

# HOUSE BILL NO. 4050

January 30, 2025, Introduced by Reps. DeSana, Markkanen, Meerman, Greene, Smit, Cavitt, Neyer, Alexander, Woolford, Maddock, Fox and Morgan and referred to Committee on Agriculture.

A bill to amend 1981 PA 93, entitled  
"Michigan right to farm act,"  
by amending section 4 (MCL 286.474), as amended by 2018 PA 292.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) Subject to subsection (2), the director shall  
2 investigate all complaints involving a farm or farm operation,  
3 including, but not limited to, complaints involving the use of  
4 manure and other nutrients, agricultural waste products, dust,  
5 noise, odor, fumes, air pollution, surface water or groundwater

1 pollution, food and agricultural processing by-products, care of  
2 farm animals, and pest infestations. ~~Within~~ **Not later than** 7  
3 business days ~~of~~ **after** receipt of the complaint, the director shall  
4 conduct an on-site inspection of the farm or farm operation. The  
5 director shall notify, in writing, the city, village, or township  
6 and the county in which the farm or farm operation is located of  
7 the complaint.

8 (2) The commission and the director shall enter into a  
9 memorandum of understanding with the director of the department of  
10 ~~environmental quality.~~ **environment, Great Lakes, and energy.** The  
11 investigation and resolution of environmental complaints concerning  
12 farms or farm operations must be conducted in accordance with the  
13 memorandum of understanding. However, the director shall notify the  
14 department of ~~environmental quality~~ **environment, Great Lakes, and**  
15 **energy** of any potential violation of the natural resources and  
16 environmental protection act, 1994 PA 451, MCL 324.101 to  
17 324.90106, or a rule promulgated under that act. Activities at a  
18 farm or farm operation are subject to applicable provisions of the  
19 natural resources and environmental protection act, 1994 PA 451,  
20 MCL 324.101 to 324.90106, and the rules promulgated under that act.  
21 The commission and the director shall develop procedures for the  
22 investigation and resolution for other farm-related complaints.

23 (3) If the director finds ~~upon~~ **on** investigation under  
24 subsection (1) that the person responsible for a farm or farm  
25 operation is using generally accepted agricultural and management  
26 practices, the director shall notify, in writing, that person, the  
27 complainant, and the city, village, or township and the county in  
28 which the farm or farm operation is located of this finding. If the  
29 director identifies that the source or potential sources of the

1 problem were caused by the use of other than generally accepted  
2 agricultural and management practices, the director shall advise  
3 the person responsible for the farm or farm operation that  
4 necessary changes should be made to resolve or abate the problem  
5 and to conform with generally accepted agricultural and management  
6 practices and that if those changes cannot be implemented within 30  
7 days, the person responsible for the farm or farm operation shall  
8 submit to the director an implementation plan ~~including that~~  
9 **includes** a schedule for completion of the necessary changes. When  
10 the director conducts a follow-up on-site inspection to verify  
11 whether those changes have been implemented, the director shall  
12 notify, in writing, the city, village, or township and the county  
13 in which the farm or farm operation is located of the time and date  
14 of the follow-up on-site inspection and shall allow a  
15 representative of the city, village, or township and the county to  
16 be present during the follow-up on-site inspection. If the changes  
17 have been implemented, the director shall notify, in writing, the  
18 person responsible for the farm or farm operation, the complainant,  
19 and the city, village, or township and the county in which the farm  
20 or farm operation is located of this determination. If the changes  
21 have not been implemented, the director shall notify, in writing,  
22 the complainant and the city, village, or township and the county  
23 in which the farm or farm operation is located that the changes  
24 have not been implemented and whether a plan for implementation has  
25 been submitted. ~~Upon~~ **On** request, the director shall provide a copy  
26 of the implementation plan to the city, village, or township and  
27 the county in which the farm or farm operation is located.

28 (4) A complainant who brings more than 3 unverified complaints  
29 against the same farm or farm operation within 3 years may be

1 ordered, by the director, to pay to the department the full costs  
2 of investigation of any fourth or subsequent unverified complaint  
3 against the same farm or farm operation. As used in this  
4 subsection, "unverified complaint" means a complaint in response to  
5 which the director determines that the farm or farm operation is  
6 using generally accepted agricultural and management practices.

7 (5) Except as provided in subsection (6), this act does not  
8 affect the application of state statutes and federal statutes.

9 (6) ~~Beginning June 1, 2000, except~~ **Except** as otherwise  
10 provided in this section, it is the express legislative intent that  
11 this act preempt any local ordinance, regulation, or resolution  
12 that purports to extend or revise in any manner the provisions of  
13 this act or generally accepted agricultural and management  
14 practices developed under this act. Except as otherwise provided in  
15 this section, a local unit of government shall not enact, maintain,  
16 or enforce an ordinance, regulation, or resolution that conflicts  
17 in any manner with this act or generally accepted agricultural and  
18 management practices developed under this act.

19 (7) A local unit of government may submit to the director a  
20 proposed ordinance prescribing standards different from those  
21 contained in generally accepted agricultural and management  
22 practices if adverse effects on the environment or public health  
23 will exist within the local unit of government. A proposed  
24 ordinance under this subsection must not conflict with existing  
25 state ~~laws~~ or federal laws. At least 45 days ~~prior to~~ **before the**  
26 enactment of the proposed ordinance, the local unit of government  
27 shall submit a copy of the proposed ordinance to the director. Upon  
28 receipt of the proposed ordinance, the director shall hold a public  
29 meeting in that local unit of government to review the proposed

1 ordinance. In conducting ~~its~~**the** review, the director shall consult  
 2 with the departments of ~~environmental quality~~**environment, Great**  
 3 **Lakes, and energy** and health and human services and ~~shall~~ consider  
 4 any recommendations of the county health department of the county  
 5 where the adverse effects on the environment or public health will  
 6 allegedly exist. ~~Within~~**Not later than** 30 days after the public  
 7 meeting, the director shall make a recommendation to the commission  
 8 on whether the ordinance should be approved. An ordinance enacted  
 9 under this subsection must not be enforced by a local unit of  
 10 government until approved by the commission.

11 (8) ~~By~~**Not later than** May 1, 2000, the commission shall issue  
 12 proposed generally accepted agricultural and management practices  
 13 for site selection and odor controls at new and expanding animal  
 14 livestock facilities. The commission shall adopt ~~such~~**the** generally  
 15 accepted agricultural and management practices ~~by~~**not later than**  
 16 June 1, 2000. In developing ~~these~~**the** generally accepted  
 17 agricultural and management practices **described under this**  
 18 **subsection**, the commission shall do both of the following:

19 (a) Establish an advisory committee to provide recommendations  
 20 to the commission. The advisory committee must include the entities  
 21 listed in section 2(d), 2 individuals representing townships, 1  
 22 individual representing counties, and 2 individuals representing  
 23 agricultural industry organizations.

24 (b) For the generally accepted agricultural and management  
 25 practices for site selection, consider groundwater protection, soil  
 26 permeability, and other factors determined necessary or appropriate  
 27 by the commission.

28 (9) **Not later than September 1, 2025, the commission shall**  
 29 **issue proposed generally accepted agricultural and management**

1 practices for site selection for the rearing of egg-laying hens in  
 2 primarily residential areas. The commission shall adopt the  
 3 generally accepted agricultural and management practices not later  
 4 than October 1, 2025. In developing the generally accepted  
 5 agricultural and management practices described under this  
 6 subsection, the commission shall ensure that the practices include  
 7 the following standards:

8 (a) The property used for rearing egg-laying hens must be at  
 9 least 1/4 acre in size.

10 (b) The number of hens must not exceed 5 hens for every 1/4  
 11 acre of property size or a total of 25 hens, whichever is less.

12 (10) ~~(9)~~—If generally accepted agricultural and management  
 13 practices require ~~the~~ a person responsible for the operation of a  
 14 farm or farm operation to prepare a manure management plan, the  
 15 person responsible for the operation of the farm or farm operation  
 16 shall provide a copy of ~~that~~ ~~the~~ manure management plan to the  
 17 city, village, or township or the county in which the farm or farm  
 18 operation is located, ~~upon~~ ~~on~~ request. A manure management plan  
 19 provided under this subsection is exempt from disclosure under the  
 20 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

21 (11) ~~(10)~~—The department shall do both of the following:

22 (a) Make available on the department's website current  
 23 generally accepted agricultural and management practices.

24 (b) Establish a toll-free telephone number for receipt of  
 25 information on noncompliance with generally accepted agricultural  
 26 and management practices.

27 (12) ~~(11)~~—As used in this section:

28 (a) "Adverse effects on the environment or public health"  
 29 means any unreasonable risk to human beings or the environment,

1 based on scientific evidence and taking into account the economic,  
2 social, and environmental costs and benefits and specific  
3 populations whose health may be adversely affected.

4 (b) "Commission" means the commission of agriculture and rural  
5 development.

6 (c) "Department" means the department of agriculture and rural  
7 development.

8 (d) "Director" means the director of the department or ~~his or~~  
9 ~~her~~ **the director's** designee.

10 Enacting section 1. This amendatory act does not take effect  
11 unless House Bill No. 4049 (request no. H01202'25) of the 103rd  
12 Legislature is enacted into law.