ANIMAL INDUSTRY ACT
Act 466 of 1988

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

The People of the State of Michigan enact:

287.701 Short title; scope and construction of act.

Sec. 1. (1) This act shall be known and may be cited as the “animal industry act”.

(2) This act is intended to protect the health, safety, and welfare of humans and animals, to be consistent with applicable federal and state laws, and shall be so construed.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

Compiler's note: R 287.710 of the Michigan Administrative Code, which referred to equine infectious anemia, was rescinded by enacting section 2 of 2000 PA 323, Eff. Jan. 1, 2001.

287.702 Meanings of words and phrases.

Sec. 2. For the purposes of this act, the words and phrases defined in sections 3 to 6 have the meanings ascribed to them in those sections.

History: 1988, Act 466, Eff. Mar. 28, 1989.

287.703 Definitions; A to F.

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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.704 Definitions; F to I.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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) “Genetically engineered” refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably using recombinant nucleic acid techniques, or the progeny thereof.

(6) “Grade” means an animal for which no proof of registration with an appropriate breed registry is provided.

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

(8) “Hatching poultry eggs” means eggs for use in a hatchery to produce young poultry or to produce embryonated eggs.

(9) “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.

(10) “Infectious disease” means an infection or disease due to the invasion of the body by pathogenic organisms.

(11) “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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002;—Am. 2003, Act 271, Eff. Mar. 30, 2004.

287.705 Definitions; L to O.

Sec. 5. (1) “Law enforcement agency” means the department of state police, the department of natural resources, or a law enforcement agency of a county, township, city, or village that is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.

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

(3) “Livestock auction market” means a livestock market where livestock is accepted on consignment and the auction method is used in the marketing of consigned livestock as defined in 1937 PA 284, MCL 287.121 to 287.131.

(4) “National poultry improvement plan” means a plan for the control or eradication of certain poultry diseases which is published in 9 C.F.R. parts 145 and 147.

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

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

(a) Chemical.

(b) Castration.

(c) Clamping.

(d) Banding.

(e) Spaying.

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3,

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.706 Definitions; O to W.

Sec. 6. (1) "Official calfhood 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 remains 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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(20) “Recombinant nucleic acid techniques” means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(21) “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.

(22) “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.

(23) “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.

(24) “Sow” means any female swine that has farrowed or given birth to or aborted 1 litter or more.

(25) “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.

(26) “Swine” means any of the ungulate mammals of the family suidae.

(27) “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.

(28) “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.

(29) “Toxicological disease” means any condition caused by or related to a toxic substance.

(30) “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.

(31) “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.

(32) “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.

(33) “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.

(34) “Wild animal” means any nondomesticated animal or any cross of a nondomesticated animal.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002;—Am. 2003, Act 271, Eff. Mar. 30, 2004.

287.707 State veterinarian as chief animal health official; appointment; qualifications; office facilities and laboratory services.

Sec. 7. (1) The director shall appoint an individual as state veterinarian who shall be the chief animal health official of the state. The appointment shall be made in accordance with the rules of the state civil service commission. The individual appointed as state veterinarian shall maintain a current license to practice veterinary medicine in this state and be federally accredited in this state by the United States department of agriculture. The state veterinarian shall be skilled in the diagnosis, treatment, and control of infectious, contagious, and toxicological diseases of livestock. The state veterinarian shall also be knowledgeable of state and federal laws as they relate to the intrastate, interstate, and international movement of animals.

(2) Office facilities and laboratory services for the investigation of infectious, contagious, or toxicological diseases of animals shall be made available for the state veterinarian's use.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994.

287.708 State veterinarian; powers and duties generally.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.709 Animal affected with reportable disease or contaminated with toxic substance; moving restrictions and requirements; designation of high risk areas; exemption; conduct of bovine tuberculosis testing.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.710 Determination of extraordinary emergency; notice to governor; recommendations; proclamation of state emergency; expediting necessary procedures.

Sec. 10. If the director determines that a disease or condition in animals in this state poses an extraordinary emergency to the livestock industry, public health, or human food chain of this state, the director shall notify the governor of the determination and the reasons for this determination. The director shall recommend to the governor the procedures the director considers necessary to eliminate the threat. Upon being notified, the governor may issue a proclamation declaring a state of emergency. After proclamation of a state of emergency by the governor, the governor may expedite necessary procedures to control the spread of, or to

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

eradicate, the disease or condition.

History: 1988, Act 466, Eff. Mar. 28, 1989.

287.711 Agreements to protect or enhance growth of livestock industry or human food chain.

Sec. 11. If the director considers it a benefit to the health or condition of the livestock industry of this state, the director may enter into agreements with the secretary of agriculture of the United States department of agriculture, the secretary's authorized representative, or any other person to protect or enhance the growth of the livestock industry or the human food chain of this state.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994.

287.711b Official identification.

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.

History: Add. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.712 Quarantine.

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, including a genetically engineered organism that is a variant of that 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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002;—Am. 2003, Act 271, Eff. Mar. 30, 2004.

287.713 Designating status of certain herds, flocks, or stocks as being free of specific disease.

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

287.713a Terminal operation.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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.

History: Add. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.714 Seizure, slaughter, destruction, or other disposition of livestock or domestic animals; notice; disposal of animals, animal products, and animal feeds; indemnification; appraisals and inventories; records; affidavit; appraisal certificate; annual budget; release

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

of claim against state; applicability of right to indemnity; cleaning and disinfecting premises; repopulation of premises; cooperating and coordinating with secretary of agriculture; reports.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

Compiler's note: For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

287.715 Subrogation agreement and documents as condition to indemnification; civil or criminal action.

Sec. 15. (1) The state shall not indemnify an owner of livestock or domestic animals for the loss of the livestock or domestic animals due to an infectious, contagious, or toxicological disease until the owner executes and signs a subrogation agreement assigning to the state the rights of the owner to a cause of action to recover damages for the loss up to the amount of indemnification paid to the owner under this act, and presents all necessary documents, including registration papers, a statement of names and addresses of all persons to whom or from whom the owner has transferred livestock or domestic animals within a time period determined by the director, and signed permission allowing the breed association to disclose information requested by the director.

(2) The attorney general may bring a civil or criminal action against a person responsible for unlawfully introducing an infectious, contagious, or toxicological disease into animals, animal products, or animal feeds in this state.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.716 Slaughter, destruction, or other disposition of livestock; branding and identification.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.717 Repealed. 1992, Act 239, Eff. Mar. 31, 1993.

Compiler's note: The repealed section pertained to brucellosis and pseudorabies in porcine species.

287.717a Swine; feed; inspection; quarantine required.

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

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

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

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

History: Add. 1996, Act 369, Imd. Eff. July 3, 1996.

287.718 Repealed. 1996, Act 369, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to poultry diseases.

287.719 Imported livestock; requirements.

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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.720 Official interstate or intrastate health certificate or official certificate of veterinary inspection; forwarding of certificate to state veterinarian; slaughter of imported livestock.

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

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

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

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

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

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

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

(2) A copy of the official interstate or intrastate health certificate or official interstate or intrastate certificate of veterinary inspection for livestock being exported from this state or for livestock being moved from 1 premises to another premises within this state shall be forwarded by the issuing accredited veterinarian

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

to the state veterinarian within 10 working days after the date of issuance.

(3) Livestock delivered directly to a slaughter plant shall be slaughtered within 5 days except for swine which shall be slaughtered within 48 hours. Livestock for slaughter delivered to a livestock auction market as defined in 1937 PA 284, MCL 287.121 to 287.131, shall be slaughtered within 10 days.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.721 Repealed. 1994, Act 41, Imd. Eff. Mar. 14, 1994.

Compiler's note: The repealed section pertained to out-of-state livestock for exhibition.

287.722 Animal imported without required official tests or documents.

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.723 Requirements for cattle entering state; exemption under MCL 287.724 or determination by director.

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

(a) Originate directly from an accredited bovine tuberculosis-free state or bovine tuberculosis free zone 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.

(b) Originate directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules, effective 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) In the case of cattle not meeting the requirements of subdivision (a) or (b), originate from a state or zone whose bovine tuberculosis status is less than accredited free 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. The cattle shall originate from a herd that has had a negative official whole herd test as defined in section 9 within the preceding 12 months and the individual cattle being imported shall have had a negative official test for bovine tuberculosis within 60 days before entry.

(2) Female cattle over 19 months of age that are officially vaccinated against brucellosis and bulls and female cattle not officially vaccinated against brucellosis that are over 6 months of age shall test negative to an official brucellosis test within 30 days before importation or originate directly from a certified brucellosis-free herd or originate directly from a state which has maintained, for the previous 6 consecutive years prior to importation, certified brucellosis class free state status as defined in title 9 of the code of federal regulations and the brucellosis eradication: uniform methods and rules, effective February 1, 1998, 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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.724 Nonnative cattle capable of reproduction; identification; exemption from MCL 287.723; notification of destination.

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

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

(a) Are sent directly to slaughter.

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

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

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

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

287.724a Placement of nonnative cattle capable of reproduction in cattle importation lot.

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

History: Add. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

287.725 Repealed. 1992, Act 239, Eff. Mar. 31, 1993.

Compiler's note: The repealed section pertained to requirements for importing swine.

287.726 Repealed. 2000, Act 323, Eff. Jan. 1, 2001.

Compiler's note: The repealed section pertained to equine infectious anemia test.

287.726a Definitions; equine infectious anemia test required; report of positive results to department; containment; testing within certain area; quarantine; testing of complete source herd; records; epidemiological investigations; destruction or removal of test-positive equidae; identification with freeze brand; movement of restricted equidae; establishment of voluntary program regarding equidae identification card system; disclosure of information.

Sec. 26a. (1) As used in this section:

(a) "Approved laboratory" means a state, federal, or private veterinary diagnostic laboratory approved by the United States department of agriculture animal and plant health inspection service, veterinary services, to conduct approved official laboratory tests for equine infectious anemia.

(b) "Change of ownership and location" means a transfer of ownership of equidae from 1 person to another person through selling, bartering, trading, leasing, or donating the equine along with a change of location of the equidae.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(c) "Equine herd" means any of the following:

(*i*) All animals of the family equidae under common ownership or supervision that are grouped on 1 or more parts of any single premises, lot, farm, or ranch.

(*ii*) All animals of the family equidae under common ownership or supervision on 2 or more premises that are geographically separated but in which either or both of the following have occurred:

(A) The equidae have been interchanged.

(B) Equidae from 1 of the premises have had contact with equidae from a different premises.

(*iii*) All animals of the family equidae on common premises, such as community pastures or grazing association units, but owned by different persons.

(d) "Equine infectious anemia" means an infectious disease of equidae caused by a lentivirus, equine infectious anemia virus.

(e) "Equine infectious anemia laboratory test form" means the official federal government form, veterinary services form 10-11, required to submit blood samples to an approved laboratory for equine infectious anemia testing or other form approved by the director.

(f) "Equine infectious anemia test-positive equine" means any animal of the family equidae that has been subjected to an official equine infectious anemia test whose result is positive for equine infectious anemia.

(g) "Exposed equine" or "exposed equidae" means animals in the family equidae that have been exposed to equine infectious anemia by associating with equidae known or later found to be affected with equine infectious anemia.

(h) "Official equine infectious anemia test" means any test for the laboratory diagnosis of equine infectious anemia that utilizes a diagnostic product that is both of the following:

(*i*) Produced under license from the secretary of agriculture of the United States department of agriculture or the secretary's authorized representative, under the virus-serum-toxin act, 21 USC 151 to 159.

(*ii*) Conducted in an approved laboratory.

(i) "Permit" means an official document, vs form 1-27 or comparable state form, that is issued by a state or federal representative or by an accredited veterinarian, required to accompany all equine infectious anemia test-positive equidae and those exposed equidae that are being moved under official seal during their movement to the specified destination.

(j) "Restricted equidae" means equine infectious anemia test-positive equidae or exposed equidae.

(2) A person shall not move equidae into this state from another state unless the equidae have had an official equine infectious anemia test with a negative result within the previous 12 months of entry. In addition, the person in control of the equidae shall be in possession of an official interstate health certificate or interstate certificate of veterinary inspection documenting the date, laboratory, accession number, and results of the latest equine infectious anemia test, signed by an accredited veterinarian. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(3) A person shall not enter equidae in exhibitions, expositions, or fairs unless the equidae have had an official equine infectious anemia test with a negative result within the previous 12 months that is documented on the equine infectious anemia laboratory test form. A fair, exhibition, exposition, or show authority is responsible for assuring that all participating equidae are test-negative for equine infectious anemia. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(4) A person shall not change the ownership and location of equidae within the state, unless the equidae have had an official equine infectious anemia test with a negative result within the previous 12 months. All change of ownership and location transactions shall be accompanied by a certificate signed by an accredited veterinarian documenting the date, laboratory, accession number, and results of the latest equine infectious anemia test or by an equine infectious anemia laboratory test form. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(5) All equidae entering, remaining at, or on the premises of horse auctions or sales markets whether or not licensed under 1974 PA 93, MCL 287.111 to 287.119, and 1937 PA 284, MCL 287.121 to 287.131, must have an official equine infectious anemia test with a negative result within the previous 12 months of sale. If an equine infectious anemia test is not possible before each sale, then the equidae must be held on the sale premises until the test results are known. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(6) The owner or operator of an approved laboratory shall report all positive results of equine infectious anemia to the department. A positive equine infectious anemia test result shall be reported as soon as practicable and a negative test shall be reported within 10 business days after the test results are completed. This section does not prohibit an owner of equidae or organization sponsoring an event involving equidae from requiring an official equine infectious anemia test for equidae involved in any equidae group activity or

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

that are commingling with or in proximity to other equidae. Notwithstanding section 44(1) and (2), a person who violates this subsection is responsible for a civil violation and may be fined not more than $100.00.

(7) The department shall test all equidae located within a 1/4-mile radius of the perimeter of the area in which the equine infectious anemia test-positive equine is or has been contained at the expense of the department. If the director determines that a large number of equidae are equine infectious anemia test-positive, the director may require testing of all equidae within an area larger than the 1/4-mile radius described in this subsection at the expense of the department.

(8) The director shall quarantine equidae that test positive to an official equine infectious anemia test and their herd of origin. Equidae that test positive to an official equine infectious anemia test may, with approval from the director, be moved or quarantined to a premises that confines them a minimum of 1 quarter mile away from any other equine. Equidae that test positive to an official equine infectious anemia test may, with approval from the director, be segregated and quarantined in an insect-free enclosure as determined by the director.

(9) The owner or agent of an equine herd that is the source of an equine infectious anemia test-positive equine shall allow the director to test, in accordance with the following schedule, the complete source herd with an official equine infectious anemia test after the official equine infectious anemia test-positive equidae have been removed or segregated from the herd in a manner approved by the director:

(a) Between November 1 and April 30, a source herd may be tested at any time and qualify for quarantine release if all tested equidae are negative to an official equine infectious anemia test.

(b) Between May 1 and October 31, a source herd may be tested after waiting a minimum of 45 days after the official equine infectious anemia test-positive equidae have been removed or segregated from the herd. If all equidae tested are negative to the official equine infectious anemia test, the quarantine may be released.

(10) The owner of an equine infectious anemia test-positive equine shall provide to the department records, reflecting the time period during which the equine infectious anemia test-positive equine both had been on the premises and had been a member of the equine herd, that include at least the following information:

(a) The name and address of the previous owner.

(b) To the best of the owner's knowledge, the location of other equidae that were potentially exposed to the equine infectious anemia test-positive equine.

(11) Within 30 days after positive test results are reported to an owner of an equine infectious anemia test-positive equine or at a different time period agreed to by the director, the owner of an equine infectious anemia test-positive equine shall provide to the department the records described in subsection (10).

(12) The director may conduct epidemiological investigations on all equidae that have possible exposure to official equine infectious anemia test-positive equidae to determine the need for additional quarantining and official equine infectious anemia testing.

(13) A person shall not destroy or remove official equine infectious anemia test-positive equidae from the original test location or premises without prior permission from the director.

(14) The owner shall not destroy the official equine infectious anemia test-positive equine without permission from the director. The director shall issue a quarantine release and be present when the equine is destroyed or an accredited veterinarian may document and certify that the official equine infectious anemia test-positive equine has been destroyed.

(15) Unless immediately destroyed, official equine infectious anemia test-positive equidae shall be identified by the director with the freeze brand 34A, which shall be in characters not less than 2 inches in height and placed on the left cervical area of the neck or shall be identified in another manner approved by the director.

(16) Restricted equidae may move interstate only if accompanied by a permit listing the owner's name and address, points of origin and destination, number of equidae included, purpose of the movement, and at least either the individual equine registered breed association registration tattoo or the individual equine registered breed association registration number, or other unique official identification. The permit shall also list the equine's name, age, sex, breed, color, and markings.

(17) Equine infectious anemia test-positive equidae may only move interstate under permit to the following locations:

(a) A federally inspected slaughter facility.

(b) A federally approved diagnostic or research facility.

(c) A herd or farm of origin.

(18) The individual issuing the permit shall consult with the state animal health official in the state of destination for approval and shall determine that the equine infectious anemia test-positive equine to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other equidae. The equine infectious anemia test-positive equine shall remain quarantined under

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

state authority at the locations described in subsection (17) until natural death, slaughter, or euthanasia. The carcass shall be disposed of as provided in 1982 PA 239, MCL 287.651 to 287.683.

(19) Individual exposed equidae may be allowed to move from a quarantined area for specific purposes if they have a negative test at the time of movement. The equidae shall be moved under quarantine and maintained under quarantine at the new premises until tested negative to an official equine infectious anemia test at least 45 days after the last known exposure to an equine infectious anemia test-positive equine.

(20) The department may establish a voluntary program regarding an equidae identification card system, funded by a reasonable fee charged to the participants, that includes at least the following:

(a) A pocket-size card made of durable material.

(b) A photographic or graphic likeness of the equine and a description of at least the color, breed, sex, age, markings, name of owner, and location or address of the equine.

(c) An indication of a negative result for an official equine infectious anemia test, along with the date of the test.

(21) Any information that identifies the owner of an equine that is gathered by the department under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 2011, Act 121, Imd. Eff. July 20, 2011.

Compiler's note: Former MCL 287.726a, which pertained to definitions, equine infectious test, and repeal of section, was repealed by Act 33 of 2001, Eff. Jan. 1, 2011.

287.727 Sheep.

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

287.728 Goats.

Sec. 28. (1) Goats, other than goats consigned directly to a slaughterhouse or to a livestock auction market for sale as slaughter goats and imported into this state shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection.

(2) Goats entering this state shall meet 1 or more of the following requirements regarding bovine tuberculosis:

(a) Originate directly from an accredited bovine tuberculosis-free state or bovine tuberculosis-free zone 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 the veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(b) Originate directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules effective January 22, 1999, approved by the 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) Regarding goats not meeting the requirements of subdivision (a) or (b), or both, originate from a state or zone whose bovine tuberculosis status is less than accredited bovine tuberculosis-free 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 the 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 originate from a herd that has had a negative official whole herd test as defined in section 9 within the preceding 12 months and the individual goats being imported shall have had a negative official test for bovine tuberculosis within 60 days before entry.

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.729 New world camelids.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

Sec. 29. New world camelids imported into this state shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection and meet all of the following requirements:

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.729a Aquaculture.

Sec. 29a. (1) Aquaculture imported into this state shall be accompanied by 1 of the following issued by an accredited veterinarian:

(a) Official interstate health certificate.

(b) Official interstate certificate of veterinary inspection.

(c) Fish disease inspection report.

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

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

History: Add. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.730 Poultry and hatching poultry eggs.

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

(a) An official interstate health certificate.

(b) An official interstate certificate of veterinary inspection.

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

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

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

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

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

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

(3) Poultry vaccinated for infectious laryngotracheitis shall not be imported into this state unless permission from the director is granted. Any restrictions placed by the director on the import of the poultry shall be followed.

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

(a) Originate directly from a U.S. pullorum-typhoid clean flock as defined in 9 C.F.R. part 147, and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.730a Privately owned cervidae.

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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(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.

History: Add. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.730b Privately owned cervidae; intrastate movement.

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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.

History: Add. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.730c Privately owned white-tailed deer or elk; inspection and testing for tuberculosis.

Sec. 30c. (1) Each owner of any privately owned white-tailed deer farm or privately owned elk farm that does not possess official tuberculosis accredited or qualified herd status as defined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by the 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 cause an official test for tuberculosis to be conducted on 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 privately owned cervids. This testing shall be completed by July 27, 2000. The owner of any privately owned white-tailed deer farm or privately owned elk farm that begins operation after the effective date of this section shall complete the testing requirement within 18 months following assembly of the herd.

(2) Each owner of any privately owned white-tailed deer or elk ranch shall cause privately owned cervids removed from the herd to undergo visual inspection by a specially trained accredited veterinarian, approved by the director, for evidence of tuberculosis. The number of animals to be inspected shall be equal to the number required for establishing an official tuberculosis-monitored herd as outlined in bovine tuberculosis

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

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. The testing shall be completed by January 27, 2004. The owner of any privately owned white-tailed deer or elk ranch which begins operation after the effective date of this section shall complete the required testing within 5 years following assembly of the herd.

History: Add. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.730d Privately owned cervid farm; testing and inspection for tuberculosis.

Sec. 30d. (1) Beginning 90 days after the enactment date of this section, each owner of any privately owned cervid farm, other than any privately owned white-tailed deer or elk farm, that does not possess official tuberculosis accredited or qualified herd status as defined in bovine tuberculosis eradication: uniform methods and rules, effective January 22, 1999, approved by the 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 cause an official test for tuberculosis to be conducted on 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 privately owned cervids. This testing shall be completed within 18 months following the effective date of this section. The owner of any privately owned cervid farm, other than privately white-tailed deer or elk farms, that begin operation after the effective date of this section shall complete the testing requirement within 18 months following assembly of the herd.

(2) Beginning 90 days after the enactment date of this section, each owner of any privately owned cervid ranch, other than privately owned white-tailed deer or elk ranches, shall cause privately owned cervids removed from the herd to undergo visual inspection by a specially trained accredited veterinarian, approved by the director, for evidence of tuberculosis. The number of animals to be inspected shall be equal to the number required for establishing an official tuberculosis-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. The testing shall be completed within 5 years following the effective date of this section. The owner of any privately owned cervid ranch, other than privately owned white-tailed deer or elk ranches, which begins operation after the effective date of this section shall complete the required testing within 5 years following assembly of the herd.

History: Add. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

Compiler's note: In the last sentence of subsection (1), the phrase “other than privately white-tailed deer or elk farms” evidently should read “other than privately owned white-tailed deer or elk farms.”

287.731 Species not to be imported; applicability of order to genetically engineered variant; wild or exotic animals; feral swine.

Sec. 31. (1) Any species having the potential to spread serious diseases or parasites, to cause serious physical harm, or to otherwise endanger native wildlife, human life, livestock, domestic animals, or property, as determined by the director, shall not be imported into this state. An order of the director under this subsection applies to a genetically engineered variant of the species identified in the order, unless the order expressly provides otherwise. An order of the director under this subsection may be limited to a genetically engineered organism.

(2) The director may require compliance with any or all of the following before the importation of a wild animal or an exotic animal species not regulated by the fish and wildlife service of the United States department of interior or the department of natural resources of this state:

(a) Physical examination by an accredited veterinarian be conducted after importation to determine the health status, proper housing, husbandry, and confinement of any animal permitted to enter this state.

(b) Negative test results to specific official tests required by the director within a time frame before importation into this state as determined by the director.

(c) Identification prior to importation in a manner approved by the director.

(3) An order of the director under subsection (2) applies to a genetically engineered variant of the species identified in the order, unless the order expressly provides otherwise. An order of the director under subsection (2) may be limited to a genetically engineered organism.

(4) An official interstate health certificate or official interstate certificate of veterinary inspection signed by an accredited veterinarian from the state of origin shall accompany all wild animal or exotic animal species imported into this state. The official interstate health certificate or official interstate certificate of veterinary inspection shall comply with all the requirements of section 20(1)(a), (b), (c), (d), (e), and (f).

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(5) A wild animal or exotic animal species permitted to enter this state shall receive housing, feeding, restraining, and care that is approved by the director.

(6) A person shall not import or release live feral swine or any crosses of feral swine in this state for any purpose without permission from the director.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2003, Act 271, Eff. Mar. 30, 2004.

287.732 San Juan rabbits.

Sec. 32. A person shall not import or release a live San Juan rabbit in this state.

History: 1988, Act 466, Eff. Mar. 28, 1989.

287.733 Livestock sold at livestock auction market; identification.

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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.734 Repealed. 1994, Act 41, Imd. Eff. Mar. 14, 1994.

Compiler's note: The repealed section pertained to feeder cattle.

287.735 Movement of livestock and newborn from slaughter facility.

Sec. 35. If livestock enter a slaughter facility premises, the livestock and offspring born in the premises shall not leave the slaughter facility premises unless permission is granted by the director to move the livestock to an alternate premises.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.736-287.738 Repealed. 1992, Act 239, Eff. Mar. 31, 1993.

Compiler's note: The repealed sections pertained to cattle or swine finishing facilities, yards and premises considered infected with organisms of infectious diseases of swine, movement and sale, and swine for sale or breeding purposes.

287.739 Exhibition facilities; requirements.

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

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

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

approved by the director.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.740 Fair; veterinarian; duties of fair, exhibition, exposition, or show authority; removal of diseased livestock; responsibility of exhibitor; requirements for swine exhibition; presentation of reports, test charts, and health certificates for inspection; swine exhibited or removed in violation of section.

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

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

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

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

(c) Provide shipping arrangements for all swine exhibited that are to be removed from the fair, exhibition, exposition, or show facility for direct movement to slaughter or a livestock auction market as defined in 1937 PA 284, MCL 287.121 to 287.131.

(d) Notify exhibitors whether or not poultry vaccinated against infectious laryngotracheitis are allowed in the fair, exhibition, or exposition.

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

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

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

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

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

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

(b) Originate directly from a pseudorabies qualified-negative herd as defined in title 9 C.F.R. part 85, which proof may consist of a copy of a valid certificate issued by the department stating that the herd meets the requirements for a pseudorabies qualified-negative herd.

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

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

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.741 Exhibition of poultry; requirements.

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

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

(*i*) Originate directly from a U.S. pullorum-typhoid clean flock as defined in title 9 C.F.R. part 147, and all amendments to that publication thereafter adopted pursuant to rules that the director may promulgate.

(*ii*) Have a negative official test for salmonella pullorum-typhoid within 90 days before the exhibition or

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

exposition and remain segregated from all poultry of unknown or positive salmonella pullorum-typhoid test status.

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

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

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

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

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

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.742 Official test, vaccination, or diagnosis; identification of livestock; reporting results of official test, sample submission, or official vaccination; form; official brucellosis calfhood vaccination; tattoo; testing and surveillance for brucellosis and tuberculosis; participation in programs; collection of blood or tissue samples.

Sec. 42. (1) Whenever an official test is conducted, an official vaccination is administered, or a United States department of agriculture accredited laboratory has diagnosed a reportable disease, the animals shall, unless exempted by the director, be identified by an official identification.

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

(3) An official brucellosis calfhood vaccination shall be performed by an accredited veterinarian in compliance with the method outlined in title 9 C.F.R. part 78 and the brucellosis eradication: uniform methods and rules, effective February 1, 1998, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

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

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

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

(a) A brucellosis ring test shall be conducted on each herd shipping milk to a dairy plant in this state. The test shall be conducted as outlined in title 9 C.F.R. part 78 and the brucellosis eradication: uniform methods and rules, effective February 1, 1998, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.

(b) Disease surveillance for tuberculosis and brucellosis shall be conducted through the market cattle identification program as set forth in title 9 C.F.R. part 78 and the brucellosis eradication: uniform methods and rules, effective February 1, 1998, approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate and the bovine tuberculosis eradication: uniform methods and rules, effective 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.

(7) The department may participate in the programs described in subsection (6) and programs for other reportable diseases and may test for reportable diseases in any sample of livestock blood or tissue collected at a United States department or department-approved slaughter facility, any livestock collection or market facility, or any sample of livestock blood or tissue submitted for diagnostic purposes to a United States

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

department of agriculture officially approved laboratory. The slaughter facility, livestock collection or market facility, or laboratory shall provide adequate room, time, and safe conditions for the collection of blood or tissue samples.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1990, Act 40, Imd. Eff. Mar. 29, 1990;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.743 Veterinary biologicals.

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

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

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

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

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

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

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996.

287.743a Repealed. 2002, Act 458, Imd. Eff. June 21, 2002.

Compiler's note: The repealed section pertained to giving false information prohibited.

287.744 Felonies; penalty; violation of act or rule as misdemeanor; costs and attorney fees; powers of director; failure to pay fine; civil action and penalties; remedies and sanctions as independent and cumulative powers of department.

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.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(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.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002.

287.745 Rules.

Sec. 45. The department may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

287.746 Definitions; tether or confinement of farm animal; prohibitions; exceptions; violation of section; injunction; construction of section; effective date of certain provisions.

Sec. 46. (1) As used in this section:

(a) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.

(b) "Covered animal" means any gestating sow, calf raised for veal, or egg-laying hen that is kept on a farm.

(c) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.

(d) "Enclosure" means any cage, crate, or other structure used to confine a covered animal. Enclosure includes what is commonly described as a "gestation crate or stall" for gestating sows, a "veal crate" for calves raised for veal, or a "battery cage" for egg-laying hens.

(e) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber. Farm does not include live animal markets.

(f) "Farm owner or operator" means any person who owns or controls the operation of a farm.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(g) "Fully extending its limbs" means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending its limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.0 square feet of usable floor space per hen.

(h) "Gestating sow" means any confirmed pregnant sow of the porcine species kept for the primary purpose of breeding.

(i) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.

(j) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(2) Notwithstanding any other provision of law, a farm owner or operator shall not tether or confine any covered animal on a farm for all or the majority of any day, in a manner that prevents such animal from doing any of the following:

(a) Lying down, standing up, or fully extending its limbs.

(b) Turning around freely.

(3) The prohibitions of subsection (2) shall not apply to a covered animal during any of the following:

(a) Scientific or agricultural research.

(b) Examination, testing, individual treatment, or operation for veterinary purposes, by a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

(c) Transportation, unless otherwise in violation of section 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to confining animals on railroad cars.

(d) Rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.

(e) The slaughter of a covered animal in accordance with 1962 PA 163, MCL 287.551 to 287.556, and other applicable law and rules.

(f) In the case of a gestating sow, the period beginning 7 days before the gestating sow's expected date of giving birth.

(4) The department or the attorney general may bring a civil action to restrain, by temporary or permanent injunction, any act or practice in violation of this section. The action may be brought in the circuit court for the county where the defendant resides or conducts business. The court may issue a temporary or permanent injunction and issue other equitable orders or judgments. A defense described and made available relating to customary animal husbandry or farming practices involving livestock, under sections 50(11)(f) and 50b(8) of the Michigan penal code, 1931 PA 328, MCL 750.50 and 750.50b, or similar provisions, are not considered a defense to an action brought for the violation of this section involving a covered animal. In addition, the criminal penalties provided in section 44 are not applicable to violations of this section.

(5) The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section shall not be construed to limit any other state law or rules protecting the welfare of animals.

(6) The provisions of this section do not apply to calves raised for veal until October 1, 2012.

(7) The provisions of this section do not apply to egg-laying hens and gestating sows until 10 years after the enactment date of the amendatory act that added this section.

History: Add. 2009, Act 117, Eff. Mar. 31, 2010.

Compiler's note: Former MCL 287.746, which pertained to repeal of Act 181 of 1919, MCL 287.1 to 287.26a, was repealed by Act 323 of 2000, Imd. Eff. Oct. 31, 2000.

287.747 Repealed. 2000, Act 323, Imd. Eff. Oct. 31, 2000.

Compiler's note: The repealed section pertained to effective date of act.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov