

Act No. 369
Public Acts of 1996
Approved by the Governor
July 3, 1996
Filed with the Secretary of State
July 3, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. Gnodtke, Green, Horton, Hill, Gernaat, McBryde, Randall, Dalman, Jellema, Rhead, McManus, Hammerstrom, Lowe, DeLange and Middleton

ENROLLED HOUSE BILL No. 5653

AN ACT to amend the title and sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 24a, 27, 28, 29, 30, 30a, 30b, 33, 39, 40, 41, 42, 43, and 44 of Act No. 466 of the Public Acts of 1988, entitled as amended "An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for rules; to provide for remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain parts of the act," sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 27, 28, 29, 30, 33, 39, 40, 42, and 43 as amended and sections 24a, 30a, and 30b as added by Act No. 41 of the Public Acts of 1994, being sections 287.703, 287.704, 287.705, 287.706, 287.709, 287.712, 287.713, 287.714, 287.716, 287.719, 287.720, 287.722, 287.723, 287.724, 287.724a, 287.727, 287.728, 287.729, 287.730, 287.730a, 287.730b, 287.733, 287.739, 287.740, 287.741, 287.742, 287.743, and 287.744 of the Michigan Compiled Laws; to add sections 17a, 29a, and 43a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. The title and sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 24a, 27, 28, 29, 30, 30a, 30b, 33, 39, 40, 41, 42, 43, and 44 of Act No. 466 of the Public Acts of 1988, sections 3, 4, 5, 6, 9, 12, 13, 14, 16, 19, 20, 22, 23, 24, 27, 28, 29, 30, 33, 39, 40, 42, and 43 as amended and sections 24a, 30a, and 30b as added by Act No. 41 of the Public Acts of 1994, being sections 287.703, 287.704, 287.705, 287.706, 287.709, 287.712, 287.713, 287.714, 287.716, 287.719, 287.720, 287.722, 287.723, 287.724, 287.724a, 287.727, 287.728, 287.729, 287.730, 287.730a, 287.730b, 287.733, 287.739, 287.740, 287.741, 287.742, 287.743, and 287.744 of the Michigan Compiled Laws, are amended and sections 17a, 29a, and 43a are added to read as follows:

TITLE

An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under

certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts.

Sec. 3. (1) "Accredited veterinarian" means a veterinarian approved by the United States department of agriculture to perform specific functions required by cooperative state-federal disease control and eradication programs.

(2) "Animal" means mollusks, crustaceans, and vertebrates other than human beings.

(3) "Aquaculture" means the commercial husbandry of aquaculture species on the approved list of aquaculture species under the Michigan aquaculture development act including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of any products, coproducts, or by-products of fish, crustaceans, mollusks, reptiles, and amphibians, reared or cultured under controlled conditions in an aquaculture facility.

(4) "Aquaculture facility" means a farm or farm operation engaged in any aspect of aquaculture in privately controlled waters capable of holding all life stages of aquacultural species with a barrier or enclosure designed to prevent their escape into waters of the state. An aquaculture facility does not include any facility not regulated under the Michigan aquaculture development act.

(5) "Approved vaccine" means a veterinary biological administered to livestock or other animals to induce immunity in the recipient. The use of the approved vaccine in this state shall be approved by the state veterinarian.

(6) "Captive cervidae" means members of the cervidae family including, but not limited to, deer, elk, moose, and caribou living under the husbandry of humans.

(7) "Carcasses" means the dead bodies of animals, poultry, or fish. Carcasses do not include rendered products.

(8) "Cattle" means all bovine (genus bos) animals, bovinelike animals (genus bison) also commonly referred to as American buffalo or bison and any cross of these species unless otherwise specifically provided.

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

(10) "Commingling" means concurrently or subsequently sharing or subsequent use by native livestock of the same pen or same section in a facility or same section in a transportation unit where there is physical contact or contact with bodily excrements or fluids from other livestock.

(11) "Consignee" means the person within the state of Michigan receiving the animals at the point of destination named on the official interstate health certificate, official interstate certificate of veterinary inspection, owner-shipper statement, or sales invoice.

(12) "Contagious disease" means an illness due to a specific infectious agent or suspected infectious agent or its toxic products which arises through transmission of that agent or its products from an infected animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment, or via an airborne mechanism.

(13) "Department" means the department of agriculture.

(14) "Direct movement" means transfer of animals to a destination without unloading the animals en route and without exposure to any other animals or bodily excrements or fluids from other animals.

(15) "Director" means the director of the department of agriculture or his or her authorized representative.

(16) "Disease" means any animal health issue with economic impacts in terms of restricted movement or markets, whether due to residues, metabolic problems, public health concerns, multiple causes, or food safety issues.

(17) "Distribute" means to deliver other than by administering or dispensing a veterinary biological.

(18) "Domestic animal" means those species of animals indigenous to North America which have lived under the husbandry of humans.

(19) "Emergency fish diseases" means certain infectious diseases of fish that are transmissible directly or indirectly from 1 fish to another and are not known to exist within the waters of the state. Emergency fish diseases include, but are not limited to, viral hemorrhagic septicemia, infectious hematopoietic necrosis, ceratomyxosis, and proliferative kidney disease.

(20) "Equine" means all animals of the equine family which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras.

(21) "Exhibition or exposition" means a congregation, gathering, or collection of livestock that are presented or exposed to public view for show, display, swap, exchange, entertainment, educational event, instruction, advertising, or competition. Exhibition or exposition does not include livestock for sale at public stockyards, auctions, saleyards, and livestock yards licensed under the provisions of Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

(22) "Exhibition facility" means any facility used or intended to be used for public view, show, display, swap, exchange, entertainment, advertisement, educational event, or competition involving livestock. Exhibition facility does not include a public stockyard, an auction saleyard, and a livestock yard where livestock are accepted on consignment and the auction method is used in the marketing of the livestock.

(23) "Exhibitor" means any person who presents livestock for public display, exhibition, or competition or enters livestock in a fair, show, exhibition, or exposition.

(24) "Exotic animal" means those animals that are not domestic or any cross of those animals not domestic to North America.

(25) "Fair" means a competition and educational exhibition of agricultural commodities and manufactured products for which premiums may be paid and which is conducted by an association or governmental entity.

(26) "Feral swine" means swine which have lived their life or any part of their life as free roaming or not under the husbandry of humans.

Sec. 4. (1) "Fish disease inspection report" means a document available from the great lakes fishery commission completed by a fish health official giving evidence of inspections and diagnostic work performed.

(2) "Fish health official" means a fish health specialist identified by member agencies of the great lakes fish disease control committee to the chair of the great lakes fish disease control committee responsible for conducting fish-hatchery inspections and the issuance of inspection reports.

(3) "Flock" means all of the poultry on 1 premises or, upon the discretion of the department, a group of poultry that is segregated from all other poultry for at least 21 days.

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

(5) "Grade status" means an animal for which no proof of registration with an appropriate breed registry is provided.

(6) "Hatchery" means incubators, hatchers, and auxiliary equipment on 1 premises operated and controlled for the purpose of hatching poultry.

(7) "Hatching poultry eggs" means eggs for use in a hatchery to produce young poultry or to produce embryonated eggs.

(8) "Herd or flock of origin" means any herd or flock in which animals are born and remain until movement or any herd or flock which animals remain for at least 30 days immediately following direct movement into the herd or flock from another herd or flock.

(9) "Infectious disease" means an infection or disease due to the invasion of the body by pathogenic organisms.

(10) "Isolated" means the physical separation of animals by a physical barrier in such a manner that other animals do not have access to the isolated animals' body, excrement, or discharges, not allowing the isolated animals to share a building with a common ventilation system with other animals, and not allowing the isolated animals to be within 10 feet of other animals if not sharing a building with a common ventilation system. Isolated animals have a noncommon feed and water system separate from other animals.

Sec. 5. (1) "Law enforcement agent" means an officer of the department of state police or of a law enforcement agency of a county, township, city, or village who is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.

(2) "Livestock" means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

(3) "Livestock auction market" means a livestock market where livestock is accepted on consignment and the auction method is used in the marketing of consigned livestock as defined in Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

(4) "National poultry improvement plan" means a plan for the control or eradication of certain poultry diseases which is published in parts 145 and 147 of subchapter G of chapter 1, title 9 of the code of federal regulations.

(5) "Native" means born and raised in this state, or legally imported into the state and having complied with entry requirements prescribed by the director, and having been maintained in the state for at least 45 days.

(6) "Neutered" means sterilization by 1 of the following methods only:

(a) Chemical.

(b) Castration.

(c) Clamping.

(d) Banding.

(e) Spaying.

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

(8) "Offal" means the waste parts resulting from the processing of animals, poultry, and fish. Offal does not include rendered products.

Sec. 6. (1) "Official calthood vaccinate" means female cattle that are vaccinated by an accredited veterinarian with a United States department of agriculture approved brucella abortus vaccine in accordance with procedures and at an age approved by the director.

(2) "Official identification" means an identification ear tag or ear tattoo or other identification approved by the United States department of agriculture or the department.

(3) "Official interstate health certificate" or "official interstate certificate of veterinary inspection" means a printed form adopted by any state that documents the information required under section 20 and that is issued for animals being imported to or exported from this state within 30 days before the importation or exportation of the animals it describes. A photocopy of an official interstate health certificate or an official interstate certificate of veterinary inspection is an official copy if certified as a true copy by the issuing veterinarian or a livestock health official of the state of origin.

(4) "Official test" means a sample of specific material collected from an animal by an accredited veterinarian or other person authorized by the director, and analyzed by a laboratory certified by the United States department of agriculture or the department to conduct the test, or a diagnostic injection administered and analyzed by an accredited veterinarian. An official test shall be conducted only by an accredited veterinarian except under special permission by the director.

(5) "Official vaccination" means a vaccination that the director has designated as reportable. An official vaccination shall be administered by an accredited veterinarian and documented on a form supplied by the department.

(6) "Originated" refers to direct movement of animals from a herd or flock of origin.

(7) "Over 19 months of age" means cattle that have the first pair of permanent incisor teeth visibly present unless the owner can document the exact age. Parturient or postparturient heifers, regardless of their age, are considered over 19 months of age.

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

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

(10) "Prior entry permit" means a code that is obtained from the department for specific species of livestock imported into the state that is recorded on the official interstate health certificate or official interstate certificate of veterinary inspection.

(11) "Pullorum-typhoid" means a disease of poultry caused by both salmonella pullorum and salmonella gallinarum.

(12) "Pullorum-typhoid clean flock" means a flock that receives and maintains this status by fulfilling the requirements prescribed in the national poultry improvement plan.

(13) "Quarantine" means enforced restriction of a premises or isolation and restriction of free movement imposed on an animal.

(14) "Ratite" means flightless birds having a flat breastbone without the keellike prominence characteristic of most flying birds. Ratites include, but are not limited to, cassowaries, kiwis, ostriches, emus, and rheas.

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

(16) "Rendered products" means waste material derived in whole or in part from meat of any animal or other animal material and other refuse of any character whatsoever that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food that has been ground and heat-treated to a minimum temperature of 230 degrees Fahrenheit to make products including, but not limited to, animal protein meal, poultry protein meal, fish protein meal, grease, or tallow. Rendered products also include bakery wastes, eggs, candy wastes, and domestic dairy products including, but not limited to, milk.

(17) "Reportable disease" means an animal disease on the current reportable animal disease list maintained by the state veterinarian that poses a serious threat to the livestock industry, public health, or human food chain.

(18) "Slaughter facility premises" means all facilities, buildings, structures, including all immediate grounds where slaughtering occurs under federal or state inspection, or otherwise authorized by the director.

(19) "Sow" means any female swine that has farrowed or given birth to or aborted 1 litter or more.

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

(21) "Swine" means any of the ungulate mammals of the family suidae.

(22) "Toxic substance" means a natural or synthetic chemical in concentrations which alone or in combination with other natural or synthetic chemicals presents a threat to the health, safety, or welfare to human or animal life or which has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

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

(24) "U.S. registered shield" means a tattoo authorized and approved by the United States department of agriculture for use by an accredited veterinarian to designate cattle that have been vaccinated against brucellosis using an approved brucella abortus vaccine.

(25) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under a state or federal law applicable to that person.

(26) "Veterinary biological" means all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(27) "Waters of the state" means groundwaters, lakes, rivers, and streams and all other watercourses and waters within the jurisdiction of the state and also the Great Lakes bordering the state.

(28) "Wild animal" means any nondomesticated animal or any cross of a nondomesticated animal.

Sec. 9. (1) A person who discovers, suspects, or has reason to believe that an animal is either affected by a reportable disease or contaminated with a toxic substance shall immediately report that fact, suspicion, or belief to the director. The director shall take appropriate action to investigate the report. A person possessing an animal affected by, or suspected of being affected by, a reportable disease or contaminated with a toxic substance shall allow the director to examine the animal or collect diagnostic specimens. The director may enter premises where animals, animal products, or animal feeds are suspected of being contaminated with an infectious or contagious disease, or a disease caused by a toxic substance and seize or impound the animal products or feed located on the premises. The director may withhold a certain amount of animal products or feed for the purpose of controlled research and testing. A person who knowingly possesses or harbors affected or suspected animals shall not expose other animals to the affected or suspected animals or otherwise move the affected or suspected animals or animals under quarantine except with permission from the director.

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

(3) The director may call upon a law enforcement agency to assist in carrying out the director's orders.

(4) A person shall not remove or alter the identification of an animal for the purpose of misrepresentation of the animal's identity or the ownership of the animal. A person shall not make misrepresentations concerning the animal's health status to a potential buyer.

Sec. 12. (1) The director may issue a quarantine on animals or premises in this state for the purpose of controlling or preventing the spread of a known or suspected infectious, contagious, or toxicological disease.

(2) A person shall not move animals that are under quarantine without permission from the director.

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

(4) A person shall not import into this state an animal from another state or jurisdiction if that animal is under quarantine by the other state or jurisdiction unless that person obtains prior permission from the director.

(5) A person shall not import into this state an animal species from an area under quarantine for that species for any infectious, contagious, or toxicological disease unless permission is granted from the director.

(6) The director may prescribe procedures for the identification, inventory, separation, mode of handling, treatment, feeding, and caring for the quarantined animals to prevent the quarantined animals from infecting or exposing nonquarantined animals to infectious, contagious, or toxicological diseases.

(7) The director may prescribe procedures required before an animal and premises are released from quarantine.

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

Sec. 13. The director may designate the status of certain herds, flocks, or stocks as certified, accredited, validated, qualified, monitored, clean, or free of a specific disease when the herd, flock, or stock has met the requirements for that status as approved by the director.

Sec. 14. (1) If it is determined by the director that the control or eradication of a disease or condition of livestock warrants the slaughter, destruction, or other disposition of the livestock, the director shall order the slaughter, destruction, or other disposition of the livestock. If the director has signed an order for the slaughter, destruction, or other disposition of livestock, the director shall notify the attorney general and the house and senate appropriations committees and the department of management and budget on the issue of indemnity under this section. The director may approve facilities for the orderly disposal of animals, animal products, and animal feeds for the purpose of controlling or preventing the spread of an infectious, contagious, or toxicological disease. The director may select a site or method for the disposal with the advice of the director of the department of environmental quality.

(2) The director may, under rules promulgated by the department, allow indemnification for the slaughter, destruction, or other disposition of animals due to livestock diseases or toxicological contamination. If the director has signed an order for the slaughter, destruction, or other disposition of livestock, the owner may apply for indemnification. All animals shall be treated as grade status animals for purposes of indemnification. The director shall appraise and inventory the condemned livestock. The appraisals and inventories shall be on forms approved by the director. The director shall use state agricultural statistical service pricing information to determine the value of condemned livestock. If state agricultural statistical service pricing information is not available, the director shall use agricultural pricing information from commercial livestock auction markets and other livestock market information as determined by the director to determine the value of condemned livestock. Indemnification shall be based upon 75% of the fair market value of that type of livestock on the date of the appraisal as if the livestock was grade status and marketable for the purpose for which the livestock was intended, not to exceed \$1,250.00 for each animal, less any compensation received, or to be received, from any other source including, but not limited to, indemnification by the United States department of agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed livestock in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the livestock received or to be received from any other source shall accompany the appraisal certificate prior to indemnification under this section.

(3) The department may provide for indemnity pursuant to this section not to exceed \$10,000.00 per order, from any line item in the annual budget for the department in the applicable fiscal year. Any agreement greater than \$10,000.00 entered into between the department and an owner of livestock shall contain a provision indicating that, notwithstanding the terms of the agreement, indemnification shall be subject to specific appropriations by the legislature and not be paid from department funds.

(4) Acceptance of indemnification under this section does not enlarge or diminish the owner's civil remedy against a person responsible for the owner's loss except that acceptance of the indemnity constitutes a release of the claim of the owner against the state.

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

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

(7) Repopulation of the premises, except as approved by the director, shall not confer eligibility for future indemnity under this section.

(8) The department may cooperate and coordinate with the secretary of the United States department of agriculture or the secretary's authorized representative or other governmental departments or agencies regarding indemnification under this section.

Sec. 16. (1) Livestock ordered to be slaughtered, destroyed, or otherwise disposed of by the director because of tuberculosis shall be branded on the left hip with a letter "T" not less than 2 inches high, and a tag designated as a reactor tag by the director shall be placed in the left ear. Tuberculosis reactor cattle and bison shall also be identified by a permanent and legible tuberculosis tattoo and spray of yellow paint on the left ear. The director may refrain from the branding if slaughter, destruction, or other disposition of the entire herd is under the director's direct control.

(2) Livestock ordered to be slaughtered, destroyed, or otherwise disposed of by the director because of brucellosis shall be branded on the left hip with a letter "B" not less than 2 inches high, and a tag designated as a reactor tag by the director shall be placed in the left ear. An exposed animal in a brucellosis infected or quarantined herd shall be branded on the left hip with a letter "S" not less than 2 inches high before a permit shall be issued to slaughter, destroy, or otherwise dispose of the animal for slaughter. The director may refrain from the branding and identification if slaughter, destruction, or other disposition of the entire herd is under the director's direct control.

(3) Livestock ordered slaughtered, destroyed, or otherwise disposed of for infectious, contagious, or toxicological diseases other than tuberculosis or brucellosis shall be identified and slaughtered, destroyed, or otherwise disposed of in a manner approved by the director.

Sec. 17a. (1) A person shall not expose swine to garbage.

(2) A person shall not use garbage, offal, or carcasses as feed for swine.

(3) The director shall have full access to inspect any premises or conveyance upon reasonable grounds to believe or suspect that garbage, offal, or carcasses are being used as feed for swine or that garbage, offal, or carcasses may expose swine to a communicable disease.

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

Sec. 19. (1) Livestock imported into this state shall be accompanied by 1 of the following:

(a) An official interstate health certificate.

(b) An official interstate certificate of veterinary inspection.

(c) An owner-shipper statement or sales invoice if consigned directly to slaughter, or if nonnative neutered cattle imported directly to a cattle importation lot.

(d) A "report of sales of hatching eggs, chicks, and poults" (vs form 9-3) for participants in the national poultry improvement plan.

(e) A "permit for movement of restricted animals" (vs form 1-27), if prior approval is granted by the director.

(f) A fish disease inspection report for aquaculture only.

(g) Permission from the director.

(2) Brucellosis or tuberculosis officially classified suspect or reactor cattle shall not be imported into this state.

(3) A person shall not import or move intrastate livestock known to be affected with or exposed to tuberculosis or brucellosis, as determined by an official test, without permission of the director.

(4) The director may require that a prior entry permit be obtained for certain classifications of livestock. It shall be the responsibility of the consignee or dealer licensed pursuant to Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws, to ensure the requirements for official interstate health certificate, official interstate certificate of veterinary inspection, owner-shipper statement, sales invoice, "report of sales of hatching eggs, chicks, and poults" (vs form 9-3), "permit for movement of restricted animals" (vs form 1-27), or prior entry permit have been fulfilled and a true copy is provided to the director upon request.

(5) Livestock shall not be diverted to premises other than the destination site named on the official interstate health certificate, official interstate certificate of veterinary inspection, owner-shipper statement, sale invoice, vs form 9-3, or vs form 1-27.

(6) Out-of-state livestock for exhibition shall meet the requirements prescribed by this act for importation of breeding animals of that species and shall be accompanied by a copy of an official interstate health certificate or an official interstate certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.

(7) The director may refuse entry into this state of livestock that the director has reason to believe may pose a threat to the public health or health of livestock. Livestock imported into this state shall not originate from a herd under quarantine unless accompanied by permission issued by the director. The director may waive specific requirements if it is determined that livestock imported from a certain area or state are not a threat to the public health or health of livestock.

(8) If the director determines that there is a threat to public health or a threat to the health of animals in this state, the director may require additional testing and vaccination requirements for animals imported or to be imported into this state.

Sec. 20. (1) An official interstate health certificate or official interstate certificate of veterinary inspection shall be prepared and signed by an accredited veterinarian in the state of origin for animals requiring such a certificate and being imported into this state. An official interstate health certificate or official interstate certificate of veterinary inspection for animals being imported to or exported from this state shall include all of the following:

(a) The complete names and addresses of the consignor and consignee and the destination address if different from the consignee address.

(b) A description of the animals by breed, sex, and age, and a signed certification by the consignor that the animals in the shipment are those described on the certificate. The director may require that certain classifications of animals be individually officially identified by ear tag, tattoo, brand, or registration number.

(c) The date of examination of the animals by the accredited veterinarian preparing the certificate.

(d) The intended use of the livestock, including use for dairy, breeding, feeding or grazing, or immediate slaughter.

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

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

(2) A copy of the official interstate health certificate or official interstate certificate of veterinary inspection for livestock being exported from this state shall be forwarded by the issuing accredited veterinarian to the state veterinarian within 10 working days after the date of issuance.

(3) Livestock delivered directly to a slaughter plant shall be slaughtered within 5 days except for swine which shall be slaughtered within 48 hours. Livestock for slaughter delivered to a livestock auction market as defined in Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws, shall be slaughtered within 10 days.

Sec. 22. (1) If an animal is imported into this state without the required official tests or documents, the director may do any or all of the following:

(a) Quarantine the animal.

(b) Require that the required tests or documents be performed or obtained at the owner's expense.

(c) Require the animal be returned to the state of origin within 10 days after such notification.

(d) Order the slaughter, destruction, or other disposition of the livestock, if it is determined by the director that the control or eradication of a disease or condition of the livestock is warranted. Livestock determined to be imported without meeting import requirements are not subject to indemnification.

(e) Allow a direct movement of the animal or animals to slaughter by permit.

(f) Allow legal importation into another state.

(2) If the official test result or proof of shipment of the animal back to the state of origin has not been received within 15 days after notification, the director may order that the required tests be performed by a department veterinarian, at the owner's or importer's expense.

Sec. 23. (1) Except as exempted in section 24, cattle entering this state shall meet 1 or more of the following requirements:

(a) Originate directly from an accredited bovine tuberculosis-free state as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules effective February 3, 1989, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(b) Originate directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules effective February 3, 1989, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(c) Have a negative tuberculosis test within 60 days before importation.

(2) Female cattle over 19 months of age and bulls over 6 months of age shall test negative to an official brucellosis test within 30 days before importation or originate directly from a certified brucellosis-free herd or originate directly from a state which has maintained, for the previous 6 consecutive years prior to importation, certified brucellosis class

free state status as defined in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules effective May 6, 1992, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(3) Female cattle over 4 months of age shall be officially calfhood vaccinated against brucellosis and the vaccination tattoo shall be visibly present unless originating directly from a state which has maintained, for the previous 6 consecutive years prior to importation, certified brucellosis class free state status as defined in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules effective May 6, 1992, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate. The vaccination status and vaccination tattoo shall be recorded on the official interstate health certificate or official interstate certificate of veterinary inspection. The vaccination tattoo shall be observed by the accredited veterinarian preparing the certificate and shall be considered legible if the letter "V", surrounded by a U.S. registered shield, can be identified.

(4) All cattle shall have a prior entry permit except as specifically exempted in section 24. Female dairy or breeding cattle over 19 months of age or bulls over 6 months of age imported from states classified brucellosis B and C by the United States department of agriculture shall be quarantined at the destination. Unless otherwise provided for by the director, female cattle over 19 months of age and bulls over 6 months of age imported from states classified brucellosis B and C by the United States department of agriculture, shall test negative to an official brucellosis test not sooner than 45 days nor more than 120 days after movement to the destination for release from quarantine. The dairy or breeding cattle shall not be sold or moved from the premises where they are quarantined, without permission from the director.

Sec. 24. (1) Nonnative cattle capable of reproduction imported into this state shall be individually uniquely identified in a manner approved by the director.

(2) Nonnative cattle capable of reproduction and nonnative neutered cattle shall be exempt from the requirements of section 23 if they comply with 1 of the following:

(a) Are sent directly to slaughter.

(b) Are placed directly in a cattle importation lot.

(c) Are sent through a livestock auction market directly to a cattle importation lot without commingling with other livestock in the livestock auction market.

(d) Are sent through a livestock auction market directly to slaughter without commingling with other livestock in the livestock auction market.

(3) Nonnative neutered cattle imported for exhibition purposes are exempt from the requirements of section 23 provided they are not placed into a cattle importation lot.

(4) A person importing nonnative cattle capable of reproduction and nonnative neutered cattle directly to a livestock auction market shall notify the director within 10 days after importation of the destination of any nonnative cattle capable of reproduction and neutered cattle dispersed or sold. The notification shall include the complete name and address of the owner and the specific location of the cattle if not located at the owner's address, the date, number of head, and type of cattle involved in each transaction and for nonnative cattle capable of reproduction, the unique individual identification approved by the director.

Sec. 24a. Nonnative cattle capable of reproduction imported into this state which do not meet the requirements for dairy or breeding cattle shall be placed in a cattle importation lot or be handled in the manner provided for in section 22.

Sec. 27. (1) Sheep, other than sheep consigned directly to a slaughterhouse or to a livestock auction market for sale as slaughter sheep, that are imported into this state shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection.

(2) Sheep shall originate from a flock free from clinical signs of foot rot.

Sec. 28. Goats, other than goats consigned directly to a slaughterhouse or to a livestock auction market for sale as slaughter goats and imported into this state shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection and meet all of the following:

(a) In the case of goats more than 6 months old, test negative to an official tuberculosis test within 60 days before importation or originate directly from a herd that is accredited tuberculosis-free as defined in the bovine tuberculosis eradication: uniform methods and rules effective February 3, 1989, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(b) In the case of goats more than 6 months old except wethers, test negative to an official test for brucellosis within 30 days before importation or originate directly from a herd that is certified brucellosis-free by the state of origin.

Sec. 29. New world camelids shall not be imported into this state without a prior entry permit from the director and shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection and meet all of the following requirements:

(a) Be individually identified by an official identification. The official identification shall be listed on the official interstate health certificate or official interstate certificate of veterinary inspection.

(b) In the case of new world camelids more than 6 months old, test negative to an official test for brucellosis within 30 days before importation.

Sec. 29a. (1) A person shall not import aquaculture into this state without a prior entry permit from the director and 1 of the following issued by an accredited veterinarian or a fish health official:

(a) Official interstate health certificate.

(b) Official interstate certificate of veterinary inspection.

(c) Fish disease inspection report.

(2) A person shall not import aquaculture from a hatchery or other facility with a record of an emergency fish disease within the past 2 years.

(3) A person shall not import aquaculture exhibiting clinical signs of disease.

Sec. 30. (1) All poultry and hatching poultry eggs imported into this state shall be accompanied by 1 of the following:

(a) An official interstate health certificate.

(b) An official interstate certificate of veterinary inspection.

(c) A "report of sales of hatching eggs, chicks, and poults" (vs form 9-3) for participants in the national poultry improvement plan.

(d) An owner-shipper statement or sales invoice if consigned directly to slaughter.

(e) A "permit for movement of restricted animals" (vs form 1-27), if prior approval is granted by the director.

(2) All poultry imported into this state, except those consigned directly to a state or federally inspected slaughter facility or to a livestock auction market for sale as slaughter poultry, shall meet 1 or both of the following requirements:

(a) Originate directly from a U.S. pullorum-typhoid clean flock as defined in title 9 of the code of federal regulations, and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

(b) Have a negative official test for salmonella pullorum-typhoid within 90 days before importation and remain segregated from all poultry of unknown or positive salmonella pullorum-typhoid test status.

(3) Poultry and hatching poultry eggs, other than poultry and hatching poultry eggs moving directly from premises of origin to premises of final destination within this state, shall meet 1 or both of the following:

(a) Originate directly from a U.S. pullorum-typhoid clean flock as defined in title 9 of the code of federal regulations, and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

(b) Have a negative official test for salmonella pullorum-typhoid within 90 days before change of ownership and remain segregated from all poultry of unknown or positive salmonella pullorum-typhoid test status.

Sec. 30a. (1) Captive cervidae, except those consigned directly to a state or federally inspected slaughter facility premises, shall not be imported into this state without a prior entry permit from the director and shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection.

(2) Captive cervidae imported into this state shall be individually identified by an official identification. The official identification shall be listed on the official interstate health certificate or official interstate certificate of veterinary inspection.

(3) Captive cervidae 6 months of age or older, except those consigned directly to a state or federally inspected slaughter facility premises, imported into this state shall test negative to an official test for brucellosis within 30 days before importation.

(4) Captive cervidae 6 months of age or older, except those consigned directly to a state or federally inspected slaughter facility premises, imported into this state shall meet interstate tuberculosis testing requirements as defined in title 9 of the code of federal regulations and the uniform methods and rules for tuberculosis eradication in cervidae: uniform methods and rules effective May 15, 1994, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(5) Captive cervidae with a response other than negative to any tuberculosis test or brucellosis test are not eligible for interstate movement into this state without permission from the director.

(6) Captive cervidae known to be affected with or exposed to tuberculosis or brucellosis are not eligible for interstate movement into this state without permission from the director.

Sec. 30b. (1) All live captive cervidae 6 months of age or older moving from 1 premises to another premises within this state, except those consigned directly to a state or federally inspected slaughter facility premises, shall be accompanied by a copy of the current official test for tuberculosis or written permission from the director and shall originate directly from accredited, qualified, or monitored herds as defined in title 9 of the code of federal regulations and the uniform methods and rules for the control and eradication of bovine tuberculosis in cervidae approved by veterinary services of the animal and plant health inspection service of the U.S. department of agriculture and all amendments thereafter to those publications adopted pursuant to rules that the director may promulgate or originate from herds not known to be affected with or exposed to tuberculosis and accompanied by a certificate signed by an accredited veterinarian stating that the captive cervidae have been classified negative to an official tuberculosis test that was conducted within 90 days before their movement.

(2) Captive cervidae with a response other than negative to any tuberculosis test are not eligible for intrastate movement without permission from the director.

(3) Captive cervidae known to be affected with or exposed to tuberculosis shall not be moved intrastate without permission from the director.

(4) The department shall keep a current database on captive cervidae premises in this state. The database shall include the owner's name, the owner's current address, location of captive cervidae, species of captive cervidae at the premises, and the approximate number of captive cervidae at the premises.

Sec. 33. Livestock sold at a livestock auction market shall be handled and housed in facilities and pens in a manner approved by the director. The alleys and sale rings used for livestock auction shall be appropriately cleaned and disinfected before each day's sale. The pens, facilities, and the procedures for cleaning and disinfecting shall be approved by the director.

Sec. 39. Unless otherwise approved or waived by the director, the following shall apply to exhibition facilities:

(a) A facility for exhibition of livestock shall be constructed to allow sufficient separation of each exhibitor's livestock. The facility shall be constructed of a material that can be adequately cleaned and disinfected.

(b) An exhibition building or yarding facility shall be cleaned and disinfected with USDA-approved disinfectant used in accordance with label instructions before livestock are admitted by removing from the premises all manure, litter, hay, straw, and forage from pens, runways, and show rings, and thoroughly disinfecting walls, partitions, floors, mangers, yarding facilities, and runways in a manner approved by the director.

Sec. 40. (1) A fair shall have an accredited veterinarian on call whenever there are animals on the premises during the fair.

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

(a) Notify exhibitors of health tests and certificates required for importation and exhibition in this state.

(b) Examine and approve required health certificates, reports, test charts, certificates, or other required documentation before displaying, exhibiting, or stabling the animals in the exhibition area or before commingling with other animals.

(c) Provide shipping arrangements for all swine exhibited that are to be removed from the fair, exhibition, exposition, or show facility for direct movement to slaughter or a livestock auction market as defined in Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

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

(4) Livestock with clinical signs of infectious, contagious, or toxicological disease shall be removed from the fair, exhibition, or exposition or, by permission of the director, shall be isolated on the premises.

(5) It is the responsibility of the exhibitor to ensure that all requirements for testing, identification, and official interstate health certificate or official interstate certificate of veterinary inspection are fulfilled prior to importation and that proof of fulfilling these requirements is provided to the director, fair, exhibition, exposition, or show authority upon request.

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

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

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

(b) Originate directly from a pseudorabies qualified-negative herd as defined in title 9 of the code of federal regulations, which proof may consist of a copy of a valid certificate issued by the department stating that the herd meets the requirements for a pseudorabies qualified-negative herd.

(c) Unless the swine are piglets nursing a pseudorabies negative sow, present an official swine test report that indicates the swine have been tested for pseudorabies within 45 days before exhibition and have tested negative.

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

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

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

Sec. 41. Exhibition of poultry shall meet the following requirements:

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

(i) Originate directly from a U.S. pullorum-typhoid clean flock as defined in title 9 of the code of federal regulations, and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

(ii) Have a negative official test for salmonella pullorum-typhoid within 90 days before the exhibition or exposition and remain segregated from all poultry of unknown or positive salmonella pullorum-typhoid test status.

(b) A feed or water container provided for an exhibition coop shall be new or properly cleaned.

(c) A feed or water container from which a bird has eaten or drunk shall be refilled to prevent contamination of the common supply of feed or water. A feed or water container shall not be removed from an exhibition coop except for the purpose of cleaning.

(d) An exhibition coop shall be thoroughly cleaned and disinfected before and after each exhibition.

(e) An exhibition coop shall be constructed and placed to provide adequate light for proper inspection of poultry for evidence of transmissible diseases.

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

(g) Litter for an exhibition coop shall be clean and shall be replaced daily or as often as needed.

(h) A bird shall not be handled except by the exhibitor, attendant, or judge after the bird is placed in an exhibition coop.

Sec. 42. (1) Whenever an official test is conducted or an official vaccination is administered, livestock shall, unless exempted by the director, be identified by an official identification.

(2) The result of an official test shall be reported on a form supplied by the department. If a tissue sample is submitted for analysis, a properly completed sample submission form supplied by the department shall accompany the sample. The official test tissue sample shall be obtained and submitted only by an accredited veterinarian except under special permission of the director. The form used to document the results of an official test, sample submission, or official vaccination shall be properly prepared and completed.

(3) An official brucellosis calfhod vaccination shall be performed by an accredited veterinarian in compliance with the method outlined in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules effective May 6, 1992, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(4) Except upon special permission from the director, official brucellosis calfhod vaccination shall be performed only on female cattle between the ages of 4 and 8 months.

(5) A person shall not tattoo any animal with the official brucellosis vaccination tattoo unless the animal is an official brucellosis calfhod vaccinate.

(6) Testing and surveillance for brucellosis and tuberculosis shall be as follows:

(a) A brucellosis ring test shall be conducted on each herd shipping milk to a dairy plant in this state. The test shall be conducted as outlined in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules effective May 6, 1992, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(b) Disease surveillance for tuberculosis and brucellosis shall be conducted through the market cattle identification program as set forth in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules effective May 6, 1992, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate and the bovine tuberculosis eradication: uniform methods and rules effective February 3, 1989, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(7) The department may participate in the programs described in subsection (6) and programs for other reportable diseases and may test for reportable diseases in any sample of livestock blood or tissue collected at a United States department or department approved slaughter facility, any livestock collection or market facility, or any sample of livestock blood or tissue submitted for diagnostic purposes to a United States department of agriculture officially approved laboratory. The slaughter facility, livestock collection or market facility, or laboratory shall provide adequate room, time, and safe conditions for the collection of blood or tissue samples.

Sec. 43. (1) A company, manufacturer, firm, mail or telephone order company, establishment, outlet, or mobile distributor in another state shall not export any veterinary biologicals for distribution or sale into this state unless notification prior to sale or distribution is given to the director and any stipulations set forth in or pursuant to title 9 of the code of federal regulations under "licenses for biological products" and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate are met.

(2) A company or manufacturer manufacturing a veterinary biological within this state shall not distribute or sell any veterinary biological within this state unless notification prior to distribution or sale is given to the director and any stipulations set forth in or pursuant to title 9 of the code of federal regulations under "licenses for biological products" and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate are met.

(3) The director shall pursue restrictions on the distribution and use of veterinary biologicals when the director determines that such restrictions are necessary for the protection of domestic animals or the public health, interest, or safety, or both, as set forth in title 9 of the code of federal regulations under "licenses for biological products" and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

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

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

(6) When the director determines with advice and consultation from the livestock industry involved and the veterinary profession that the protection of domestic animals or the public health, interest, or safety, or both, or that a control or eradication program for a disease or condition necessitates the report of the sale, use, distribution, or administration of a veterinary biological or diagnostic test, the director may require that any person who sells, uses, distributes, or administers a veterinary biological or diagnostic test report that information to the department within 10 working days. If a form is required, the form shall be supplied by the department.

Sec. 43a. A person shall not give false information in a matter pertaining to this act and shall not resist, impede, or hinder the director in the discharge of his or her duties under this act.

Sec. 44. (1) A person who commits 1 or more of the following is guilty of a felony punishable by a fine of not less than \$1,000.00 nor more than \$50,000.00, or imprisonment of not more than 5 years, or both, and shall not receive any indemnification payments at the discretion of the director:

(a) Intentionally contaminating or exposing livestock to an infectious, contagious, or toxicological disease for the purpose of receiving indemnification from the state or causing the state to destroy affected livestock.

(b) Intentionally making a false statement on an application for indemnification or reimbursement from the state.

(c) Intentionally violating a condition of quarantine.

(d) Intentionally importing into this state, without permission from the director, diseased livestock or livestock exposed to an infectious, contagious, or toxicological disease.

(e) Intentionally misrepresenting the health, medical status, or prior treatment for an infectious, contagious, or toxicological disease of livestock to facilitate movement or transfer of ownership to another person.

(2) A person who violates this act or a rule promulgated under this act other than subsection (1) is guilty of a misdemeanor, punishable by a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

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

(4) The director, upon finding that a person has violated this act or a rule promulgated under this act, may do the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation after notice and an opportunity for a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, with a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

(5) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine and costs and fees. Civil penalties collected shall be paid to the state treasury.

(6) Notwithstanding the provisions of this act, the department may bring an action to do 1 or more of the following:

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

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

Section 2. Section 18 of Act No. 466 of the Public Acts of 1988, being section 287.718 of the Michigan Compiled Laws, is repealed.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.

