

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5832

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending sections 3, 4, 6, 8, 9, 11b, 12, 13a, 14, 16, 19, 22, 30a, 30b, 33, and 44 (MCL 287.703, 287.704, 287.706, 287.708, 287.709, 287.711b, 287.712, 287.713a, 287.714, 287.716, 287.719, 287.722, 287.730a, 287.730b, 287.733, and 287.744), sections 3, 4, 6, 8, 9, 12, 14, 16, 19, 30a, 30b, 33, and 44 as amended and sections 11b and 13a as added by 2000 PA 323 and section 22 as amended by 1996 PA 369; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Accredited veterinarian" means a veterinarian
2 approved by the ~~deputy~~ administrator of the United States
3 department of agriculture, animal and plant health inspection
4 service ~~, veterinary services~~ in accordance with provisions of
5 9 C.F.R. part 161, ~~— An accredited veterinarian is —~~ AND

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

2

1 considered preapproved to perform certain functions of federal
2 and cooperative state/federal programs.

3 (2) "Animal" means mollusks, crustaceans, and vertebrates
4 other than human beings including, but not limited to, livestock,
5 exotic animals, aquaculture, and domestic animals.

6 (3) "Animal movement certificate" means ~~a printed form~~
7 ~~adopted by the department and completed~~ ANIMAL MOVEMENT AUTHORI-
8 ZATION ESTABLISHED IN A MANNER APPROVED and issued by the direc-
9 tor that contains, at a minimum, the following information
10 regarding animals or an animal:

11 (a) The point of origin and point of destination.

12 (b) Official identification.

13 (c) Anticipated movement date.

14 (d) Any required official test results for bovine
15 tuberculosis.

16 (4) "Aquaculture" means the commercial husbandry of aquacul-
17 ture species on the approved list of aquaculture species under
18 the Michigan aquaculture development act, 1996 PA 199,
19 MCL 286.871 to 286.884, including, but not limited to, the cul-
20 turing, producing, growing, using, propagating, harvesting,
21 transporting, importing, exporting, or marketing of any products,
22 coproducts, or by-products of fish, crustaceans, mollusks, rep-
23 tiles, and amphibians, reared or cultured under controlled condi-
24 tions in an aquaculture facility.

25 (5) "Aquaculture facility" means that term as defined under
26 the Michigan aquaculture development act, 1996 PA ~~1999~~ 199,
27 MCL 286.871 to 286.884.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

3

1 (6) "Approved vaccine" means a veterinary biological
2 administered to livestock or other animals to induce immunity in
3 the recipient ~~— The use of the approved vaccine in this state~~
4 ~~shall be~~ AND approved by the state veterinarian.

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

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

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

14 (10) "Commingling" means concurrently or subsequently shar-
15 ing or subsequent use by livestock or other domestic animals of
16 the same pen or same section in a facility or same section in a
17 transportation unit where there is physical contact or contact
18 with bodily excrements, AEROSOLS, or fluids from other livestock
19 or domestic animals.

20 (11) "Consignee" means the person receiving the animals at
21 the point of destination named on the official interstate or
22 intrastate health certificate, official interstate certificate of
23 veterinary inspection OR ANIMAL MOVEMENT CERTIFICATE, entry
24 authorization form, FISH DISEASE INSPECTION REPORT, owner-shipper
25 statement, or sales invoice.

26 (12) "Contagious disease" means an illness due to a specific
27 infectious agent or suspected infectious agent or its toxic

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

4

1 products which arises through transmission of that agent or its
2 products from an infected animal, or inanimate reservoir to a
3 susceptible host, either directly or indirectly through an inter-
4 mediate plant or animal host, vector, or the inanimate environ-
5 ment, or via an airborne mechanism.

6 (13) "Dealer" means any person REQUIRED TO BE LICENSED UNDER
7 1937 PA 284, MCL 287.121 TO 287.131, AND engaged in the business
8 of buying, receiving, selling, exchanging, transporting, negoti-
9 ating, or soliciting the sale, resale, exchange, transportation,
10 or transfer of livestock. ~~This act does not exempt a person~~
11 ~~from licensure if otherwise required to be licensed under 1937~~
12 ~~PA 284, MCL 287.121 to 287.131.~~

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

15 (15) "Direct movement" means transfer of animals to a desti-
16 nation without unloading the animals en route and without expo-
17 sure to any other animals or bodily excrements, AEROSOLS, or
18 fluids from other animals.

19 (16) "Director" means the director of the MICHIGAN depart-
20 ment of agriculture or his or her authorized representative.

21 (17) "Disease" means any animal health ~~issue~~ CONDITION
22 with POTENTIAL FOR economic ~~impacts in terms of restricted move-~~
23 ~~ment or markets, whether due to residues, metabolic problems,~~
24 IMPACT, public OR ANIMAL health concerns, ~~multiple causes,~~ or
25 food safety ~~issues~~ CONCERNS.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

5

1 (19) "Domestic animal" means those species of animals that
2 live under the husbandry of humans.

3 (20) "Emergency fish diseases" means certain infectious dis-
4 eases of fish that are transmissible directly or indirectly from
5 1 fish to another and are not known to exist within the waters of
6 the state. Emergency fish diseases include, but are not limited
7 to, viral hemorrhagic septicemia, infectious hematopoietic necro-
8 sis, ceratomyxosis, and proliferative kidney disease.

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

12 (22) "Exhibition or exposition" means a congregation, gath-
13 ering, or collection of livestock that are presented or exposed
14 to public view for show, display, swap, exchange, entertainment,
15 educational event, instruction, advertising, or competition.
16 Exhibition or exposition does not include livestock for sale at
17 public stockyards, auctions, saleyards, and livestock yards
18 licensed under the provisions of 1937 PA 284, MCL 287.121 to
19 287.131.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

6

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

4 (25) "Exotic animal" means those animals that are not
5 ~~domestic or any cross of those animals not domestic~~ NATIVE to
6 North America.

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

11 (27) "Feral swine" means swine which have lived their life
12 or any part of their life as free roaming or not under the hus-
13 bandry of humans.

14 Sec. 4. (1) "Fish disease inspection report" means a docu-
15 ment available from the Great Lakes fishery commission completed
16 by a fish health official giving evidence of inspections and
17 diagnostic work performed.

18 (2) "Fish health official" means a fish health specialist
19 identified by member agencies of the Great Lakes fish disease
20 control committee to the chair of the Great Lakes fish disease
21 control committee responsible for conducting fish-hatchery
22 inspections and the issuance of inspection reports.

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

26 (4) "Garbage" means any animal origin products, including
27 those of poultry and fish origin, or other animal material

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

7

1 resulting from the handling, processing, preparation, cooking,
2 and consumption of foods. Garbage includes, but is not limited
3 to, any refuse of any type that has been associated with any such
4 material at any time during the handling, preparation, cooking,
5 or consumption of food. Garbage does not include rendered pro-
6 ducts or manure.

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

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

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

14 (8) "Herd or flock of origin" means any herd or flock in
15 which animals are born and remain until movement or any herd or
16 flock which animals remain for at least 30 days immediately fol-
17 lowing direct movement into the herd or flock from another herd
18 or flock. Herd or flock of origin includes the place of origin,
19 premises of origin, and farm of origin.

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

22 (10) "Isolated" means the physical separation of animals by
23 a physical barrier in such a manner that other animals do not
24 have access to the isolated animals' body, excrement, AEROSOLS,
25 or discharges, not allowing the isolated animals to share a
26 building with a common ventilation system with other animals, and
27 not allowing the isolated animals to be within 10 feet of other

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

8

1 animals if not sharing a building with a common ventilation
2 system. Isolated animals have a ~~noncommon~~ feed and water
3 system separate from other animals.

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

9 (2) "Official identification" means an identification ear
10 tag, tattoo, electronic identification, or other identification
11 approved by the United States department of agriculture or the
12 department.

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

23 (4) "Official test" means a sample of specific material col-
24 lected from an animal by an accredited veterinarian, STATE OR
25 FEDERAL VETERINARY MEDICAL OFFICER, or other person authorized by
26 the director ~~—~~ and analyzed by a laboratory certified by the
27 United States department of agriculture or the department to

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

9

1 conduct the test, or a diagnostic injection administered and
2 analyzed by an accredited veterinarian OR A STATE OR FEDERAL VET-
3 ERINARY MEDICAL OFFICER. An official test ~~shall be~~ IS con-
4 ducted only by an accredited veterinarian OR A STATE OR FEDERAL
5 VETERINARY MEDICAL OFFICER except under special permission by the
6 director.

7 (5) "Official vaccination" means a vaccination that the
8 director has designated as reportable, ~~— An official vaccina-~~
9 ~~tion shall be~~ administered by an accredited veterinarian OR A
10 STATE OR FEDERAL VETERINARY MEDICAL OFFICER, and documented on a
11 form supplied by the department.

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

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

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

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

26 (10) "Prior entry permit" means a code that is obtained from
27 the department for specific species of livestock imported into

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

10

1 the state that is recorded on the official interstate health
2 certificate or official interstate certificate of veterinary
3 inspection BEFORE ENTRY INTO THE STATE.

4 (11) "Privately owned cervid" means all species of the
5 cervid family including, but not limited to, deer, elk, moose,
6 and all other members of the family cervidae raised or maintained
7 in captivity for the production of meat and other agricultural
8 products, sport, exhibition, or any other purpose. A privately
9 owned cervid at large will continue to be considered a privately
10 owned cervid as long as it bears ~~official~~ VISIBLE
11 identification.

12 (12) "Privately owned cervid farm" means any private or
13 public premises that contains 1 or more privately owned cervids
14 and does not have any privately owned cervids removed by the
15 hunting method.

16 (13) "Privately owned cervid ranch" means any private or
17 public premises that contains 1 or more privately owned cervids
18 and has privately owned cervids removed by the hunting method.

19 (14) "Privately owned white-tailed deer or elk ranch" means
20 any private or public premises that contain 1 or more privately
21 owned white-tailed deer or privately owned elk and has privately
22 owned white-tailed deer or privately owned elk removed by the
23 hunting method.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

11

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

4 (17) "Quarantine" means enforced isolation of any animal or
5 group of animals or restriction of movement of an animal or group
6 of animals, EQUIPMENT, OR VEHICLES to or from any structure,
7 premises, or area of this state including the entirety of this
8 state.

9 (18) "Ratite" means flightless birds having a flat breast-
10 bone without the keellike prominence characteristic of most
11 flying birds. Ratites include, but are not limited to, casso-
12 waries, kiwis, ostriches, emus, and rheas.

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

19 (20) "Rendered products" means waste material derived in
20 whole or in part from meat of any animal or other animal material
21 and other refuse of any character whatsoever that has been asso-
22 ciated with any such material at any time during the handling,
23 preparation, cooking, or consumption of food that has been ground
24 and heat-treated to a minimum temperature of 230 degrees
25 Fahrenheit to make products including, but not limited to, animal
26 protein meal, poultry protein meal, fish protein meal, grease, or
27 tallow. Rendered products also include bakery wastes, eggs,

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

12

1 candy wastes, and domestic dairy products including, but not
2 limited to, milk.

3 (21) "Reportable disease" means an animal disease on the
4 current reportable animal disease list maintained by the state
5 veterinarian that poses a serious threat to the livestock indus-
6 try, public health, or human food chain.

7 (22) "Slaughter facility premises" means all facilities,
8 buildings, structures, including all immediate grounds where
9 slaughtering occurs under federal or state inspection, or other-
10 wise authorized by the director.

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

13 (24) "State veterinarian" means the chief animal health
14 official of the state as appointed by the director under section
15 7, or his or her authorized representative.

16 (25) "Swine" means any of the ungulate mammals of the family
17 suidae.

18 (26) "Terminal operation" means a facility for cattle, PRI-
19 VATELY OWNED CERVIDS, and goats to allow for continued growth and
20 finishing until such time as the cattle, PRIVATELY OWNED CERVIDS,
21 and goats are shipped directly to slaughter.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

13

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

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

8 (30) "Veterinarian" means a person licensed to practice vet-
9 erinary medicine under article 15 of the public health code, 1978
10 PA 368, MCL 333.16101 to 333.18838, or under a state or federal
11 law applicable to that person.

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

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

23 (33) "Wild animal" means any nondomesticated animal or any
24 cross of a nondomesticated animal.

25 Sec. 8. (1) Under the direction of the director, the state
26 veterinarian shall do all of the following:

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

14

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

5 (b) Promulgate rules under the administrative procedures act
6 of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the use of veter-
7 inary biologicals including diagnostic biological agents.

8 (c) Maintain a list of reportable animal diseases. The
9 state veterinarian shall review and update the list annually and
10 more often if necessary.

11 (d) Maintain a list of veterinary biologicals whose sale,
12 distribution, use, or administration by any person is reported to
13 the director when requested by the director within 10 working
14 days of the sale, distribution, use, or administration. The
15 state veterinarian shall review and update the list annually and
16 more often if necessary.

17 (e) Develop and implement scientifically based surveillance
18 and monitoring programs for reportable diseases when the director
19 determines, with advice and consultation from the livestock
20 industry and veterinary profession, that these programs would aid
21 in the control or eradication of a reportable disease or ~~assist~~
22 ~~in~~ STRENGTHEN the economic viability of the industry.

23 (2) The state veterinarian may require that the importation
24 and use of veterinary biologicals or biological agents be
25 reported to the department and may restrict the use of certain
26 veterinary biologicals to veterinarians when the disease or

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

15

1 veterinary biological involved has a substantial impact on public
2 health, animal health, or animal industry.

3 (3) Unless otherwise prohibited by law, the state veterinar-
4 ian may enter upon any public or private premises to enforce this
5 act.

6 (4) A PERSON SHALL NOT GIVE FALSE INFORMATION IN A MATTER
7 PERTAINING TO THIS ACT AND SHALL NOT IMPEDE OR HINDER THE DIREC-
8 TOR IN THE DISCHARGE OF HIS OR HER DUTIES UNDER THIS ACT.

9 (5) UPON DEMAND OF THE DIRECTOR, A PERSON TRANSPORTING LIVE-
10 STOCK SHALL PRODUCE DOCUMENTATION THAT CONTAINS THE ORIGIN OF
11 SHIPMENT, REGISTRATION OR PERMIT COPIES OR DOCUMENTATION, DOCU-
12 MENTATION DEMONSTRATING SHIPPING DESTINATION, AND ANY OTHER PROOF
13 THAT MAY BE REQUIRED UNDER THIS ACT.

14 (6) THE DIRECTOR MAY WAIVE ANY TESTING REQUIREMENTS AFTER
15 EPIDEMIOLOGIC REVIEW.

16 Sec. 9. (1) A person who discovers, suspects, or has reason
17 to believe that an animal is either affected by a reportable dis-
18 ease or contaminated with a toxic substance shall immediately
19 report that fact, suspicion, or belief to the director. The
20 director shall take appropriate action to investigate the
21 report. A person possessing an animal affected by, or suspected
22 of being affected by, a reportable disease or contaminated with a
23 toxic substance shall allow the director to examine the animal or
24 collect diagnostic specimens. The director may enter premises
25 where animals, animal products, or animal feeds are suspected of
26 being contaminated with an infectious or contagious disease, or a
27 disease caused by a toxic substance and seize or impound the

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

16

1 animal products or feed located on the premises. The director
2 may withhold a certain amount of animal products or feed for the
3 purpose of controlled research and testing. A person who know-
4 ingly possesses or harbors affected or suspected animals shall
5 not expose other animals to the affected or suspected animals or
6 otherwise move the affected or suspected animals or animals under
7 quarantine except with permission from the director.

8 (2) A person owning animals shall provide reasonable assist-
9 ance to the director during the examination and necessary testing
10 procedures.

11 (3) The director may call upon a law enforcement agency to
12 assist in enforcing the director's quarantines, orders, or any
13 other provisions of this act.

14 (4) A person shall not remove or alter the official identi-
15 fication of an animal. A person shall not misrepresent an
16 animal's identity or the ownership of an animal. A person shall
17 not misrepresent the animal's health status to a potential
18 buyer.

19 (5) The director shall devise and implement a program to
20 compensate livestock owners for livestock that die, are injured,
21 or need to be destroyed for humane ~~purposes~~ REASONS DUE TO
22 INJURY OCCURRING while the livestock are ~~being tested or under a~~
23 ~~surveillance program~~ UNDERGOING MANDATORY OR REQUIRED TESTING
24 for a reportable disease.

25 (6) Any medical or epidemiological information that identi-
26 fies the owners of animals and is gathered in connection with the
27 reporting of a discovery, suspicion, or reason to believe that an

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

17

1 animal is either affected by a reportable disease or contaminated
2 with a toxic substance, or information gathered in connection
3 with an investigation of the reporting of a discovery, suspicion,
4 or reason to believe that an animal is affected by a reportable
5 disease or contaminated with a toxic substance is confidential,
6 is exempt from disclosure under the freedom of information act,
7 1976 PA 442, MCL 15.231 to 15.246, and is not open to public
8 inspection without the individual's consent unless public inspec-
9 tion is necessary to protect the public or animal health as
10 determined by the director. Such medical or epidemiological
11 information that is released to a legislative body shall not con-
12 tain information that identifies a specific owner.

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

14 (a) "Disease free zone" means any area in the state with
15 defined dimensions determined by the department in consultation
16 with the United States department of agriculture to be free of
17 bovine tuberculosis IN LIVESTOCK.

18 (b) "Infected zone" means any area in the state with defined
19 dimensions in which bovine tuberculosis is present IN LIVESTOCK
20 and separated from the disease free zone by a surveillance zone
21 as determined by the department in consultation with the United
22 States department of agriculture.

23 (c) "Official intrastate health certificate or official
24 intrastate certificate of veterinary inspection" means a printed
25 form adopted by the department and completed and issued by an
26 accredited veterinarian that documents an animal's point of

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

18

1 origin, point of destination, official identification, and any
2 required official test results.

3 (d) "Prior movement permit" means prior documented permis-
4 sion given by the director before movement of livestock.

5 (e) "Surveillance zone" means any area in the state with
6 defined dimensions ~~which~~ THAT is ~~bovine tuberculosis disease~~
7 ~~free and~~ located adjacent and contiguous to an infected zone as
8 determined by the department in consultation with the United
9 States department of agriculture.

10 (8) The director may develop, implement, and enforce scien-
11 tifically based movement restrictions and requirements including
12 official bovine tuberculosis test requirements, prior movement
13 permits, official intrastate health certificates or animal move-
14 ment certificates to accompany movement of animals, and official
15 identification of animals for movement between or within a dis-
16 ease free zone, surveillance zone, and an infected zone, or any
17 combination of those zones.

18 (9) The department shall comply with the following proce-
19 dures before issuing ~~movement restrictions and other~~ ZONING
20 requirements described in subsection (8) that assure public
21 notice and opportunity for public comment:

22 (a) Develop scientifically based ~~movement restrictions and~~
23 ~~other~~ ZONING requirements with advice and consultation from the
24 livestock industry and veterinary profession.

25 (b) Place the proposed ~~movement restrictions and other~~
26 ZONING requirements on the commission of agriculture agenda ~~for~~
27 at least 1 month before ~~implementation and allow public comment~~

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

19

1 ~~before commission review~~ FINAL REVIEW AND ORDER BY THE
2 DIRECTOR. DURING THE 1-MONTH PERIOD DESCRIBED IN THIS SUBDIVI-
3 SION, WRITTEN COMMENTS MAY BE SUBMITTED TO THE DIRECTOR AND THE
4 DIRECTOR SHALL HOLD AT LEAST 1 PUBLIC FORUM WITHIN THE AFFECTED
5 AREAS.

6 (c) Place the proposed ~~movement restrictions and other~~
7 ZONING requirements at least 1 month before implementation in a
8 newspaper of each county within the proposed ~~movement~~
9 ~~restriction~~ ZONING REQUIREMENT area and at least 2 newspapers
10 HAVING CIRCULATION outside of the proposed ZONING REQUIREMENT
11 area.

12 (10) The ~~department~~ DIRECTOR may revise or rescind move-
13 ment restrictions and other requirements described in
14 subsection (8), pursuant to this section, and any revision or
15 revocation of such movement restrictions or other requirements
16 shall comply with the procedure set forth in subsection (9)
17 UNLESS THE REVISION DOES NOT ALTER THE BOUNDARY OF A PREVIOUSLY
18 ESTABLISHED ZONE.

19 (11) As used in subsections (12) to (32):

20 (a) "High-risk area" means an area DESIGNATED BY THE
21 DIRECTOR where bovine tuberculosis has been diagnosed in
22 livestock. ~~High-risk area does not include an area where tests~~
23 ~~conducted under subsection (14) indicate a lack of bovine tuber-~~
24 ~~culosis diagnosis at least 36 months after the date the area was~~
25 ~~designated a high-risk area.~~

26 (b) "Intrastate MOVEMENT" means MOVEMENT from 1 premises to
27 another within this state. Intrastate ~~in reference to~~ movement

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

20

1 does not include the movement of livestock from 1 premises within
2 the state directly to another premises within the state when both
3 premises are a part of the same livestock operation under common
4 ownership and both premises are directly interrelated as part of
5 the same livestock operation EXCEPT THAT WHEN INTRASTATE MOVEMENT
6 CAUSES LIVESTOCK TO CROSS FROM 1 ZONE INTO ANOTHER ZONE, LIVE-
7 STOCK MUST MEET THE TESTING REQUIREMENTS FOR THEIR ZONE OF
8 ORIGIN.

9 (c) "Potential high-risk area" means an area ~~where~~
10 DETERMINED BY THE DIRECTOR IN WHICH bovine tuberculosis has been
11 diagnosed in wild animals only. ~~Potential high-risk area does~~
12 ~~not include an area where cattle and goat herds are whole herd~~
13 ~~tested in the manner provided for under subsection (16) resulting~~
14 ~~in the lack of any additional bovine tuberculosis infected ani-~~
15 ~~mals being found in wild animals, domestic animals, or~~
16 ~~livestock.~~

17 (d) "Whole herd" means any isolated group of cattle, ~~and~~
18 PRIVATELY OWNED CERVIDS, OR goats ~~12 months of age or older~~
19 maintained on common ground for any purpose, or 2 or more groups
20 of cattle, ~~and~~ PRIVATELY OWNED CERVIDS, OR goats under common
21 ownership or supervision geographically separated but that have
22 an interchange or movement of cattle, ~~and~~ PRIVATELY OWNED CER-
23 VIDS, OR goats without regard to health status as determined by
24 the director.

25 (E) "WHOLE HERD TEST" MEANS A TEST OF ANY ISOLATED GROUP OF
26 CATTLE OR PRIVATELY OWNED CERVIDS 12 MONTHS OF AGE AND OLDER OR
27 GOATS 6 MONTHS OF AGE OR OLDER MAINTAINED ON COMMON GROUND FOR

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

21

1 ANY PURPOSE; 2 OR MORE GROUPS OF CATTLE, GOATS, OR PRIVATELY
2 OWNED CERVIDS UNDER COMMON OWNERSHIP OR SUPERVISION GEOGRAPH-
3 ICALLY SEPARATED BUT THAT HAVE AN INTERCHANGE OR MOVEMENT OF
4 CATTLE, GOATS, OR PRIVATELY OWNED CERVIDS WITHOUT REGARD TO
5 HEALTH STATUS AS DETERMINED BY THE DIRECTOR; OR ANY OTHER TEST OF
6 AN ISOLATED GROUP OF LIVESTOCK CONSIDERED A WHOLE HERD TEST BY
7 THE DIRECTOR.

8 (12) This section does not exempt dairy herds from being
9 tested in the manner provided for by grade "A" pasteurized milk
10 ordinance, ~~1999~~ 2001 revision of the United States public
11 health service/food and drug administration, with administrative
12 procedures and appendices, set forth in the public health
13 service/food and drug administration publication no. 229, and the
14 provisions of the 1995 grade "A" condensed and dry milk products
15 and condensed and dry whey-supplement I to the grade "A" pasteur-
16 ized milk ordinance, ~~1999~~ 2001 revisions, and all amendments to
17 those publications thereafter adopted pursuant to the rules that
18 the director may promulgate.

19 (13) The director may establish high-risk areas and poten-
20 tial high-risk areas based upon scientifically based
21 epidemiology. ~~Notification shall be given through~~ THE DIRECTOR
22 SHALL NOTIFY the commission of agriculture and PUBLISH PUBLIC
23 NOTICE in a newspaper OF EACH COUNTY with general circulation in
24 any area designated as a high-risk or potential high-risk area.

25 (14) ~~Cattle~~ ALL CATTLE and goat herds located in high-risk
26 areas shall be whole herd bovine tuberculosis tested at least
27 once per year. After the first whole herd bovine tuberculosis

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

22

1 test, testing shall occur between 10 and 14 months from the
2 anniversary date of the first test. This section does not pre-
3 vent whole herd testing by the owner or by department mandate at
4 shorter intervals. WHEN 36 MONTHS OF TESTING FAILS TO DISCLOSE A
5 NEWLY AFFECTED HERD WITHIN THE HIGH-RISK AREA OR ANY PORTION OF
6 THE HIGH-RISK AREA, THE DIRECTOR SHALL REMOVE THE HIGH-RISK AREA
7 DESIGNATION FROM ALL OR PART OF THAT AREA.

8 (15) Terminal operations located in high-risk areas in this
9 state are exempt from the requirements of subsection (14) and
10 shall be monitored by a written surveillance plan approved by the
11 director.

12 (16) ~~Cattle~~ ALL CATTLE and goat herds located in potential
13 high-risk areas shall be whole herd bovine tuberculosis tested
14 within 6 months after the director has established a potential
15 high-risk area or have a written herd plan with a targeted whole
16 herd bovine tuberculosis testing date. WHEN ALL HERDS MEET THE
17 TESTING REQUIREMENTS IMPOSED IN THIS SUBSECTION, THE DIRECTOR
18 SHALL REMOVE THE POTENTIAL HIGH-RISK AREA DESIGNATION.

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

23 (18) Each owner of any privately owned cervid herd within a
24 high-risk area shall cause an annual whole herd bovine tuberculo-
25 sis test to be conducted on all privately owned cervids 12 months
26 of age and older within the herd and all cattle and goats
27 6 months of age and older in contact with the cervids. Following

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

23

1 the initial annual whole herd test, subsequent whole herd tests
2 shall be completed at 9- to 15-month intervals. This section
3 does not prevent whole herd testing by the owner or by department
4 mandate at shorter intervals.

5 (19) Each owner of any privately owned cervid ranch within a
6 high-risk area may elect to undergo a tuberculosis slaughter sur-
7 veillance plan approved by the director in lieu of the annual
8 whole herd testing. This slaughter surveillance plan must
9 include examination of animals removed from the herd for detec-
10 tion of tuberculosis. Examination must be performed by a state
11 or federal veterinarian or accredited veterinarian. The number
12 to be examined at each testing interval shall include adult ani-
13 mals and must be equal to the amount necessary to establish an
14 official tuberculosis monitored herd as defined in the bovine
15 tuberculosis eradication uniform methods and rules, effective
16 January 22, 1999, and all amendments to those publications there-
17 after adopted pursuant to rules that the director may
18 promulgate.

19 (20) All cattle and goat herds, EXCEPT LIVESTOCK ASSEMBLED
20 AT FEEDLOTS WHERE ALL ANIMALS ARE FED FOR SLAUGHTER BEFORE 24
21 MONTHS OF AGE, THAT ARE located in any area outside a high-risk
22 area or a potential high-risk area in this state shall be whole
23 herd bovine tuberculosis tested between January 1, 2000 and
24 December 31, 2003. Privately owned cervid herds located in the
25 non-high-risk areas or potential high-risk areas shall be tested
26 per sections 30c and 30d. THE DIRECTOR MAY ORDER TESTING FOR ANY
27 REPORTABLE DISEASE IN ANY GEOGRAPHICAL AREA OR IN ANY HERD TO

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

24

1 ACCOMPLISH SURVEILLANCE NECESSARY FOR THE STATE OF MICHIGAN TO
2 PARTICIPATE IN THE NATIONAL TUBERCULOSIS ERADICATION PROGRAM, TO
3 COMPLETE EPIDEMIOLOGIC INVESTIGATIONS FOR ANY REPORTABLE DISEASE,
4 OR IN ANY INSTANCE WHERE A REPORTABLE DISEASE IS SUSPECTED. THE
5 DIRECTOR MAY ESTABLISH A SURVEILLANCE TESTING PROGRAM FOR CATTLE
6 AND GOATS TO REPLACE THE TESTING PROTOCOL AND MEET THE INTRASTATE
7 MOVEMENT REQUIREMENTS UNDER SUBSECTIONS (22) AND (23). A PERSON
8 SHALL NOT SELL OR OFFER FOR SALE, MOVE, OR TRANSFER ANY LIVESTOCK
9 THAT ORIGINATE FROM A HERD OR AREA UNDER ORDER FOR TESTING BY THE
10 DIRECTOR UNLESS THE LIVESTOCK HAVE MET THE REQUIREMENTS OF THE
11 ORDER ISSUED UNDER THIS SUBSECTION. IF A PERSON DOES NOT CAUSE A
12 HERD TO BE TESTED IN COMPLIANCE WITH THIS ORDER, THE DIRECTOR
13 SHALL NOTIFY THE PERSON RESPONSIBLE FOR MANAGEMENT OF THE HERD OF
14 THE NECESSITY FOR TESTING TO OCCUR AND THE DEADLINE FOR TESTING
15 TO OCCUR AND SHALL QUARANTINE ANY HERD THAT HAS NOT BEEN TESTED
16 UNTIL SUCH TIME AS THE TESTING CAN BE COMPLETED BY STATE OR FED-
17 ERAL REGULATORY VETERINARIANS OR ACCREDITED VETERINARIANS.

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

23 (22) Subject to subsection (24), cattle and goats originat-
24 ing in an area not designated as a high-risk area moving intra-
25 state shall meet at least 1 of the following until the zone,
26 area, or the entirety of the state from which they originate
27 receives tuberculosis-free status from the United States

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

25

1 department of agriculture or under other circumstances as
2 approved by the director:

3 (a) Originate directly from a herd that has received an
4 official negative whole herd bovine tuberculosis test within the
5 24 months before the intrastate movement.

6 (b) Has received an individual official negative bovine
7 tuberculosis test within 60 days before the intrastate
8 movements.

9 (c) Has originated directly from an accredited bovine
10 tuberculosis-free herd as defined in title 9 of the code of fed-
11 eral regulations and the bovine tuberculosis eradication: uni-
12 form methods and rules, effective January 22, 1999, approved by
13 veterinary services of the United States department of agricul-
14 ture, and all amendments to those publications thereafter adopted
15 pursuant to rules that the director may promulgate.

16 (23) Subject to subsection (24), cattle and goats originat-
17 ing in a high-risk area that move intrastate shall meet at least
18 1 of the following until the zone, area, or the entirety of the
19 state from which they originate is no longer designated as a
20 high-risk area by the director or under other circumstances as
21 approved by the director:

22 (a) Originate directly from a herd that has received an
23 official negative whole herd bovine tuberculosis test within the
24 12 months before the intrastate movement.

25 (b) Has received an individual official negative bovine
26 tuberculosis test within 60 days before the intrastate
27 movements.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

26

1 (c) Has originated directly from an accredited bovine
2 tuberculosis-free herd as defined in title 9 of the code of fed-
3 eral regulations and the bovine tuberculosis eradication: uni-
4 form methods and rules effective January 22, 1999, approved by
5 veterinary services of the United States department of agricul-
6 ture, and all amendments to those publications thereafter adopted
7 pursuant to rules that the director may promulgate.

8 (24) Cattle and goats not meeting subsection (22) or (23)
9 may be sold through a livestock auction market for slaughter
10 only. ~~Verification~~ SLAUGHTER MUST OCCUR WITHIN 5 DAYS AFTER
11 THE SALE. THE BUYER OF LIVESTOCK SOLD FOR SLAUGHTER SHALL PROVIDE
12 VERIFICATION that ~~the animals were sold only for slaughter and~~
13 ~~that~~ the slaughter occurred within 5 days after sale ~~shall be~~
14 ~~presented~~ upon request of the director. FAILURE OF A BUYER OF
15 LIVESTOCK SOLD FOR SLAUGHTER TO COMPLY WITH THIS SUBSECTION
16 SUBJECTS THAT BUYER TO THE PENALTIES AND SANCTIONS OF THIS ACT.

17 (25) Privately owned cervids moving intrastate shall meet
18 requirements under section 30b.

19 (26) Bovine tuberculosis testing required under this section
20 shall be ~~conducted by any of the following:~~

21 ~~(a) Veterinarians employed by the department.~~

22 ~~(b) Veterinarians employed by the United States department~~
23 ~~of agriculture.~~

24 ~~(c) AN OFFICIAL TEST. Accredited veterinarians under con-~~
25 ~~tract and APPROVED UNDER THIS SUBSECTION MAY BE paid by the~~
26 ~~department or the United States department of agriculture FOR~~
27 ~~TESTING SERVICES. Veterinarians approved to be under contract~~

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

27

1 ~~and~~ APPROVED VETERINARIANS paid by the department or the United
2 States department of agriculture for bovine tuberculosis testing
3 required by this section must attend ~~a~~ AN INITIAL bovine tuber-
4 culosis educational seminar approved by the director. ~~To be~~
5 ~~eligible for continued contract and payment by the department or~~
6 ~~United States department of agriculture, accredited veterinarians~~
7 ~~must attend yearly bovine tuberculosis educational seminars~~
8 ~~approved by the director.~~

9 ~~(d) Any other accredited veterinarians paid by the owner.~~

10 (27) ~~Individual, whole herd, or accredited free herd animal~~
11 ~~bovine~~ BOVINE tuberculosis testing ~~required or permitted by~~
12 ~~this section~~ shall be conducted by the department, United States
13 department of agriculture, or ~~private~~ ACCREDITED
14 veterinarians. ~~Beginning January 1, 2000, private veterinarians~~
15 ~~approved in subsection (26) may be paid by the department for~~
16 ~~testing services. Any other bovine tuberculosis testing con-~~
17 ~~ducted in addition to, or less than, requirements or allowances~~
18 ~~in this section are the responsibility of the owner.~~

19 (28) Individual livestock that have been injected and are
20 undergoing bovine tuberculosis testing shall not be removed from
21 the premises where the test is administered until the test is
22 read except ~~with permission granted~~ AS PERMITTED by the
23 director.

24 (29) ~~Beginning January 1, 2000, with~~ WITH advice and con-
25 sultation from the livestock industry and veterinary profession,
26 the director shall pay to a producer for assistance approved by
27 the Michigan commission of agriculture for whole herd bovine

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

28

1 tuberculosis testing required in subsections (14), (16), (18),
2 and (20). ~~or required by grade "A" pasteurized milk ordinance,~~
3 ~~1999 revision of the United States public health service/food and~~
4 ~~drug administration, with administrative procedures and appen-~~
5 ~~dixes, set forth in the public health service/food and drug~~
6 ~~administration publication no. 229, and the provisions of the~~
7 ~~1995 grade "A" condensed and dry milk products and condensed and~~
8 ~~dry whey-supplement I to the grade "A" pasteurized milk ordi-~~
9 ~~nance, 1999 revisions, and all amendments to those publications~~
10 ~~thereafter adopted pursuant to rules that the director may~~
11 ~~promulgate.~~

12 ~~(30) Beginning January 1, 2000, with advice and consultation~~
13 ~~from the livestock industry and veterinary profession, the direc-~~
14 ~~tor shall pay to a veterinarian, who has fulfilled the require-~~
15 ~~ments of subsection (26), for chutes and gates on a 50/50 cost~~
16 ~~share basis as approved by the agriculture commission.~~

17 ~~(30) (31) Beginning January 1, 2000, with advice and con-~~
18 ~~sultation from the livestock industry and veterinary profession,~~
19 ~~the~~ THE director shall pay to an operator or owner of a live-
20 stock auction market ON A 50/50 COST SHARE BASIS for chutes,
21 gates, and remodeling to expedite identification of livestock for
22 bovine tuberculosis surveillance and eradication. ~~on a 50/50~~
23 ~~cost share basis as approved by the agriculture commission.~~

24 ~~(32) Subsections (22), (23), (24), and (25) take effect~~
25 ~~January 1, 2001.~~

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

29

1 Sec. 11b. (1) All cattle, goats, SHEEP, and privately owned
2 cervids shall bear official identification before they leave a
3 premises.

4 (2) Compliance with this section regarding official identi-
5 fication is the responsibility of the owner.

6 (3) Official identification shall be supplied by the
7 department.

8 Sec. 12. (1) The director may issue a quarantine on ani-
9 mals, EQUIPMENT, VEHICLES, structures, premises, or any area in
10 the state, including the entire state if necessary, for the pur-
11 pose of controlling or preventing the spread of a known or sus-
12 pected infectious, contagious, or toxicological disease.

13 (2) A person shall not move animals that are under quaran-
14 tine without permission from the director.

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

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

22 (5) A person shall not import into this state an animal spe-
23 cies from an area under quarantine for that species for any
24 infectious, contagious, or toxicological disease unless permis-
25 sion is granted from the director.

26 (6) The director may prescribe procedures for the
27 identification, inventory, separation, mode of handling, testing,

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

30

1 treatment, feeding, and caring for both quarantined animals and
2 animals within a quarantined area to prevent the infection or
3 exposure of nonquarantined or quarantined animals to infectious,
4 contagious, or toxicological diseases.

5 (7) The director may prescribe procedures required before
6 any animal, structure, premises, or area or zone in this state,
7 including the entirety of the state if necessary, are released
8 from quarantine.

9 (8) An animal found running at large in violation of a quar-
10 antine may be killed by a law enforcement agency. The director
11 may enlist the cooperation of a law enforcement agency to enforce
12 the provisions of this quarantine. A law enforcement agency kil-
13 ling an animal due to a quarantine under this section is not
14 subject to liability for the animal.

15 Sec. 13a. (1) A terminal operation may be a lot, parcel,
16 pasture, premises, facility, or confined area.

17 (2) A terminal operation shall be registered with the
18 department on an application form provided by the department.

19 (3) Registration shall not be issued unless the terminal
20 operation has been inspected by the director and found to meet
21 the requirements of this section.

22 (4) A terminal operation shall not allow or permit drainage
23 from the terminal operation to flow into areas accessible to
24 livestock, livestock feed, or livestock feed storage areas other
25 than the cattle, PRIVATELY OWNED CERVIDS, and goats in the termi-
26 nal operation.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

31

1 (5) A terminal operation is constructed and operated to
2 deter cattle, PRIVATELY OWNED CERVIDS, and goats in the terminal
3 operation from making contact with animals other than those in
4 the terminal operation.

5 (6) If a vehicle transporting cattle, PRIVATELY OWNED
6 CERVIDS, and goats from a terminal operation completes the load
7 at additional farms, all of which are en route to a slaughter
8 facility, all cattle, PRIVATELY OWNED CERVIDS, and goats must
9 remain on the vehicle and no animals are allowed to unload.

10 (7) A TERMINAL OPERATION MAY ACCEPT INDIVIDUAL LIVESTOCK
11 THAT HAVE NOT BEEN TESTED FOR BOVINE TUBERCULOSIS PROVIDED THAT
12 THE HERD OF ORIGIN HAS BEEN TESTED ACCORDING TO REQUIREMENTS OF
13 THIS ACT OR WHEN OTHER REQUIREMENTS AS DETERMINED BY THE DIRECTOR
14 HAVE BEEN MET.

15 (8) ~~(7)~~ Aborted fetuses and animals that die in a terminal
16 operation shall be disposed of in compliance with section 57 of
17 the Michigan penal code, 1931 PA 328, MCL 750.57, AND 1982
18 PA 239, MCL 287.651 TO 287.683, regarding burial of dead
19 animals.

20 (9) ~~(8)~~ If an animal gives birth while in the terminal
21 operation, both of the following apply:

22 (a) The offspring are restricted to the terminal operation
23 and may leave only as described in subsection ~~(9)~~ (10).

24 (b) The newborn animal must be officially identified within
25 30 days after birth.

26 (10) ~~(9)~~ Cattle, PRIVATELY OWNED CERVIDS, and goats shall
27 only exit a terminal operation by being transported directly to a

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

32

1 slaughtering establishment, directly to another registered
2 terminal operation, or through a livestock auction market for
3 slaughter only, or to a veterinary hospital or clinic where the
4 animal is not commingled with other animals unless permission is
5 granted by the director to move the cattle, PRIVATELY OWNED
6 CERVIDS, or goats to another premises. If cattle, PRIVATELY
7 OWNED CERVIDS, or goats exit a terminal operation through a live-
8 stock auction market, the director may request verification that
9 the animals were sold for slaughter and that the slaughter
10 occurred 5 days after sale. Moving directly to a slaughtering
11 establishment or directly to another registered terminal opera-
12 tion includes stopping at a premises to load other animals being
13 transported to the slaughtering establishment or terminal opera-
14 tion without unloading any animals.

15 (11) ~~(10)~~ Cattle, PRIVATELY OWNED CERVIDS, and goats in a
16 terminal operation are exempt from official bovine tuberculosis
17 testing as required in section 9(14), (16), and (20).

18 (12) ~~(11)~~ A conveyance vehicle used to transport cattle,
19 PRIVATELY OWNED CERVIDS, and goats from a terminal operation
20 shall be cleaned and disinfected after use with a disinfectant
21 applied in accordance with label instructions.

22 (13) ~~(12)~~ The director may inspect any terminal operation
23 and records of the terminal operation at any reasonable time to
24 determine whether requirements established by this act are being
25 met. The director shall make a reasonable attempt to notify the
26 owner/operator before any inspection.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

33

1 (14) ~~(13)~~ Terminal operation records shall include all of
2 the following:

3 (a) Identification of all cattle, PRIVATELY OWNED CERVIDS,
4 and goats. As used in this subdivision, "identification" means
5 official identification, including electronic identification, or
6 permanent identification approved and supplied by the director.

7 (b) The date cattle, PRIVATELY OWNED CERVIDS, or goats ~~, or~~
8 ~~both,~~ were added to the terminal operation.

9 (c) The complete name and address of the person or dealer
10 from whom the cattle, PRIVATELY OWNED CERVIDS, or goats ~~, or~~
11 ~~both,~~ were obtained.

12 (d) The complete street address of the premises from which
13 the cattle, PRIVATELY OWNED CERVIDS, or goats ~~, or both,~~ were
14 obtained.

15 (e) The complete name and street address of the slaughter-
16 house, veterinary hospital or clinic, livestock auction market,
17 or terminal operation where the cattle, PRIVATELY OWNED CERVIDS,
18 or goats ~~, or both,~~ were sent.

19 (f) The date the cattle, PRIVATELY OWNED CERVIDS, or goats
20 ~~, or both,~~ were removed from the terminal operation.

21 (15) ~~(14)~~ A terminal operation that purchases livestock
22 from a dealer may provide the department the name of the dealer
23 in order to fulfill the record requirements imposed under this
24 section.

25 (16) LIVESTOCK ENTERING TERMINAL OPERATIONS MUST BEAR OFFI-
26 CIAL IDENTIFICATION OR OFFICIAL IDENTIFICATION MUST BE APPLIED
27 WITHIN 10 DAYS OF ARRIVAL.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

34

1 Sec. 14. (1) If ~~it is determined by~~ the director
2 DETERMINES that the control or eradication of a disease or condi-
3 tion of livestock warrants ~~the~~ entry onto property where live-
4 stock or domestic animals are located, ~~seizure, slaughter,~~
5 ~~destruction, or other disposition of the livestock or domestic~~
6 ~~animals,~~ the director shall order the entry onto property where
7 livestock or domestic animals are located ~~,~~ AND AUTHORIZE sei-
8 zure, slaughter, destruction, or other disposition of ~~the~~ indi-
9 vidual livestock or domestic animals ~~within~~ OR the ENTIRE herd,
10 flock, or school. ~~or an entire herd, flock, or school.~~ If the
11 director has signed an order for the slaughter, destruction, or
12 other disposition of livestock or domestic animals, the director
13 shall notify the attorney general and the house and senate appro-
14 priations committees and the department of management and budget
15 on the issue of indemnity under this section. The director may
16 approve facilities and procedures for the orderly disposal of
17 animals, animal products, and animal feeds for the purpose of
18 controlling or preventing the spread of an infectious, conta-
19 gious, or toxicological disease. The director may select a site
20 or method for the disposal with the advice of the director of the
21 department of environmental quality.

22 (2) The director may, under rules promulgated by the depart-
23 ment, allow indemnification for the slaughter, destruction, or
24 other disposition of livestock or domestic animals due to live-
25 stock diseases or toxicological contamination. If the director
26 has signed an order for the slaughter, destruction, or other
27 disposition of livestock or domestic animals, the owner may apply

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

35

1 for indemnification. The director shall appraise and inventory
2 the condemned livestock or domestic animals. The appraisals and
3 inventories shall be on forms approved by the director. The
4 director shall use agricultural pricing information from commer-
5 cial livestock or domestic animal auction markets and other live-
6 stock or domestic animal market information as determined by the
7 director to determine the value of condemned livestock or domes-
8 tic animals.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

36

1 received from any other source shall accompany the appraisal
2 certificate before indemnification under this section.

3 (4) Except as otherwise provided in subsection (5), indemni-
4 fication for entire herd, flock, or school depopulations of live-
5 stock or domestic animals shall be based upon 100% of the fair
6 market value of that type of animal on the date of the appraisal
7 and marketable for the purpose for which the livestock or domes-
8 tic animal was intended, not to exceed an average of \$4,000.00
9 per animal in the flock, herd, or school. The appraisal determi-
10 nation shall not delay depopulation. The indemnification amount
11 under this section shall include a deduction for any compensation
12 received, or to be received, from any other source including, but
13 not limited to, indemnification by the United States department
14 of agriculture, insurance, salvage value, or any monetary value
15 obtained to encourage disposal of infected or exposed livestock
16 or domestic animals in accordance with a disease control or erad-
17 ication program. The owner shall furnish to the department all
18 records indicating other sources of indemnity. An affidavit
19 signed by the owner attesting to the amount of compensation for
20 the livestock or domestic animals received, or to be received,
21 from any other source shall accompany the appraisal certificate
22 prior to indemnification under this section.

23 (5) The department may provide for indemnity pursuant to
24 this section not to exceed \$100,000.00 per order, from any line
25 item in the annual budget for the department in the applicable
26 fiscal year. Any agreement greater than \$100,000.00 entered into
27 between the department and an owner of livestock shall contain a

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

37

1 provision indicating that, notwithstanding the terms of the
2 agreement, indemnification shall be subject to specific appropri-
3 ations by the legislature and not be paid from department funds.

4 (6) Acceptance of compensation under this act constitutes a
5 full and complete release of any claim the owner has against the
6 state of Michigan, its departments, agencies, officers, employ-
7 ees, agents, and contractors to the extent these persons were
8 acting on behalf of the state, within the scope of their employ-
9 ment with the state or under the direction of the state, its
10 departments, agencies, officers, or employees, arising out of
11 testing, purchase, removal, slaughter, destruction, and other
12 disposition of the owner's animals.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

38

1 that have been exposed to an animal that comes in to the
2 possession of the owner with the owner's knowledge that the
3 animal is diseased or is suspected of having been exposed to an
4 infectious, contagious, or toxicological disease.

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

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

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

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

20 (a) The amount expended by the department for bovine tuber-
21 culosis eradication during the preceding fiscal year.

22 (b) An explanation of the expenditures made by the depart-
23 ment for bovine tuberculosis eradication during the preceding
24 fiscal year.

25 (c) The status of bovine tuberculosis eradication efforts in
26 Michigan.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

39

1 (12) Not less than annually, within 60 days after the close
2 of the fiscal year, the director of the department of natural
3 resources shall make a written report to the standing committees
4 of the house of representatives and senate having jurisdiction on
5 agricultural and farming issues. The report will include the
6 following:

7 (a) The amount expended by the department of natural
8 resources for bovine tuberculosis eradication during the preced-
9 ing fiscal year.

10 (b) An explanation of the expenditures made by the depart-
11 ment of natural resources for bovine tuberculosis eradication
12 during the preceding fiscal year.

13 Sec. 16. (1) Livestock ordered to be slaughtered,
14 destroyed, or otherwise disposed of by the director because of
15 tuberculosis shall be branded on the left hip with a letter "T"
16 not less than 2 inches high, and a tag designated as a reactor
17 tag by the director shall be placed in the left ear.
18 Tuberculosis reactor cattle, bison, and goats as defined in
19 title 9 of the code of federal regulations and the bovine tuber-
20 culosis eradication: uniform methods and rules effective
21 January 22, 1999, approved by veterinary services of the animal
22 and plant health inspection service of the United States depart-
23 ment of agriculture, and all amendments to those publications
24 thereafter adopted pursuant to rules that the director may
25 promulgate shall also be identified by a permanent and legible
26 tuberculosis tattoo and spray of yellow paint on the left ear.
27 The director may refrain from the branding, tattooing, ear

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

40

1 painting, and reactor tagging if slaughter, destruction, or other
2 disposition of the entire herd is under the director's direct
3 control or if individual animals are sent to a diagnostic labora-
4 tory or to disposal under an official seal and secured transport
5 limit.

6 (2) Tuberculosis reactor cattle, bison, goats, and privately
7 owned cervids as defined in title 9 of the code of federal regu-
8 lations and the bovine tuberculosis eradication: uniform methods
9 and rules effective January 22, 1999, approved by veterinary
10 services of the animal and plant health inspection service of the
11 United States department of agriculture, and all amendments to
12 those publications thereafter adopted pursuant to rules that the
13 director may promulgate shall remain on the premises where they
14 were located until a state or federal permit for movement has
15 been obtained. Movement for destruction shall be within 15 days
16 after classification as a reactor.

17 (3) Livestock ordered to be slaughtered, destroyed, or oth-
18 erwise disposed of by the director because of brucellosis shall
19 be branded on the left hip with a letter "B" not less than 2
20 inches high, and a tag designated as a reactor tag by the direc-
21 tor shall be placed in the left ear. An exposed animal in a bru-
22 cellosis infected or quarantined herd shall be branded on the
23 left hip with a letter "S" not less than 2 inches high before a
24 permit shall be issued to slaughter, destroy, or otherwise dis-
25 pose of the animal for slaughter. The director may refrain from
26 the branding and identification if slaughter, destruction, or
27 other disposition of the entire herd is under the director's

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

41

1 direct control, IF ANIMALS ARE MOVED UNDER OFFICIAL SEAL AND
2 SECURED TRANSPORT UNIT, or if individual animals are sent to a
3 diagnostic laboratory ~~or to disposal under an official seal and~~
4 ~~secured transport unit~~ IN A MANNER APPROVED BY THE DIRECTOR.

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

10 Sec. 19. (1) Livestock imported into this state shall meet
11 any and all requirements under appropriate provisions of this act
12 and shall be accompanied by 1 of the following:

13 (a) An official interstate health certificate.

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

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

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

22 (e) A "permit for movement of restricted animals" (vs form
23 1-27), if prior approval is granted by the director.

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

25 (g) Permission from the director.

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

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

42

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

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

7 (5) ~~It shall be the responsibility of the~~ ANY PERSON,
8 consignee, ~~or~~ dealer, ~~to~~ OR LIVESTOCK MARKET OPERATOR MUST
9 ensure THAT any testing required under this act, ~~the~~ ANY OFFI-
10 CIAL IDENTIFICATION REQUIRED UNDER THIS ACT, AND ANY requirements
11 for official interstate or intrastate health certificate, offi-
12 cial interstate or intrastate certificate of veterinary inspec-
13 tion, animal movement certificate, owner-shipper statement, sales
14 invoice, "report of sales of hatching eggs, chicks, and poults"
15 (vs form 9-3), "permit for movement of restricted animals" (vs
16 form 1-27), or prior entry permit have been fulfilled BEFORE
17 ACCEPTING ANY ANIMALS ON SUCH A CERTIFICATE and THAT a true copy
18 is provided to the director upon request.

19 (6) Livestock shall not be diverted to premises other than
20 the destination site named on the official interstate or intra-
21 state health certificate, official interstate or intrastate cer-
22 tificate of veterinary inspection, owner-shipper statement, sale
23 invoice, entry authorization form, exit authorization form, prior
24 movement form, vs form 9-3, or vs form 1-27.

25 (7) ~~Out-of-state livestock~~ LIVESTOCK IMPORTED for exhibi-
26 tion shall meet the requirements prescribed by this act for
27 importation of breeding animals of that species and shall be

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

43

1 accompanied by a copy of an official interstate health
2 certificate or an official interstate certificate of veterinary
3 inspection issued by an accredited veterinarian from the state of
4 origin.

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

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

18 Sec. 22. (1) If an animal is imported into this state with-
19 out the required official tests or documents, the director may do
20 any or all of the following:

21 (a) Quarantine the animal.

22 (b) Require that the required tests or documents be per-
23 formed or obtained at the owner's expense.

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

26 (d) Order the slaughter, destruction, or other disposition
27 of the livestock, if it is determined by the director that the

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

44

1 control or eradication of a disease or condition of the livestock
2 is warranted. Livestock determined to be imported without meet-
3 ing import requirements are not ~~subject to indemnification~~
4 ELIGIBLE FOR INDEMNITY.

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

7 (f) Allow legal importation into another state.

8 (2) If the official test result or proof of shipment of the
9 animal back to the state of origin has not been received within
10 15 days after notification, the director may order that the
11 required tests be performed by a department veterinarian, at the
12 owner's or importer's expense.

13 Sec. 30a. (1) Privately owned cervids, except those con-
14 signed directly to a state or federally inspected slaughter
15 facility premises, shall not be imported into this state unless
16 accompanied by an official interstate health certificate or offi-
17 cial interstate certificate of veterinary inspection.

18 (2) Privately owned cervids imported into this state shall
19 be individually identified by an official identification. The
20 official identification shall be listed on the official inter-
21 state health certificate or official interstate certificate of
22 veterinary inspection.

23 (3) Privately owned cervids 6 months of age or older
24 imported into this state, except those consigned directly to a
25 state or federally inspected slaughter facility premises, shall
26 originate directly from a certified brucellosis-free cervid herd
27 as defined in brucellosis in cervidae: uniform methods and

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

45

1 rules, effective September 30, 1998, or shall test negative to an
2 official test for brucellosis within 30 days before importation.

3 (4) Privately owned cervids 1 year of age or older imported
4 into this state, except those consigned directly to a state or
5 federally inspected slaughter facility premises, must comply with
6 1 of the following before importation:

7 (a) Originate directly from an official tuberculosis accred-
8 ited herd as outlined in bovine tuberculosis eradication: uni-
9 form methods and rules, effective January 22, 1999, approved by
10 veterinary services of the animal and plant health inspection
11 service of the United States department of agriculture, and all
12 amendments to those publications thereafter adopted pursuant to
13 rules that the director may promulgate.

14 (b) Originate directly from an official tuberculosis quali-
15 fied or monitored herd as outlined in bovine tuberculosis
16 eradication: uniform methods and rules, effective January 22,
17 1999, approved by veterinary services of the animal and plant
18 health inspection service of the United States department of
19 agriculture, and all amendments to those publications thereafter
20 adopted pursuant to rules that the director may promulgate, and
21 receive an official negative test for tuberculosis within 90 days
22 before importation.

23 (c) Be isolated from all other animals until ~~they receive~~
24 IT RECEIVES 2 official negative tuberculosis tests conducted no
25 less than 90 days apart, with the first test conducted no more
26 than 120 days before importation. ~~and the second test being~~
27 ~~within 90 days before importation into this state.~~

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

46

1 (5) All privately owned cervids less than 1 year of age
2 imported into this state, except those consigned directly to a
3 state or federally inspected slaughter facility premises, must
4 comply with 1 of the following before importation:

5 (a) Originate directly from an official tuberculosis accred-
6 ited herd as outlined in bovine tuberculosis eradication: uni-
7 form methods and rules, effective January 22, 1999, approved by
8 veterinary services of the animal and plant health inspection
9 service of the United States department of agriculture, and all
10 amendments to those publications thereafter adopted pursuant to
11 rules that the director may promulgate.

12 (b) Be born in and originate directly from an official
13 tuberculosis qualified or monitored herd as outlined in bovine
14 tuberculosis eradication: uniform methods and rules, effective
15 January 22, 1999, approved by veterinary services of the animal
16 and plant health inspection service of the United States depart-
17 ment of agriculture, and all amendments to those publications
18 thereafter adopted pursuant to rules that the director may
19 promulgate.

20 (c) Be a purchased addition originating directly from an
21 official tuberculosis qualified or monitored herd as outlined in
22 bovine tuberculosis eradication: uniform methods and rules,
23 effective January 22, 1999, approved by veterinary services of
24 the animal and plant health inspection service of the United
25 States department of agriculture, and all amendments to those
26 publications thereafter adopted pursuant to rules that the

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

47

1 director may promulgate, and receive an official negative test
2 for tuberculosis within 90 days before importation.

3 (d) Be isolated from all other animals until it receives 2
4 official negative tuberculosis tests conducted not less than
5 90 days apart, with the first test conducted no more than
6 120 days before importation. ~~and the second test being within~~
7 ~~90 days before importation into this state.~~

8 (6) Privately owned cervids with a response other than nega-
9 tive to any tuberculosis test or brucellosis test are not eligi-
10 ble for interstate movement into this state without permission
11 from the director.

12 (7) Privately owned cervids known to be affected with or
13 exposed to tuberculosis or brucellosis are not eligible for
14 interstate movement into this state without permission from the
15 director.

16 Sec. 30b. (1) All live privately owned cervids moving from
17 1 premises to another premises within this state shall be offi-
18 cially identified with an identification approved by the
19 director.

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

25 (a) Originate directly from an official tuberculosis accred-
26 ited, qualified, or monitored herd as outlined in bovine
27 tuberculosis eradication: uniform methods and rules, effective

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

48

1 January 22, 1999, approved by veterinary services of the animal
2 and plant health inspection service of the United States depart-
3 ment of agriculture, and all amendments to those publications
4 thereafter adopted pursuant to rules that the director may
5 promulgate, and be accompanied by a copy of the current official
6 letter from the Michigan department of agriculture verifying herd
7 status.

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

13 (c) Originate directly from a herd that has received an
14 official negative tuberculosis test of all privately owned cer-
15 vids 12 months of age or older and all cattle and goats 6 months
16 of age or older in contact with the herd more than 24 months
17 before movement, receive an individual negative official test for
18 tuberculosis within 90 days before movement, and be accompanied
19 by a copy of the official tests for tuberculosis verifying that
20 testing.

21 (d) Be isolated from all other ~~members of the herd and~~
22 ~~receive~~ ANIMALS UNTIL IT RECEIVES 2 official negative
23 TUBERCULOSIS tests ~~for tuberculosis at 90- to 120-day intervals~~
24 ~~before movement and be accompanied by copies of the official~~
25 ~~tests for tuberculosis verifying that testing. The second nega-~~
26 ~~tive test shall be within 90-~~ CONDUCTED NOT LESS THAN 90 DAYS

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

49

1 APART, WITH THE FIRST TEST CONDUCTED NOT MORE THAN 120 days
2 before movement.

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

8 (a) Originate directly from an official tuberculosis accred-
9 ited, qualified, or monitored herd as outlined in bovine tubercu-
10 losis eradication: uniform methods and rules, effective
11 January 22, 1999, approved by veterinary services of the animal
12 and plant health inspection service of the United States depart-
13 ment of agriculture, and all amendments to those publications
14 thereafter adopted pursuant to rules that the director may
15 promulgate, be identified by an official identification, and be
16 accompanied by a copy of the current official letter from the
17 Michigan department of agriculture verifying the herd status.

18 (b) Originate directly from a herd that has received an
19 official negative tuberculosis test of all privately owned cer-
20 vids 12 months of age or older and all cattle and goats 6 months
21 of age and older in contact with the herd within 24 months before
22 movement.

23 (c) Originate directly from a herd that has received an
24 official negative tuberculosis test of all privately owned cer-
25 vids 12 months of age or older and all cattle and goats 6 months
26 of age or older in contact with the herd more than 24 months
27 before movement and be accompanied by an official permit for

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

50

1 movement of privately owned cervids less than 6 months of age
2 within Michigan or an official interstate health certificate
3 issued by an accredited veterinarian, and remain at the destina-
4 tion stated on the permit or official interstate health certifi-
5 cate until it receives an official negative tuberculosis test
6 when it reaches 6 months of age, but not more than 8 months of
7 age. For purposes of this section, the age of the privately
8 owned cervids shall be determined by the age placed on the offi-
9 cial permit for movement of privately owned cervids less than
10 6 months of age in Michigan or the official interstate health
11 certificate issued by the accredited veterinarian. A copy of the
12 official test for tuberculosis and a copy of the official permit
13 for movement of privately owned cervids less than 6 months of age
14 within Michigan or the official interstate health certificate
15 shall be forwarded to the department within 10 days following
16 completion of the testing.

17 (4) Privately owned cervids with a response other than nega-
18 tive to any tuberculosis test are not eligible for intrastate
19 movement without permission from the director.

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

23 (6) The department shall keep a current database on pri-
24 vately owned cervids premises in this state. The database shall
25 include the owner's name, the owner's current address, location
26 of privately owned cervids, species of privately owned cervids at

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

51

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

3 Sec. 33. (1) Livestock sold at a livestock auction market
4 shall be handled and housed in facilities and pens in a manner
5 approved by the director. The alleys and sale rings used for
6 livestock auction shall be appropriately cleaned and disinfected
7 before each day's sale. The pens, facilities, and the procedures
8 for cleaning and disinfecting shall be approved by the director.

9 (2) All cattle, bison, goats, and privately owned cervids
10 presented at any livestock auction market in Michigan shall be
11 identified as required in the bovine tuberculosis eradication:
12 uniform methods and rules, effective January 22, 1999, and
13 approved by veterinary services of the animal and plant health
14 inspection service of the United States department of agricul-
15 ture, and all amendments to those publications thereafter adopted
16 pursuant to rules that the director may promulgate.

17 (3) Cattle, bison, goats, and privately owned cervids that
18 are marketed for immediate slaughter shall be identified by offi-
19 cial ear tag, sale tag, or official back tag in a manner designed
20 to trace the animals to the premises of origin.

21 (4) CATTLE, BISON, GOATS, AND PRIVATELY OWNED CERVIDS CON-
22 SIGNED FOR SLAUGHTER OR THAT DO NOT MEET INTRASTATE TESTING
23 REQUIREMENTS FOR MOVEMENT FROM 1 PREMISES TO ANOTHER SHALL BE
24 SOLD FOR SLAUGHTER ONLY AND BE MOVED DIRECTLY TO SLAUGHTER.
25 LIVESTOCK AUCTION MARKETS OR SALE YARD MANAGEMENT SHALL NOT SELL
26 LIVESTOCK TO ANY BUYER THAT DOES NOT CERTIFY IN A SIGNED
27 STATEMENT THAT SUCH ANIMALS REMOVED FROM THE PREMISES SHALL BE

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

52

1 MOVED DIRECTLY TO A SLAUGHTER ESTABLISHMENT AND SLAUGHTERED
2 WITHIN 5 DAYS AFTER MOVEMENT. BEFORE ANIMALS ARE REMOVED BY THE
3 BUYER, SALE MANAGEMENT SHALL REQUIRE THAT THE BUYER PROVIDE THE
4 SLAUGHTER DESTINATION INFORMATION FOR EACH ANIMAL REMOVED FROM
5 THE PREMISES.

6 Sec. 44. (1) A person who commits 1 or more of the follow-
7 ing is guilty of a felony punishable by a fine of not less than
8 \$1,000.00 and not more than \$50,000.00, or imprisonment of not
9 more than 5 years, or both, and shall not receive any indemnifi-
10 cation payments at the discretion of the director:

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

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

17 (c) Intentionally violating a condition of quarantine autho-
18 rized under section 12 or movement restrictions and other
19 requirements authorized under section 9.

20 (d) Intentionally importing into this state, without permis-
21 sion from the director, diseased livestock or livestock exposed
22 to an infectious, contagious, or toxicological disease.

23 (e) Intentionally misrepresenting the health, medical
24 status, or prior treatment for an infectious, contagious, or tox-
25 icological disease of livestock to facilitate movement or trans-
26 fer of ownership to another person.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

53

1 (F) INTENTIONALLY INFECTING OR CONTAMINATING AN ANIMAL WITH,
2 OR INTENTIONALLY EXPOSING AN ANIMAL TO, A REPORTABLE DISEASE
3 OTHER THAN FOR BONA FIDE RESEARCH AS APPROVED BY A RESEARCH
4 INSTITUTION LICENSED BY THE STATE OF MICHIGAN OR A FEDERAL
5 AGENCY.

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

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

18 (4) Except as otherwise provided in subsection (1), the
19 director, upon finding that a person has violated this act, a
20 rule promulgated under this act, a quarantine authorized under
21 section 12, or movement restrictions and other requirements
22 authorized under section 9, may do the following:

23 (a) Issue a warning.

24 (b) Impose an administrative fine of not more than \$1,000.00
25 for each violation after notice and an opportunity for a hearing
26 pursuant to the administrative procedures act of 1969, 1969
27 PA 306, MCL 24.201 to 24.328.

HB 5832, As Passed Senate, June 4, 2002

House Bill No. 5832

54

1 (c) Issue an appearance ticket as described and authorized
2 by sections 9a to 9g of chapter 4 of the code of criminal proce-
3 dure, 1927 PA 175, MCL 764.9a to 764.9g, with a fine of not less
4 than \$300.00 or imprisonment of not less than 30 days, or both.

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

12 (6) The remedies and sanctions under this act are indepen-
13 dent and cumulative. The use of a remedy or sanction under this
14 act does not bar other lawful remedies and sanctions and does not
15 limit criminal or civil liability. Notwithstanding the provi-
16 sions of this act, the department may bring an action to do 1 or
17 more of the following:

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

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

23 Enacting section 1. Section 43a of the animal industry act,
24 1988 PA 466, MCL 287.743a, is repealed.