

Act No. 458
Public Acts of 2002
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Reps. Pumford and Sheltroun

ENROLLED HOUSE BILL No. 5832

AN ACT to amend 1988 PA 466, entitled "An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts," 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:

Sec. 3. (1) "Accredited veterinarian" means a veterinarian approved by the administrator of the United States department of agriculture, animal and plant health inspection service in accordance with provisions of 9 C.F.R. part 161, and considered preapproved to perform certain functions of federal and cooperative state/federal programs.

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

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

- (a) The point of origin and point of destination.
- (b) Official identification.
- (c) Anticipated movement date.
- (d) Any required official test results for bovine tuberculosis.

(4) "Aquaculture" means the commercial husbandry of aquaculture species on the approved list of aquaculture species under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884, including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of any products, coproducts, or by-products of fish, crustaceans, mollusks, reptiles, and amphibians, reared or cultured under controlled conditions in an aquaculture facility.

- (5) "Aquaculture facility" means that term as defined under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.
- (6) "Approved vaccine" means a veterinary biological administered to livestock or other animals to induce immunity in the recipient and approved by the state veterinarian.
- (7) "Carcasses" means the dead bodies of animals, poultry, or aquaculture. Carcasses do not include rendered products.
- (8) "Cattle" means all bovine (genus bos) animals, bovinelike animals (genus bison) also commonly referred to as American buffalo or bison and any cross of these species unless otherwise specifically provided.
- (9) "Cattle importation lot" means a premises registered with the department and used only to feed cattle in preparation for slaughter.
- (10) "Commingling" means concurrently or subsequently sharing or subsequent use by livestock or other domestic animals of the same pen or same section in a facility or same section in a transportation unit where there is physical contact or contact with bodily excrements, aerosols, or fluids from other livestock or domestic animals.
- (11) "Consignee" means the person receiving the animals at the point of destination named on the official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.
- (12) "Contagious disease" means an illness due to a specific infectious agent or suspected infectious agent or its toxic products which arises through transmission of that agent or its products from an infected animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment, or via an airborne mechanism.
- (13) "Dealer" means any person required to be licensed under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of livestock.
- (14) "Department" means the Michigan department of agriculture.
- (15) "Direct movement" means transfer of animals to a destination without unloading the animals en route and without exposure to any other animals or bodily excrements, aerosols, or fluids from other animals.
- (16) "Director" means the director of the Michigan department of agriculture or his or her authorized representative.
- (17) "Disease" means any animal health condition with potential for economic impact, public or animal health concerns, or food safety concerns.
- (18) "Distribute" means to deliver other than by administering or dispensing a veterinary biological.
- (19) "Domestic animal" means those species of animals that live under the husbandry of humans.
- (20) "Emergency fish diseases" means certain infectious diseases of fish that are transmissible directly or indirectly from 1 fish to another and are not known to exist within the waters of the state. Emergency fish diseases include, but are not limited to, viral hemorrhagic septicemia, infectious hematopoietic necrosis, ceratomyxosis, and proliferative kidney disease.
- (21) "Equine" means all animals of the equine family which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras.
- (22) "Exhibition or exposition" means a congregation, gathering, or collection of livestock that are presented or exposed to public view for show, display, swap, exchange, entertainment, educational event, instruction, advertising, or competition. Exhibition or exposition does not include livestock for sale at public stockyards, auctions, saleyards, and livestock yards licensed under the provisions of 1937 PA 284, MCL 287.121 to 287.131.
- (23) "Exhibition facility" means any facility used or intended to be used for public view, show, display, swap, exchange, entertainment, advertisement, educational event, or competition involving livestock. Exhibition facility does not include a public stockyard, an auction saleyard, and a livestock yard where livestock are accepted on consignment and the auction method is used in the marketing of the livestock.
- (24) "Exhibitor" means any person who presents livestock for public display, exhibition, or competition or enters livestock in a fair, show, exhibition, or exposition.
- (25) "Exotic animal" means those animals that are not native to North America.
- (26) "Fair" means a competition and educational exhibition of agricultural commodities and manufactured products for which premiums may be paid and which is conducted by an association or governmental entity.
- (27) "Feral swine" means swine which have lived their life or any part of their life as free roaming or not under the husbandry of humans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) "Official vaccination" means a vaccination that the director has designated as reportable, administered by an accredited veterinarian or a state or federal veterinary medical officer, and documented on a form supplied by the department.

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

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

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

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

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

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

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

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

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

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

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

(17) "Quarantine" means enforced isolation of any animal or group of animals or restriction of movement of an animal or group of animals, equipment, or vehicles to or from any structure, premises, or area of this state including the entirety of this state.

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

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

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

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

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

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

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

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

(26) "Terminal operation" means a facility for cattle, privately owned cervids, and goats to allow for continued growth and finishing until such time as the cattle, privately owned cervids, and goats are shipped directly to slaughter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The state veterinarian may require that the importation and use of veterinary biologicals or biological agents be reported to the department and may restrict the use of certain veterinary biologicals to veterinarians when the disease or veterinary biological involved has a substantial impact on public health, animal health, or animal industry.

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

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

(5) Upon demand of the director, a person transporting livestock shall produce documentation that contains the origin of shipment, registration or permit copies or documentation, documentation demonstrating shipping destination, and any other proof that may be required under this act.

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

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

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

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

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

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

(6) Any medical or epidemiological information that identifies the owners of animals and is gathered in connection with the reporting of a discovery, suspicion, or reason to believe that an animal is either affected by a reportable disease or contaminated with a toxic substance, or information gathered in connection with an investigation of the reporting of a discovery, suspicion, or reason to believe that an animal is affected by a reportable disease or contaminated with a toxic substance is confidential, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and is not open to public inspection without the individual's consent unless public inspection is

necessary to protect the public or animal health as determined by the director. Such medical or epidemiological information that is released to a legislative body shall not contain information that identifies a specific owner.

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

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

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

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

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

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

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

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

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

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

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

(10) The director may revise or rescind movement restrictions and other requirements described in subsection (8), pursuant to this section, and any revision or revocation of such movement restrictions or other requirements shall comply with the procedure set forth in subsection (9) unless the revision does not alter the boundary of a previously established zone.

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

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

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

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

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

(e) "Whole herd test" means a test of any isolated group of cattle or privately owned cervids 12 months of age and older or goats 6 months of age or older maintained on common ground for any purpose; 2 or more groups of cattle, goats, or privately owned cervids under common ownership or supervision geographically separated but that have an interchange or movement of cattle, goats, or privately owned cervids without regard to health status as determined by the director; or any other test of an isolated group of livestock considered a whole herd test by the director.

(12) This section does not exempt dairy herds from being tested in the manner provided for by grade "A" pasteurized milk ordinance, 2001 revision of the United States public health service/food and drug administration, with administrative procedures and appendices, set forth in the public health service/food and drug administration publication no. 229, and the provisions of the 1995 grade "A" condensed and dry milk products and condensed and dry

whey-supplement I to the grade "A" pasteurized milk ordinance, 2001 revisions, and all amendments to those publications thereafter adopted pursuant to the rules that the director may promulgate.

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

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

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

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

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

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

(19) Each owner of any privately owned cervid ranch within a high-risk area may elect to undergo a tuberculosis slaughter surveillance plan approved by the director in lieu of the annual whole herd testing. This slaughter surveillance plan must include examination of animals removed from the herd for detection of tuberculosis. Examination must be performed by a state or federal veterinarian or accredited veterinarian. The number to be examined at each testing interval shall include adult animals and must be equal to the amount necessary to establish an official tuberculosis monitored herd as defined in the bovine tuberculosis eradication uniform methods and rules, effective January 22, 1999, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(20) All cattle and goat herds, except livestock assembled at feedlots where all animals are fed for slaughter before 24 months of age, that are located in any area outside a high-risk area or a potential high-risk area in this state shall be whole herd bovine tuberculosis tested between January 1, 2000 and December 31, 2003. Privately owned cervid herds located in the non-high-risk areas or potential high-risk areas shall be tested per sections 30c and 30d. The director may order testing for any reportable disease in any geographical area or in any herd to accomplish surveillance necessary for the state of Michigan to participate in the national tuberculosis eradication program, to complete epidemiologic investigations for any reportable disease, or in any instance where a reportable disease is suspected. The director may establish a surveillance testing program for cattle and goats to replace the testing protocol and meet the intrastate movement requirements under subsections (22) and (23). A person shall not sell or offer for sale, move, or transfer any livestock that originate from a herd or area under order for testing by the director unless the livestock have met the requirements of the order issued under this subsection. If a person does not cause a herd to be tested in compliance with this order, the director shall notify the person responsible for management of the herd of the necessity for testing to occur and the deadline for testing to occur and shall quarantine any herd that has not been tested until such time as the testing can be completed by state or federal regulatory veterinarians or accredited veterinarians.

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

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

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

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

(c) Has originated directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by

veterinary services of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Compliance with this section regarding official identification is the responsibility of the owner.

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

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

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

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

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

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

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

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

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

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

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

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

(4) A terminal operation shall not allow or permit drainage from the terminal operation to flow into areas accessible to livestock, livestock feed, or livestock feed storage areas other than the cattle, privately owned cervids, and goats in the terminal operation.

(5) A terminal operation is constructed and operated to deter cattle, privately owned cervids, and goats in the terminal operation from making contact with animals other than those in the terminal operation.

(6) If a vehicle transporting cattle, privately owned cervids, and goats from a terminal operation completes the load at additional farms, all of which are en route to a slaughter facility, all cattle, privately owned cervids, and goats must remain on the vehicle and no animals are allowed to unload.

(7) A terminal operation may accept individual livestock that have not been tested for bovine tuberculosis provided that the herd of origin has been tested according to requirements of this act or when other requirements as determined by the director have been met.

(8) Aborted fetuses and animals that die in a terminal operation shall be disposed of in compliance with section 57 of the Michigan penal code, 1931 PA 328, MCL 750.57, and 1982 PA 239, MCL 287.651 to 287.683, regarding burial of dead animals.

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

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

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

(10) Cattle, privately owned cervids, and goats shall only exit a terminal operation by being transported directly to a slaughtering establishment, directly to another registered terminal operation, or through a livestock auction market for slaughter only, or to a veterinary hospital or clinic where the animal is not commingled with other animals unless permission is granted by the director to move the cattle, privately owned cervids, or goats to another premises. If cattle, privately owned cervids, or goats exit a terminal operation through a livestock auction market, the director may request verification that the animals were sold for slaughter and that the slaughter occurred 5 days after sale. Moving directly to a slaughtering establishment or directly to another registered terminal operation includes stopping at a premises to load other animals being transported to the slaughtering establishment or terminal operation without unloading any animals.

(11) Cattle, privately owned cervids, and goats in a terminal operation are exempt from official bovine tuberculosis testing as required in section 9(14), (16), and (20).

(12) A conveyance vehicle used to transport cattle, privately owned cervids, and goats from a terminal operation shall be cleaned and disinfected after use with a disinfectant applied in accordance with label instructions.

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

(14) Terminal operation records shall include all of the following:

(a) Identification of all cattle, privately owned cervids, and goats. As used in this subdivision, "identification" means official identification, including electronic identification, or permanent identification approved and supplied by the director.

(b) The date cattle, privately owned cervids, or goats were added to the terminal operation.

(c) The complete name and address of the person or dealer from whom the cattle, privately owned cervids, or goats were obtained.

(d) The complete street address of the premises from which the cattle, privately owned cervids, or goats were obtained.

(e) The complete name and street address of the slaughterhouse, veterinary hospital or clinic, livestock auction market, or terminal operation where the cattle, privately owned cervids, or goats were sent.

(f) The date the cattle, privately owned cervids, or goats were removed from the terminal operation.

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

(16) Livestock entering terminal operations must bear official identification or official identification must be applied within 10 days of arrival.

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

(2) The director may, under rules promulgated by the department, allow indemnification for the slaughter, destruction, or other disposition of livestock or domestic animals due to livestock diseases or toxicological contamination. If the director has signed an order for the slaughter, destruction, or other disposition of livestock or domestic animals, the owner may apply for indemnification. The director shall appraise and inventory the condemned livestock or domestic animals. The appraisals and inventories shall be on forms approved by the director. The director shall use agricultural pricing information from commercial livestock or domestic animal auction markets and other livestock or domestic animal market information as determined by the director to determine the value of condemned livestock or domestic animals.

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

(4) Except as otherwise provided in subsection (5), indemnification for entire herd, flock, or school depopulations of livestock or domestic animals shall be based upon 100% of the fair market value of that type of animal on the date of the appraisal and marketable for the purpose for which the livestock or domestic animal was intended, not to exceed an average of \$4,000.00 per animal in the flock, herd, or school. The appraisal determination shall not delay depopulation. The indemnification amount under this section shall include a deduction for any compensation received, or to be received, from any other source including, but not limited to, indemnification by the United States department of agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed livestock or domestic animals in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the livestock or domestic animals received, or to be received, from any other source shall accompany the appraisal certificate prior to indemnification under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 16. (1) Livestock ordered to be slaughtered, destroyed, or otherwise disposed of by the director because of tuberculosis shall be branded on the left hip with a letter "T" not less than 2 inches high, and a tag designated as a reactor tag by the director shall be placed in the left ear. Tuberculosis reactor cattle, bison, and goats as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules effective January 22, 1999, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate shall also be identified by a permanent and legible tuberculosis tattoo and spray of yellow paint on the left ear. The director may refrain from the branding, tattooing, ear painting, and reactor tagging if slaughter, destruction, or other disposition of the entire herd is under the director's direct control or if individual animals are sent to a diagnostic laboratory or to disposal under an official seal and secured transport limit.

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

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

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

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

(a) An official interstate health certificate.

(b) An official interstate certificate of veterinary inspection.

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

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

- (e) A “permit for movement of restricted animals” (vs form 1-27), if prior approval is granted by the director.
- (f) A fish disease inspection report for aquaculture only.
- (g) Permission from the director.
- (2) Brucellosis or tuberculosis officially classified suspect or reactor cattle shall not be imported into this state.
- (3) A person shall not import or move intrastate livestock known to be affected with or exposed to chronic wasting disease, tuberculosis, or brucellosis, as determined by an official test, without permission of the director.
- (4) The director may require that a prior entry permit be obtained for certain classifications of livestock.
- (5) Any person, consignee, dealer, or livestock market operator must ensure that any testing required under this act, any official identification required under this act, and any requirements for official interstate or intrastate health certificate, official interstate or intrastate certificate of veterinary inspection, animal movement certificate, owner-shipper statement, sales invoice, “report of sales of hatching eggs, chicks, and poults” (vs form 9-3), “permit for movement of restricted animals” (vs form 1-27), or prior entry permit have been fulfilled before accepting any animals on such a certificate and that a true copy is provided to the director upon request.
- (6) Livestock shall not be diverted to premises other than the destination site named on the official interstate or intrastate health certificate, official interstate or intrastate certificate of veterinary inspection, owner-shipper statement, sale invoice, entry authorization form, exit authorization form, prior movement form, vs form 9-3, or vs form 1-27.
- (7) Livestock imported for exhibition shall meet the requirements prescribed by this act for importation of breeding animals of that species and shall be accompanied by a copy of an official interstate health certificate or an official interstate certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.
- (8) The director may refuse entry into this state of livestock that the director has reason to believe may pose a threat to the public health or health of livestock. Livestock imported into this state shall not originate from a herd under quarantine unless accompanied by permission issued by the director. The director may waive specific requirements if it is determined that livestock imported from a certain area or state are not a threat to the public health or health of livestock.
- (9) If the director determines that there is a threat to public health or a threat to the health of animals in this state, the director may require additional testing and vaccination requirements for animals imported or to be imported into this state.

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

- (a) Quarantine the animal.
 - (b) Require that the required tests or documents be performed or obtained at the owner’s expense.
 - (c) Require the animal be returned to the state of origin within 10 days after such notification.
 - (d) Order the slaughter, destruction, or other disposition of the livestock, if it is determined by the director that the control or eradication of a disease or condition of the livestock is warranted. Livestock determined to be imported without meeting import requirements are not eligible for indemnity.
 - (e) Allow a direct movement of the animal or animals to slaughter by permit.
 - (f) Allow legal importation into another state.
- (2) If the official test result or proof of shipment of the animal back to the state of origin has not been received within 15 days after notification, the director may order that the required tests be performed by a department veterinarian, at the owner’s or importer’s expense.

Sec. 30a. (1) Privately owned cervids, except those consigned directly to a state or federally inspected slaughter facility premises, shall not be imported into this state unless accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection.

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

(3) Privately owned cervids 6 months of age or older imported into this state, except those consigned directly to a state or federally inspected slaughter facility premises, shall originate directly from a certified brucellosis-free cervid herd as defined in brucellosis in cervidae: uniform methods and rules, effective September 30, 1998, or shall test negative to an official test for brucellosis within 30 days before importation.

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

(a) Originate directly from an official tuberculosis accredited herd as outlined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

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

(c) Be isolated from all other animals until it receives 2 official negative tuberculosis tests conducted no less than 90 days apart, with the first test conducted no more than 120 days before importation.

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

(a) Originate directly from an official tuberculosis accredited herd as outlined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

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

(c) Be a purchased addition originating directly from an official tuberculosis qualified or monitored herd as outlined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate, and receive an official negative test for tuberculosis within 90 days before importation.

(d) Be isolated from all other animals until it receives 2 official negative tuberculosis tests conducted not less than 90 days apart, with the first test conducted no more than 120 days before importation.

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

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

Sec. 30b. (1) All live privately owned cervids moving from 1 premises to another premises within this state shall be officially identified with an identification approved by the director.

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

(a) Originate directly from an official tuberculosis accredited, qualified, or monitored herd as outlined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate, and be accompanied by a copy of the current official letter from the Michigan department of agriculture verifying herd status.

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

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

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

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

(a) Originate directly from an official tuberculosis accredited, qualified, or monitored herd as outlined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by veterinary services of the

animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate, be identified by an official identification, and be accompanied by a copy of the current official letter from the Michigan department of agriculture verifying the herd status.

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

(c) Originate directly from a herd that has received an official negative tuberculosis test of all privately owned cervids 12 months of age or older and all cattle and goats 6 months of age or older in contact with the herd more than 24 months before movement and be accompanied by an official permit for movement of privately owned cervids less than 6 months of age within Michigan or an official interstate health certificate issued by an accredited veterinarian, and remain at the destination stated on the permit or official interstate health certificate until it receives an official negative tuberculosis test when it reaches 6 months of age, but not more than 8 months of age. For purposes of this section, the age of the privately owned cervids shall be determined by the age placed on the official permit for movement of privately owned cervids less than 6 months of age in Michigan or the official interstate health certificate issued by the accredited veterinarian. A copy of the official test for tuberculosis and a copy of the official permit for movement of privately owned cervids less than 6 months of age within Michigan or the official interstate health certificate shall be forwarded to the department within 10 days following completion of the testing.

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

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

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

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

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

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

(4) Cattle, bison, goats, and privately owned cervids consigned for slaughter or that do not meet intrastate testing requirements for movement from 1 premises to another shall be sold for slaughter only and be moved directly to slaughter. Livestock auction markets or sale yard management shall not sell livestock to any buyer that does not certify in a signed statement that such animals removed from the premises shall be moved directly to a slaughter establishment and slaughtered within 5 days after movement. Before animals are removed by the buyer, sale management shall require that the buyer provide the slaughter destination information for each animal removed from the premises.

Sec. 44. (1) A person who commits 1 or more of the following is guilty of a felony punishable by a fine of not less than \$1,000.00 and not more than \$50,000.00, or imprisonment of not more than 5 years, or both, and shall not receive any indemnification payments at the discretion of the director:

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

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

(c) Intentionally violating a condition of quarantine authorized under section 12 or movement restrictions and other requirements authorized under section 9.

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

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

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

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

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

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

(a) Issue a warning.

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

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

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

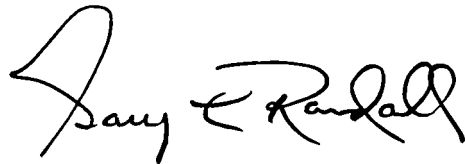
(6) The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act does not bar other lawful remedies and sanctions and does not limit criminal or civil liability. Notwithstanding the provisions of this act, the department may bring an action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

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

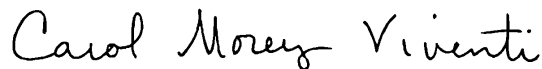
(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.