



HOUSE BILL No. 5566

February 8, 1996, Introduced by Reps. Gnodtke, Green, Gernaat, Lowe, London, Randall and McNutt and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 3, 4, and 19 of Act No. 466 of the Public Acts of 1988, entitled as amended

"Animal industry act of 1987,"

as amended by Act No. 41 of the Public Acts of 1994, being sections 287.703, 287.704, and 287.719 of the Michigan Compiled Laws; to add section 29a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 4, and 19 of Act No. 466 of the
2 Public Acts of 1988, as amended by Act No. 41 of the Public Acts
3 of 1994, being sections 287.703, 287.704, and 287.719 of the
4 Michigan Compiled Laws, are amended and section 29a is added to
5 read as follows:

6 Sec. 3. (1) "Accredited veterinarian" means a veterinarian
7 approved by the United States department of agriculture to

1 perform specific functions required by cooperative state-federal
2 disease control and eradication programs.

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

5 (3) "Aquaculture" means aquatic ANIMAL organisms ~~such as~~
6 INCLUDING, BUT NOT LIMITED TO, fish, crustaceans, mollusks, rep-
7 tiles, and amphibians, reared or ~~cultivated~~ CULTURED under con-
8 trolled conditions IN AN AQUACULTURE FACILITY FOR PRODUCTION AS
9 ANIMAL FOOD, HUMAN FOOD, OR ANIMAL BAIT.

10 (4) "AQUACULTURE FACILITY" MEANS A FARM OR FARM OPERATION
11 ENGAGED IN ANY ASPECT OF AQUACULTURE IN PRIVATELY CONTROLLED
12 WATERS AND CAPABLE OF HOLDING AQUACULTURE SPECIES WITH A BARRIER
13 OR ENCLOSURE TO PREVENT THEIR ESCAPE INTO PUBLIC WATERS. AN
14 AQUACULTURE FACILITY DOES NOT INCLUDE A RETAIL ORNAMENTAL FISH
15 FACILITY.

16 (5) ~~(4)~~ "Approved vaccine" means a veterinary biological
17 administered to livestock or other animals to induce immunity in
18 the recipient. The use of the approved vaccine in this state
19 shall be approved by the state veterinarian.

20 (6) ~~(5)~~ "Breeding swine" means swine intended for use as
21 breeding stock and all swine not intended for slaughter or feed-
22 ing to market age and weight for slaughter including companion
23 animals and research animals regardless of reproductive
24 capacity. Breeding swine includes all boars and sows.

25 (7) ~~(6)~~ "Captive cervidae" means members of the cervidae
26 family including, but not limited to, deer, elk, moose, and
27 caribou living under the husbandry of humans.

1 (8) ~~-(7)-~~ "Cattle" means all bovine (genus bos) animals,
2 bovinelike animals (genus bison) also commonly referred to as
3 American buffalo or bison, and any cross of these species unless
4 otherwise specifically provided.

5 (9) ~~-(8)-~~ "Cattle importation lot" means a premises regis-
6 tered with the department and used only to feed cattle in prepa-
7 ration for slaughter.

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

13 (11) ~~-(10)-~~ "Consignee" means the person within the state of
14 Michigan receiving the animals at the point of destination named
15 on the official interstate health certificate, official inter-
16 state certificate of veterinary inspection, owner-shipper state-
17 ment, or sales invoice.

18 (12) ~~-(11)-~~ "Contagious disease" means an illness due to a
19 specific infectious agent or suspected infectious agent or its
20 toxic products which arises through transmission of that agent or
21 its products from an infected animal, or inanimate reservoir to a
22 susceptible host, either directly or indirectly through an inter-
23 mediate plant or animal host, vector, or the inanimate environ-
24 ment, or via an airborne mechanism.

25 (13) ~~-(12)-~~ "Department" means the department of
26 agriculture.

1 (14) ~~(13)~~ "Direct movement" means transfer of animals to a
2 destination without unloading the animals en route and without
3 exposure to any other animals.

4 (15) ~~(14)~~ "Director" means the director of the department
5 of agriculture or his or her authorized representative.

6 (16) ~~(15)~~ "Disease" means any animal health issue with
7 economic impacts in terms of restricted movement or markets,
8 whether due to residues, metabolic problems, public health con-
9 cerns, multiple causes, or food safety issues.

10 (17) ~~(16)~~ "Distribute" means to deliver other than by
11 administering or dispensing a veterinary biological.

12 (18) ~~(17)~~ "Domestic animal" means those species of animals
13 indigenous to North America which have lived under the husbandry
14 of humans.

15 (19) ~~(18)~~ "Equine" means all animals of the equine family
16 which includes horses, asses, jacks, jennies, hinnies, mules,
17 donkeys, burros, ponies, and zebras.

18 (20) ~~(19)~~ "Exhibition or exposition" means a congregation,
19 gathering, or collection of livestock that are presented or
20 exposed to public view for show, display, swap, exchange, enter-
21 tainment, educational event, instruction, advertising, or
22 competition. Exhibition or exposition does not include livestock
23 for sale at public stockyards, auctions, saleyards, and livestock
24 yards licensed under the provisions of Act No. 284 of the Public
25 Acts of 1937, being sections 287.121 to 287.131 of the Michigan
26 Compiled Laws.

1 (21) ~~-(20)-~~ "Exhibition facility" means any facility used or
2 intended to be used for public display, educational event, or
3 competition involving livestock. Exhibition facility excludes a
4 public stockyard, an auction saleyard, and a livestock yard.

5 (22) ~~-(21)-~~ "Exhibitor" means any person who presents live-
6 stock for public display, exhibition, or competition or enters
7 livestock in a fair, show, exhibition, or exposition.

8 (23) ~~-(22)-~~ "Exotic animal" means those animals that are not
9 domestic or any cross of those animals not domestic to North
10 America.

11 (24) ~~-(23)-~~ "Fair" means a competition and educational exhi-
12 bition of agricultural commodities and manufactured products for
13 which premiums may be paid and which is conducted by an associa-
14 tion or governmental entity.

15 (25) ~~-(24)-~~ "Feral swine" means swine which have lived their
16 life or any part of their life as free roaming or not under the
17 husbandry of humans.

18 Sec. 4. (1) "Feeder pigs" and "feeder swine" means swine
19 weighing less than 120 pounds intended for feeding purposes.

20 (2) "FISH-DISEASE INSPECTION REPORT" MEANS A DOCUMENT AVAIL-
21 ABLE FROM THE GREAT LAKES FISHERY COMMISSION COMPLETED BY A FISH
22 HEALTH OFFICIAL GIVING EVIDENCE OF INSPECTIONS AND DIAGNOSITC
23 WORK PERFORMED.

24 (3) "FISH HEALTH OFFICIAL" MEANS A FISH HEALTH SPECIALIST
25 IDENTIFIED BY MEMBER AGENCIES OF THE GREAT LAKES FISH DISEASE
26 CONTROL COMMITTEE TO THE CHAIR OF THE GREAT LAKES FISH DISEASE

1 CONTROL COMMITTEE RESPONSIBLE FOR CONDUCTING FISH-HATCHERY
2 INSPECTIONS AND THE ISSUANCE OF INSPECTION REPORTS.

3 (4) ~~-(2)-~~ "Flock" means all of the poultry on 1 premises or,
4 upon the discretion of the department, a group of poultry that is
5 segregated from all other poultry for at least 21 days.

6 (5) ~~-(3)-~~ "Grade status" means an animal for which no proof
7 of registration with an appropriate breed registry is provided.

8 (6) "GREAT LAKES BASIN" MEANS THE GEOGRAPHICAL AREA ENCOM-
9 PASSING LAKE ONTARIO INCLUDING THE ST. LAWRENCE RIVER FROM LAKE
10 ONTARIO TO THE FORTY-FIFTH PARALLEL OF LATITUDE, LAKE ERIE, LAKE
11 HURON INCLUDING LAKE ST. CLAIR, LAKE MICHIGAN, LAKE SUPERIOR,
12 THEIR CONNECTING WATERS, AND ALL TRIBUTARIES TO THOSE LAKES AND
13 WATERS.

14 (7) ~~-(4)-~~ "Hatchery" means incubators, hatchers, and auxil-
15 iary equipment on 1 premises operated and controlled for the pur-
16 pose of hatching poultry.

17 (8) ~~-(5)-~~ "Hatching poultry eggs" means eggs for use in a
18 hatchery to produce young poultry or to produce embryonated
19 eggs.

20 (9) ~~-(6)-~~ "Herd or flock of origin" means any herd or flock
21 in which animals are born and remain until movement or any herd
22 or flock which animals remain for at least 30 days immediately
23 following direct movement into the herd or flock from another
24 herd or flock.

25 (10) ~~-(7)-~~ "Infectious disease" means an infection or dis-
26 ease due to the invasion of the body by pathogenic organisms.

1 (11) ~~(8)~~ "Isolated" means the physical separation of
2 animals by a physical barrier in such a manner that other animals
3 do not have access to the isolated animals' body, excrement, or
4 discharges, not allowing the isolated animals to share a building
5 with a common ventilation system with other animals, and not
6 allowing the isolated animals to be within 10 feet of other ani-
7 mals if not sharing a building with a common ventilation system.
8 Isolated animals have a separate noncommon feed and water system
9 from other animals.

10 Sec. 19. (1) Livestock ~~, except for aquaculture,~~ imported
11 into this state shall be accompanied by 1 of the following:

12 (a) An official interstate health certificate.

13 (b) An official interstate certificate of veterinary
14 inspection.

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

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

21 (e) A "permit for movement of restricted animals" (vs form
22 1-27), if prior approval is granted by the director.

23 (f) Permission issued by the director.

24 (2) AQUACULTURE IMPORTED INTO THIS STATE SHALL BE ACCOM-
25 PANIED BY A FISH-DISEASE INFORMATION REPORT.

26 (3) ~~(2)~~ Brucellosis or tuberculosis officially classified
27 suspect or reactor cattle shall not be imported into this state.

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

13 (5) ~~-(4)-~~ Livestock shall not be diverted to premises other
14 than the destination site named on the official interstate health
15 certificate, official interstate certificate of veterinary
16 inspection, owner-shipper statement, sale invoice, vs form 9-3,
17 or vs form 1-27.

18 (6) ~~-(5)-~~ Out-of-state livestock for exhibition shall meet
19 the requirements prescribed by this act for importation of breed-
20 ing animals of that species and shall be accompanied by a copy of
21 an official interstate health certificate or an official inter-
22 state certificate of veterinary inspection issued by an accredi-
23 ted veterinarian from the state of origin.

24 (7) ~~-(6)-~~ The director may refuse entry into this state of
25 livestock that the director has reason to believe may pose a
26 threat to the public health or health of livestock. Livestock
27 imported into this state shall not originate from a herd under

1 quarantine unless accompanied by permission issued by the
2 director. The director may waive specific requirements if it is
3 determined that livestock imported from a certain area or state
4 are not a threat to the public health or health of livestock.

5 SEC. 29A. (1) A PERSON SHALL NOT IMPORT AQUACULTURE INTO
6 THIS STATE WITHOUT A PRIOR ENTRY PERMIT FROM THE DIRECTOR AND 1
7 OF THE FOLLOWING ISSUED BY AN ACCREDITED VETERINARIAN OR A FISH
8 HEALTH OFFICIAL:

9 (A) OFFICIAL INTERSTATE HEALTH CERTIFICATE.

10 (B) OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY
11 INSPECTION.

12 (C) FISH-DISEASE INSPECTION REPORT.

13 (2) A PERSON SHALL NOT IMPORT AQUACULTURE FROM A HATCHERY OR
14 OTHER FACILITY WITH A RECORD OF AN EMERGENCY FISH DISEASE WITHIN
15 THE PAST 2 YEARS.

16 (3) A PERSON SHALL NOT IMPORT AQUACULTURE EXHIBITING CLINI-
17 CAL SIGNS OF DISEASE.

18 Section 2. Section 18 of Act No. 466 of the Public Acts of
19 1988, being section 287.718 of the Michigan Compiled Laws, is
20 repealed.