test charts, and appropriate~~
 13 ~~health certificates required by this act to accompany the~~
 14 ~~livestock.~~

15 ~~(10) Any swine found to be exhibited or removed from~~
 16 ~~exhibition in violation of any provision of this section may be~~
 17 ~~quarantined or ordered slaughtered, destroyed, or disposed of by~~
 18 ~~the director without being eligible for indemnification as~~
 19 ~~described in sections 14 and 15.~~

20 **(7) The exhibition or exposition of poultry is subject to all**
 21 **of the following requirements:**

22 **(a) All poultry, except for waterfowl, pigeons, and doves,**
 23 **shown at a public exhibition or exposition in this state shall meet**
 24 **1 or more of the following requirements:**

25 **(i) Originate directly from a U.S. pullorum-typhoid clean flock**
 26 **as defined in 9 CFR part 145 and all amendments to that publication**
 27 **adopted in rules promulgated by the director.**

28 **(ii) Have a negative official test for salmonella pullorum-**
 29 **typhoid within the 90 days before the exhibition or exposition and**



1 remain segregated from all poultry of unknown or positive
2 salmonella pullorum-typhoid test status.

3 (b) A shipping crate used in the shipment of birds by common
4 carrier shall not be used as an exhibition coop. A shipping crate
5 shall be cleaned and disinfected on the day of arrival after the
6 birds have been removed for exhibition or exposition and before
7 being used again. Unless otherwise necessary, a shipping crate
8 shall not be stored in the exhibition or exposition area.

9 (8) Exhibitors shall provide adequate feed and water to
10 animals being exhibited.

11 (9) Exhibitors shall clean and replace bedding material as
12 often as necessary to maintain health.

13 Sec. 40a. (1) This section applies to poultry imported to and
14 housed at a live bird market.

15 (2) A transporter bringing poultry to a live bird market shall
16 comply with this act and 1937 PA 284, MCL 287.121 to 287.131.

17 (3) A person operating a live bird market shall do all of the
18 following:

19 (a) House live poultry in rooms that can be cleaned and
20 disinfected.

21 (b) House waterfowl and game birds separately from chickens.

22 (c) Remove poultry from transport crates no later than 8 hours
23 after arrival at the facility.

24 (d) Store transport crates in a separate area, and clean and
25 disinfect transport crates before reuse.

26 (e) When poultry are housed in cages, do all of the following:

27 (i) Use cages constructed of a material that can be cleaned and
28 disinfected.

29 (ii) Provide birds with room to stand up, lie down, turn



1 around, and groom without touching other birds or a surface of the
2 cage.

3 (iii) Refrain from stacking cages, unless there are provisions
4 to allow manure to be removed and to prevent manure, feed, and
5 water from soiling other cages or birds in other cages.

6 (f) Provide water to birds up to the time of slaughter.

7 (g) Provide nutritionally adequate food to birds up to at
8 least 12 hours before slaughter.

9 (h) Ensure that there is at least one 24-hour period each week
10 during which there are no birds in the facility and areas where
11 birds are housed and any cages or pens holding birds are cleaned and
12 disinfected.

13 (i) Ensure that slaughter is performed using 1 of the
14 following methods:

15 (i) A method in which the bird is rendered insensible to pain
16 by mechanical, electrical, chemical, or other means that is rapid
17 and effective before the bird is shackled, hoisted, thrown, cast,
18 or cut.

19 (ii) A method in accordance with the ritual requirements of a
20 religious faith in which the bird suffers loss of consciousness by
21 anemia of the brain caused by the simultaneous and instantaneous
22 severance of the carotid arteries with a sharp instrument.

23 (4) As used in this section, "live bird market" means a
24 facility that sells live poultry for slaughter and is licensed by
25 the department under the food law, 2000 PA 92, MCL 289.1101 to
26 289.8111.

27 Sec. 40b. (1) A person housing baby poultry for sale to
28 individuals for the primary purpose of maintaining, for personal
29 use, an individual bird or a flock and is not part of the National



1 Poultry Improvement Program shall do all of the following:

2 (a) Keep hand-cleansing stations or facilities available in
3 close proximity to the area where baby poultry are housed.

4 (b) Construct a baby poultry housing area and enclosures
5 containing baby poultry with a material that can be adequately
6 cleaned and disinfected.

7 (c) Provide adequate space and ventilation in enclosures where
8 baby poultry are housed.

9 (d) Clean and disinfect the baby poultry area and enclosures
10 at least once daily with United States Department of Agriculture-
11 approved disinfectant used in accordance with label instructions.

12 (e) Remove bedding used by baby poultry, feed waste, shipping
13 containers, and other animal-associated waste from the baby poultry
14 area and dispose of it in an area not accessible to the public.

15 (f) Provide water to baby poultry up to the time of sale.

16 (g) Provide nutritionally adequate food to baby poultry up to
17 the time of sale.

18 (h) Maintain and keep records of purchase and sale of baby
19 poultry for a period of 2 years after the date of purchase or sale.
20 The records required by this subdivision shall include the name and
21 address of the person purchasing or selling the baby poultry and
22 the date of each purchase or sale.

23 (2) As used in this section, "baby poultry" means poultry
24 under the age of 3 weeks.

25 Sec. 43. (1) A ~~company, manufacturer, firm, mail or telephone~~
26 ~~order company, establishment, outlet, or mobile distributor~~ **person**
27 in another state shall not export any **autogenous** veterinary
28 biologicals ~~for distribution or sale into~~ this state unless
29 notification prior to ~~sale or distribution~~ **import** is given to the



1 director and any stipulations set forth in or ~~pursuant to title 9~~
 2 ~~of the code of federal regulations under "licenses for biological~~
 3 ~~products" under 9 CFR part 102~~ and all amendments to that
 4 publication thereafter adopted pursuant to ~~in~~ rules that
 5 **promulgated by** the director ~~may promulgate~~ are met.

6 (2) A ~~company or manufacturer~~ **person** manufacturing a ~~an~~
 7 **autogenous** veterinary biological within this state shall not
 8 distribute or sell any veterinary biological within this state
 9 unless notification ~~prior to~~ **before** distribution or sale is given
 10 to the director and any stipulations ~~set forth in or pursuant to~~
 11 ~~title 9 of the code of federal regulations under "licenses for~~
 12 ~~biological products" under 9 CFR part 102~~ and all amendments to
 13 that publication thereafter adopted pursuant to ~~in~~ rules that
 14 **promulgated by** the director ~~may promulgate~~ are met.

15 (3) The director shall pursue restrictions on the distribution
 16 and use of **autogenous** veterinary biologicals when the director
 17 determines that ~~such~~ **those** restrictions are necessary for the
 18 protection of ~~domestic animals or the public health, interest, or~~
 19 ~~safety, or both,~~ **animal health, or the animal industry** as set forth
 20 in ~~title 9 of the code of federal regulations under "licenses for~~
 21 ~~biological products" 9 CFR part 102~~ and all amendments to that
 22 publication thereafter ~~as~~ adopted pursuant to ~~in~~ rules that
 23 **promulgated by** the director. ~~may promulgate.~~

24 (4) Veterinary biologicals shall be administered only by a
 25 licensed veterinarian or under the supervision of a licensed
 26 veterinarian unless used in compliance with section 18814 of the
 27 public health code, Act No. 368 of the Public Acts of 1978, being
 28 ~~section 333.18814 of the Michigan Compiled Laws.~~ **1978 PA 368, MCL**
 29 **333.18814.**



1 (5) A veterinary biological required in ~~title 9 of the code of~~
 2 ~~federal regulations under "licenses for biological products"~~ **9 CFR**
 3 **part 102** and all amendments to that publication ~~thereafter~~ adopted
 4 ~~pursuant to~~ **in** rules that **promulgated by** the director may
 5 ~~promulgate~~ to be administered by, on the order of, or under the
 6 supervision of a veterinarian shall be distributed only to
 7 veterinarians, distributors who distribute the veterinary
 8 biological only to veterinarians, or pharmacies and other
 9 appropriate retail outlets to be sold only on the prescription or
 10 order of a veterinarian.

11 (6) When the director determines with advice and consultation
 12 from the ~~livestock~~ **animal** industry involved and the veterinary
 13 profession that the protection of ~~domestic animals or~~ the public
 14 health, ~~interest, or safety, or both,~~ **animal health, or the animal**
 15 **industry** or that a control or eradication program for a disease or
 16 condition necessitates the report of the sale, use, distribution,
 17 or administration of a veterinary biological, **an autogenous**
 18 **veterinary biological**, or a diagnostic test, the director may
 19 require that ~~any~~ **a** person ~~who~~ **that** sells, uses, distributes, or
 20 administers a veterinary biological or diagnostic test report that
 21 information to the department within 10 working days ~~. If a form is~~
 22 ~~required, the form shall be supplied by the department.~~ **in a manner**
 23 **prescribed by the director.**

24 (7) **Notwithstanding any other provision of this act, the**
 25 **director may at any time revoke the distribution of a veterinary**
 26 **biological or an autogenous veterinary biological if the veterinary**
 27 **biological or autogenous veterinary biological has a substantial**
 28 **impact on public health, animal health, or the animal industry.**

29 (8) **A person that requests permission to distribute in this**



1 state veterinary biologicals that are conditionally licensed by the
2 United States Department of Agriculture or that are subject to
3 import permits for distribution and sale issued by the United
4 States Department of Agriculture shall submit all of the following
5 information to the department:

6 (a) A copy of the current United States Department of
7 Agriculture license.

8 (b) Any restrictions set forth by the United States Department
9 of Agriculture.

10 (c) A complete name of the product, including the generic and
11 trade name.

12 (d) Product information, including directions for use.

13 (e) Slaughter withdrawal times, if applicable.

14 (9) A person that desires to import into this state or to
15 distribute intrastate, for experimental or field trial use, a
16 veterinary biological that is not conditionally licensed by the
17 United States Department of Agriculture shall request and obtain
18 permission from the director before importing that veterinary
19 biological into this state on a form approved by the director.

20 (10) A person that requests permission to import or distribute
21 intrastate a veterinary biological to be administered to animals
22 owned by the public for experimental or field trial purposes shall
23 submit a written statement to the department, which shall be given
24 to the owner of the animals before the administration,
25 prescription, or distribution of the veterinary biological. The
26 written statement required by this subsection shall state all of
27 the following:

28 (a) That the veterinary biological to be administered,
29 prescribed, or dispensed to an animal is an experimental or field



1 trial veterinary biological.

2 (b) That the veterinary biological has not been approved by
3 the United States Department of Agriculture or the department for
4 unconditional use.

5 (11) A determination of whether to allow the import or
6 intrastate distribution of a veterinary biological for experimental
7 or field trial purposes shall be based upon, but not limited to,
8 all of the following:

9 (a) Need for the product by the animal industry.

10 (b) Safety of the product for the target animal species.

11 (c) Safety of the product for a person that administers the
12 biological.

13 (d) Safety of the human food chain, if the veterinary
14 biological is used in food-producing animals.

15 (12) A veterinary biological for experimental or field trial
16 purposes shall be shipped only to a veterinarian and shall only be
17 used by the veterinarian to whom the product is shipped or by an
18 individual who is under the direct supervision of the veterinarian
19 to whom the product is shipped.

20 (13) A person that consigns, ships, or transports a veterinary
21 biological for experimental or field trial purposes into or within
22 this state shall file a report of each requested shipment with the
23 department within 5 business days of the shipment. The report
24 required by this subsection shall contain all of the following
25 information:

26 (a) The quantity consigned, shipped, or transported.

27 (b) The expiration date of the product.

28 (c) The complete name of the veterinary biological.

29 (d) The name and address of the veterinarian receiving the



1 veterinary biological.

2 (14) The department is not liable to a person that has
3 received permission to import or distribute intrastate a veterinary
4 biological for experimental or field trial purposes for any injury
5 due to the use of that veterinary biological to humans or animals
6 or for the loss of any animals.

7 (15) A person that receives permission to import or distribute
8 intrastate a veterinary biological for experimental or field trial
9 purposes shall report an adverse reaction to the department within
10 5 business days after the reaction.

11 (16) The director may limit the distribution of a veterinary
12 biological for experimental or field trial purposes to certain
13 geographical areas within this state and for specific time periods.

14 (17) The director may at any time revoke permission to
15 distribute a veterinary biological for experimental or field trial
16 purposes.

17 Sec. 43a. (1) Except as provided in subsection (2), an animal
18 being euthanized in this state shall be humanely euthanized in a
19 manner outlined as acceptable or acceptable with conditions under
20 the American Veterinary Medical Association's Guidelines on
21 Euthanasia and all subsequent amendments to that publication, or as
22 approved by the director.

23 (2) Subsection (1) does not apply to an animal that is being
24 slaughtered for human consumption or pet food.

25 (3) The director may designate an appropriate euthanasia or
26 depopulation procedure in an extraordinary emergency.

27 Sec. 44. (1) The director may call upon a law enforcement
28 agency to assist in enforcing this act.

29 (2) The attorney general may bring a criminal or civil action



1 against a person responsible for unlawfully introducing an
2 infectious or toxicological disease into animals, animal products,
3 or animal feeds in this state.

4 (3) A person shall not knowingly give false information in a
5 matter pertaining to this act and shall not impede or hinder the
6 director in the discharge of his or her duties under this act.

7 (4) If a person does not cause an animal or a herd, flock, or
8 aquaculture lot to be tested in compliance with this act, the
9 director shall notify the person responsible for management of the
10 animal or herd of the necessity for testing to occur and the
11 deadline for testing to occur and shall quarantine any animal or
12 herd that has not been tested until the testing can be completed by
13 state or federal regulatory veterinarians or accredited
14 veterinarians, at the owner's expense.

15 (5) An animal purchased at a licensed livestock market,
16 collection point, or buying station or by a dealer licensed under
17 1937 PA 284, MCL 287.121 to 287.131, for the purpose of slaughter
18 must be slaughtered within 5 days after movement of the purchased
19 animal. The buyer of livestock sold for slaughter shall provide
20 upon request of the director verification that the slaughter
21 occurred within 5 days after movement of the purchased animal.
22 Failure of a buyer of livestock sold for slaughter to comply with
23 this subsection subjects that buyer to the penalties and sanctions
24 of this act.

25 (6) A person shall not expose swine to garbage.

26 (7) A person shall not use garbage, offal, or carcasses,
27 except in a disease outbreak and with the approval of the director,
28 as feed for swine.

29 (8) The director has full access to inspect any premises or



1 conveyance upon reasonable grounds to believe or suspect that
 2 garbage, offal, or carcasses are being used as feed for swine or
 3 that garbage, offal, or carcasses may expose swine to a
 4 communicable disease.

5 (9) The director shall quarantine swine determined to have
 6 been exposed to, in contact with, or fed garbage, offal, or
 7 carcasses. The quarantine shall continue until such time as the
 8 director determines that the swine are not a threat to animal or
 9 public health.

10 (10) ~~(1)~~ A person ~~who~~ **that** commits 1 or more of the following
 11 is guilty of a felony punishable by a fine of not less than
 12 \$1,000.00 and not more than \$50,000.00, or imprisonment of not more
 13 than 5 years, or both, and shall not receive any indemnification
 14 payments at the discretion of the director:

15 (a) Intentionally contaminating or exposing ~~livestock~~ **an**
 16 **animal** to an infectious, ~~contagious,~~ or toxicological disease for
 17 the purpose of receiving indemnification from ~~the~~ **this** state or
 18 causing ~~the~~ **this** state to destroy affected livestock.

19 (b) Intentionally making a false statement on an application
 20 for indemnification or reimbursement from ~~the~~ **this** state.

21 (c) Intentionally violating a condition of quarantine,
 22 ~~authorized under section 12 or movement restrictions and~~ **or** other
 23 requirements authorized under ~~section 9.~~ **this act.**

24 (d) Intentionally importing into this state, without
 25 permission from the director, diseased ~~livestock~~ **animals** or
 26 ~~livestock~~ **animals** exposed to an infectious, ~~contagious,~~ or
 27 toxicological disease.

28 (e) Intentionally misrepresenting the health, medical status,
 29 or prior treatment for an infectious, ~~contagious,~~ or toxicological



1 **animal** disease ~~of livestock~~ to facilitate movement or transfer of
2 ownership to another person.

3 (f) Intentionally infecting or contaminating an animal with,
4 or intentionally exposing an animal to, a reportable **animal** disease
5 other than for bona fide research as approved by a research
6 institution ~~licensed by the~~ **regulated by** ~~state of Michigan or a~~
7 federal agency.

8 (11) ~~(2)~~ Except as otherwise provided under ~~subsections (1)~~
9 ~~and (2),~~ **subsection (10)**, a person ~~who~~ **that** violates this act, ~~or a~~
10 rule promulgated under this act, ~~a quarantine authorized under~~
11 ~~section 12, or movement restrictions and other requirements~~
12 ~~authorized under section 9~~ is guilty of a misdemeanor, ~~punishable~~
13 by a fine of not less than \$300.00 or imprisonment of not less than
14 30 days, or both.

15 (12) ~~(3)~~ The court may allow the department to recover
16 reasonable costs and attorney fees incurred in a prosecution
17 resulting in a conviction for a violation of ~~subsections (1) and~~
18 ~~(2).~~ **subsection (10)**. Costs assessed and recovered under this
19 subsection shall be paid to the state treasury and credited to the
20 department for the enforcement of this act.

21 (13) ~~(4)~~ Except as otherwise provided in subsection ~~(1),~~ **(10)**,
22 the director, upon finding that a person has violated this act, a
23 rule promulgated under this act, a quarantine authorized under
24 section 12, or movement restrictions and other requirements
25 authorized under section 9, ~~3b~~, may do the following:

26 (a) Issue a warning.

27 (b) Impose an administrative fine of not more than \$1,000.00
28 for each violation. ~~after notice and an opportunity for~~ **Upon the**
29 **request of a person to whom an administrative fine is issued under**



1 **this subsection, the director shall conduct** a hearing ~~pursuant to~~
 2 **under** the administrative procedures act of 1969, 1969 PA 306, MCL
 3 24.201 to 24.328.

4 (c) Issue an appearance ticket as described and authorized by
 5 sections 9a to 9g of chapter ~~4-IV~~ of the code of criminal
 6 procedure, 1927 PA 175, MCL 764.9a to 764.9g, with a fine of not
 7 less than \$300.00 or imprisonment of not less than 30 days, or
 8 both.

9 **(14)** ~~(5)~~—The director shall advise the attorney general of the
 10 failure of any person to pay an administrative or civil fine
 11 imposed under this section. The attorney general shall bring a
 12 civil action in a court of competent jurisdiction to recover the
 13 fine and costs and fees including attorney fees. Civil penalties
 14 and administrative fines collected shall be paid to the state
 15 treasury.

16 **(15)** ~~(6)~~—The remedies and sanctions under this act are
 17 independent and cumulative. The use of a remedy or sanction under
 18 this act does not bar other lawful remedies and sanctions and does
 19 not limit criminal or civil liability. Notwithstanding the
 20 provisions of this act, the department may bring an action to do 1
 21 or more of the following:

22 (a) Obtain a declaratory judgment that a method, act, or
 23 practice is a violation of this act.

24 (b) Obtain an injunction against a person ~~who~~**that** is
 25 engaging, or about to engage, in a method, act, or practice that
 26 violates this act.

27 Sec. 46. (1) As used in this section:

28 **(a) "Business owner" means a person that owns or controls the**
 29 **operations of a business.**



1 (b) "Cage-free housing system" means an indoor or outdoor
 2 controlled environment for egg-laying hens to which all of the
 3 following apply:

4 (i) For an indoor environment, the hens are free to roam
 5 unrestricted except by any of the following:

6 (A) Exterior walls.

7 (B) In multitiered aviaries, partially slatted systems,
 8 single-level all-litter floor systems, or any other housing system
 9 that complies with the requirements of this section, interior
 10 fencing used to contain the entire flock within the building or
 11 subdivide flocks into smaller groups, if farm employees can walk
 12 through each contained or subdivided area to provide care to hens
 13 and if each hen has the minimum amount of usable floor space
 14 described in subsection (2) (b) (ii) .

15 (ii) The hens are provided enrichments that allow the hens to
 16 exhibit natural behaviors. To qualify as a cage-free housing system
 17 under this definition, the enrichments used in the housing system
 18 must include, but are not limited to, scratch areas, perches, nest
 19 boxes, and dust bathing areas.

20 (iii) For an indoor environment, a farm employee is able to
 21 provide care to the hens while standing within the hens' usable
 22 floor space.

23 (iv) The environment does not include any cage systems commonly
 24 described as battery cages, colony cages, enriched cages, or
 25 enriched colony cages, or any cage system similar to those systems.

26 (c) ~~(a)~~—"Calf raised for veal" means ~~any~~~~a~~ calf of the bovine
 27 species kept for the purpose of producing the food product
 28 described as veal.

29 (d) ~~(b)~~—"Covered animal" means ~~any~~~~a~~ gestating sow, calf



1 raised for veal, or egg-laying hen that is kept on a farm.

2 (e) ~~(e)~~ "Egg-laying hen" means ~~any~~ **a** female domesticated
3 chicken, turkey, duck, goose, or guinea fowl kept for the purpose
4 of egg production.

5 (f) ~~(d)~~ "Enclosure" means ~~any~~ **a** cage, crate, or other
6 structure used to confine a covered animal. ~~Enclosure includes what~~
7 ~~is commonly described as a "gestation crate or stall" for gestating~~
8 ~~sows, a "veal crate" for calves raised for veal, or a "battery~~
9 ~~eage" for egg-laying hens.~~

10 (g) ~~(e)~~ "Farm" means the land, building, support facilities,
11 and other equipment that are wholly or partially used for the
12 commercial production of animals or animal products used for food
13 or fiber. Farm does not include **a** live animal ~~markets~~ **market**.

14 (h) ~~(f)~~ "Farm owner or operator" means ~~any~~ **a** person ~~who~~ **that**
15 owns or controls the operation of a farm.

16 (i) ~~(g)~~ "Fully extending its limbs" means fully extending all
17 limbs without touching the side of an enclosure. ~~In the case of~~
18 ~~egg-laying hens, fully extending its limbs means fully spreading~~
19 ~~both wings without touching the side of an enclosure or other egg-~~
20 ~~laying hens and having access to at least 1.0 square feet of usable~~
21 ~~floor space per hen.~~

22 (j) ~~(h)~~ "Gestating sow" means ~~any confirmed pregnant~~ **a** sow of
23 the porcine species kept for the primary purpose of breeding **and**
24 **confirmed to be pregnant.**

25 (k) "Multitiered aviary" means **a housing system in which hens**
26 **have unfettered access to multiple elevated platforms that provide**
27 **the hens with usable floor space both on top of and underneath the**
28 **platforms.**

29 (l) "Partially slatted system" means **a housing system in which**



1 hens have unfettered access to elevated flat platforms under which
2 manure drops through the flooring to a pit or litter removal belt.

3 (m) ~~(i)~~—"Person" means ~~any~~an individual, firm, partnership,
4 joint venture, association, limited liability company, corporation,
5 estate, trust, receiver, or syndicate.

6 (n) "Shell egg" means a whole egg of an egg-laying hen in its
7 shell form that is intended for use as human food.

8 (o) "Single-level all-litter floor system" means a housing
9 system bedded with litter in which hens have limited or no access
10 to elevated flat platforms.

11 (p) ~~(j)~~—"Turning around freely" means turning in a complete
12 circle without any impediment, including a tether, and without
13 touching the side of an enclosure or another animal.

14 (q) "Usable floor space" means the total square footage of
15 floor space provided to each egg-laying hen, as calculated by
16 dividing the total square footage of floor space provided to hens
17 in an enclosure by the number of hens in that enclosure. Usable
18 floor space includes ground space or elevated level flat platforms
19 upon which hens are able to roost, but does not include perches or
20 ramps.

21 (2) ~~Notwithstanding~~Subject to subsections (3) and (9),
22 notwithstanding any other provision of law, a farm owner or
23 operator shall not ~~tether~~do either of the following:

24 (a) Tether or confine ~~any~~a covered animal on a farm for all
25 or the majority of any day, in a manner that prevents ~~such~~the
26 covered animal from doing ~~any~~either of the following:

27 (i) ~~(a)~~Lying down, standing up, or fully extending its limbs.

28 (ii) ~~(b)~~Turning around freely.

29 (b) Tether or confine an egg-laying hen on a farm in either of



1 the following manners:

2 (i) In an enclosure other than a cage-free housing system.

3 (ii) With less than the amount of usable floor space per hen as
4 provided in the housing guidelines for cage-free production
5 contained in "Animal Husbandry Guidelines for U.S. Egg-Laying
6 Flocks", 2017 edition, published by United Egg Producers.

7 (3) ~~The prohibitions of subsection (2) shall~~ **Subsection (2)**
8 **does** not apply to a covered animal during any of the following:

9 (a) Scientific or agricultural research.

10 (b) Examination, testing, individual treatment, or operation
11 for veterinary purposes, by ~~a person~~ **an individual** licensed to
12 practice veterinary medicine under part 188 of the public health
13 code, 1978 PA 368, MCL 333.18801 to 333.18838.

14 (c) Transportation, unless otherwise in violation of section
15 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to
16 confining animals on railroad cars.

17 (d) Rodeo exhibitions, state or county fair exhibitions, 4-H
18 programs, and similar exhibitions.

19 (e) The slaughter of a covered animal ~~in accordance with~~ **as**
20 **provided by** 1962 PA 163, MCL 287.551 to 287.556, and other
21 applicable law and rules.

22 (f) In the case of a gestating sow, the period beginning 7
23 days before the gestating sow's expected date of giving birth.

24 (4) **Notwithstanding any other provision of law and subject to**
25 **subsections (5) and (9), for the purposes described in section 1, a**
26 **business owner shall not knowingly engage in the sale of any shell**
27 **egg in this state that the business owner knows or should know is**
28 **the product of an egg-laying hen that was confined in a manner that**
29 **is inconsistent with the requirements of this section.**



1 **(5) Subsection (4) does not apply to the sale of shell eggs**
 2 **that are the product of a farm with less than 3,000 egg-laying**
 3 **hens.**

4 **(6)** ~~(4)~~—The department or the attorney general may bring a
 5 civil action to restrain, by temporary or permanent injunction, any
 6 act or practice in violation of this section. The action may be
 7 brought in the circuit court for the county where the defendant
 8 resides or conducts business. The court may issue a temporary or
 9 permanent injunction and issue other equitable orders or judgments.
 10 A defense described and made available relating to customary animal
 11 husbandry or farming practices involving livestock, under sections
 12 ~~50(11)(f)~~ **50(12)(f)** and ~~50b(8)~~ **50b(14)** of the Michigan penal code,
 13 1931 PA 328, MCL 750.50 and 750.50b, or similar provisions, ~~are not~~
 14 ~~considered~~ **is not** a defense to an action brought for the violation
 15 of this section involving a covered animal. In addition, the
 16 criminal penalties provided in section 44 are not applicable to
 17 ~~violations~~ **a violation** of this section.

18 **(7) It is a defense to an action to enforce subsection (4)**
 19 **that a business owner relied in good faith upon a written**
 20 **certification or guarantee by the supplier of a shell egg that the**
 21 **shell egg is not the product of an egg-laying hen that was confined**
 22 **in a manner that is inconsistent with the requirements of this**
 23 **section.**

24 **(8)** ~~(5)~~ ~~The provisions of this section are~~ **This section is** in
 25 addition to, and not in lieu of, any other laws protecting animal
 26 welfare. This section ~~shall not be construed to~~ **does not** limit any
 27 other state law ~~or rules~~ protecting the welfare of animals.

28 ~~(6)~~ ~~The provisions of this section do not apply to calves~~
 29 ~~raised for veal until October 1, 2012.~~



1 (9) ~~(7) The provisions of this section do~~ **This section does**
 2 not apply to egg-laying hens **or shell eggs until December 31, 2025**
 3 and **does not apply to** gestating sows until ~~10 years after the~~
 4 ~~enactment date of the amendatory act that added this section.~~ **April**
 5 **1, 2020.**

6 Enacting section 1. Sections 4, 5, 6, 8, 10, 13, 13a, 15, 16,
 7 17a, 23, 24, 24a, 26a, 27, 28, 29, 29a, 30, 30a, 30b, 30c, 30d, 32,
 8 33, 35, and 41 of the animal industry act, 1988 PA 466, MCL
 9 287.704, 287.705, 287.706, 287.708, 287.710, 287.713, 287.713a,
 10 287.715, 287.716, 287.717a, 287.723, 287.724, 287.724a, 287.726a,
 11 287.727, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b,
 12 287.730c, 287.730d, 287.732, 287.733, 287.735, and 287.741, are
 13 repealed.

14 Enacting section 2. This amendatory act takes effect 90 days
 15 after the date it is enacted into law.

