

CHAPTER 287. ANIMAL INDUSTRY

ANIMAL INDUSTRY

Act 181 of 1919

287.1-287.26a Repealed. 1977, Act 69, Imd. Eff. July 20, 1977;—Expired, 1980, Act 203, Eff. Oct. 1, 1983;—Repealed, 1988, Act 466, Eff. Mar. 28, 1989.

VETERINARY MEDICINE, DENTISTRY, AND SURGERY

Act 244 of 1907

287.51-287.65 Repealed. 1956, Act 152, Eff. Aug. 11, 1956.

DISPOSAL OF LIVESTOCK OR LIVESTOCK PRODUCTS

Act 181 of 1974

287.71-287.77 Repealed. 1978, Act 350, Imd. Eff. July 12, 1978;—2000, Act 433, Imd. Eff. Jan. 9, 2000.

TUBERCULOSIS IN LIVESTOCK

Act 304 of 1931

287.81 Repealed. 1984, Act 161, Imd. Eff. June 27, 1984.

TEXAS CATTLE

Act 198 of 1885

287.91-287.95 Repealed. 1984, Act 161, Imd. Eff. June 27, 1984.

HORSES AND MULES

Act 62 of 1931

287.101-287.106 Repealed. 1974, Act 31, Eff. Apr. 1, 1975.

HORSE RIDING STABLES AND SALES BARNs
Act 93 of 1974

AN ACT to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

The People of the State of Michigan enact:

287.111 Definitions.

Sec. 1. As used in this act:

- (a) "Department" means the department of agriculture.
- (b) "Riding stable" means any establishment in which, for business purposes, 6 or more horses or ponies are rented, hired, or loaned for riding.
- (c) "Sales barn" means any establishment where horses or ponies owned by others are sold or offered for sale.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.112 License required to own or operate riding stable or sales barn; enforcement; rules; agents; exemption of certain horse auction sales.

Sec. 2. A person, firm, or corporation shall not own or operate a riding stable or sales barn without first having obtained a license under this act. The department shall enforce this act and shall promulgate rules therefor in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. The department may designate veterinarians, qualified agents of humane societies, and other qualified persons to serve as its agents in carrying out duties imposed under this act. Horse auction sales presently licensed under Act No. 284 of the Public Acts of 1937, as amended, being sections 287.121 to 287.131 of the Michigan Compiled Laws, are exempt from the provisions of this act.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

Administrative rules: R 285.154.1 et seq. of the Michigan Administrative Code.

287.113 Application for license; qualifications of applicant; investigation and information; fee; display of license; separate license for each business location; license nontransferable; expiration and renewal of license; renewal fee; deposit.

Sec. 3. (1) The department shall require an applicant for license to furnish information it considers necessary to determine that the applicant is of good reputation and character, adequately financed to carry out the business that it intends to pursue, and sufficiently knowledgeable in the business. The department may conduct further investigation and require further information that it considers necessary to establish the sufficiency of the application.

(2) Upon filing an application, the applicant shall pay a fee of \$100.00 for each license until September 30, 2012 and \$25.00 for each license after September 30, 2012.

(3) The license shall be displayed prominently in the licensee's place of business. An applicant shall obtain a separate license for each business location. Licenses are not transferable and expire on the following January 1.

(4) A licensee may renew his or her license upon paying a renewal fee of \$50.00 until September 30, 2012 and \$25.00 after September 30, 2012.

(5) The department shall deposit administrative and noncriminal fines received under this act and license fees and other administrative fees received under this section in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974;—Am. 2003, Act 86, Imd. Eff. July 23, 2003;—Am. 2007, Act 80, Imd. Eff. Sept. 30, 2007.

287.114 Inspections and investigations.

Sec. 4. The department shall conduct random inspections of the premises of all licensees under this act. The department, pursuant to complaints or on its own initiative, shall investigate to determine whether a riding stable or sales barn is being operated without a license.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.115 Records of horses or ponies.

Sec. 5. A licensee shall maintain current records of each horse or pony owned or kept by him, including the name and address of the supplier or seller, the date the horse or pony was acquired, the age, sex, breed, and color with markings, and a description of any physical defects. The records shall be kept for a period of 2 years after the horse is no longer owned or kept by the licensee. The records shall be made available to the department, or its authorized representative, at all reasonable hours.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.116 Suspension, revocation, or denial of license; grounds.

Sec. 6. The department may suspend, revoke, or deny the issuance of a license for any of the following reasons:

- (a) The failure to provide suitable shelter, food, and water for horses or ponies.
- (b) The maintenance of an unsanitary or unfit riding stable or sales barn.
- (c) The failure to provide suitable harnesses, saddles, bridles, and other equipment reasonably necessary under the circumstances.
- (d) The use of unfit horses for riding or driving purposes.
- (e) The commission of an act of cruelty or torture or the inflicting of unnecessary pain upon a horse or pony, whether by the licensee or by his agent or employee.
- (f) The supplying of false information to the department, the refusal to permit inspection or furnish records upon request, or otherwise obstructing the department in the performance of its duties.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.117 Removal and disposition of abused or neglected horses or ponies; notice; no liability for removal; prerequisite to return of horses or ponies.

Sec. 7. (1) The department may order the removal of horses or ponies from any riding stable where it finds that the horses or ponies have been abused or neglected. The department may place the horses or ponies in a facility which it maintains or in a licensed establishment at the cost of the violator. The department shall notify the violator personally or by certified mail at his last known address of the removal of the horses or ponies and the place where they will be kept. The department or its authorized agent is not liable for the removal of the horses or ponies. The horses or ponies shall not be returned to the violator until the department is satisfied that the objectionable conditions have been or will be corrected.

(2) The department may order the removal of horses or ponies from any sales barn where it finds that the horses or ponies have been abused or neglected. The horses or ponies shall be returned to their owners. The expenses of the removal and return shall be borne by the violator. The department shall notify the violator personally or by certified mail at his last known address of the removal. The department or its authorized agent shall not be liable for the removal of the horses or ponies.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.118 Violation; penalty.

Sec. 8. A person who violates this act is guilty of a misdemeanor and shall be fined not more than \$1,000.00 or imprisoned for not more than 1 year, or both.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

287.119 Mistreatment of rented horse; penalty.

Sec. 9. Any patron of a riding stable who mistreats a rented horse shall be guilty of a misdemeanor.

History: 1974, Act 93, Imd. Eff. Apr. 25, 1974.

LICENSING LIVESTOCK DEALERS
Act 284 of 1937

AN ACT to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—Am. 1945, Act 237, Eff. Sept. 6, 1945;—Am. 1957, Act 290, Eff. Sept. 27, 1957.

The People of the State of Michigan enact:

287.121 Definitions.

Sec. 1. As used in this act:

(a) "Agent" means a person that buys, receives, sells, exchanges, negotiates, or solicits the sale, resale, exchange, or transfer of 1 or more animals for or on behalf of another person.

(b) "Animals" or "livestock" includes horses, ponies, mules, cattle, calves, swine, sheep, poultry, privately owned cervids, ratites, aquaculture species, and goats.

(c) "Aquaculture species" means aquatic animal organisms, including, but not limited to, fish, crustaceans, mollusks, reptiles, or amphibians, reared or cultured under controlled conditions for commercial aquaculture or the pet trade. Aquaculture species does not include aquatic animal organisms under the authority of the department of natural resources.

(d) "Buying station" means a facility or location where livestock are congregated and purchased by the owner or agent of the facility or location for movement or sale. Buying station does not include a livestock auction.

(e) "Collection point" means a facility or location where livestock are congregated by the owner or agent of the facility or location for transfer or movement. Collection point does not include a livestock auction.

(f) "Consignment sale" means a sale in which livestock are transferred to an agent for sale, but ownership is retained until the animals are sold.

(g) "Dealer" or "broker" means a person that, as a principal or agent, engages in the business of buying, receiving, selling, exchanging, buying for slaughter, negotiating, or soliciting sale, resale, exchange, transportation, or transfer of animals. Dealer or broker does not include any of the following:

(i) A railroad or airline transporting animals either interstate or intrastate.

(ii) A person that, by dispersal sale, is permanently discontinuing the business of farming, dairying, breeding, or feeding animals.

(iii) A person that sells livestock that have been raised on the premises of the person.

(iv) A butcher, packer, or processor to whom animals are delivered and used exclusively for slaughter.

(v) A person with respect to that part of his or her business that consists of buying or receiving animals for breeding, grazing, and feeding purposes and the sale or disposal of the animals after the feeding or grazing period of not less than 21 days.

(vi) Occasionally held consignment sales sponsored and conducted by a breed association, 4-H, or F.F.A. group, county fair, or youth fair.

(vii) Other persons subject to exemptions approved by the director.

(h) "Department" means the department of agriculture and rural development.

(i) "Director" means the director of the department or his or her authorized representative.

(j) "Licensee" means a person holding a license issued under this act.

(k) "Livestock auction" means a livestock congregation point where livestock are accepted on consignment and the auction method is used in the marketing of livestock. Livestock auction does not include a public auction of farm goods.

(l) "Livestock trucker" means a person, not otherwise licensed under this act, that engages in the business of transporting livestock not owned by the person, or the person's employer, from 1 premises to another. A person is not a livestock trucker solely because the person is engaged in 1 or more of the following activities:

(i) Hauling livestock on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event, or similar activity.

(ii) Hauling livestock on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, which is operated by that person and which does not ordinarily involve the sale of livestock.

(iii) Hauling livestock for another person fewer than 6 times within the preceding 12 months.

(m) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(n) "Weighmaster" means a person registered under this act that weighs livestock at a livestock auction licensed under this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—Am. 1945, Act 237, Eff. Sept. 6, 1945;—CL 1948, 287.121;—Am. 1957, Act 290, Eff. Sept. 27, 1957;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.122 Dealer, broker, agent, or livestock trucker; license required.

Sec. 2. A dealer, broker, agent, or livestock trucker shall not engage in or carry on the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of any animals within the state unless the person is licensed as provided in this act. A dealer, broker, agent, or livestock trucker is responsible for acts performed or contracts made by any person employed by the dealer, broker, agent, or livestock trucker in buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of livestock.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—Am. 1945, Act 237, Eff. Sept. 6, 1945;—CL 1948, 287.122;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.123 Licensing of dealer, broker, agent, or livestock trucker; operator of livestock auction, buying station, or collection point; application; contents; fees; deposit of fines; weighmasters; receipt of completed application; issuance of license within certain time period; bond; license to transport required; "completed application" defined; waiver of fee.

Sec. 3. (1) A person desiring to obtain a license under this act to act as a dealer, broker, agent, or livestock trucker, or to operate a livestock auction, buying station, or collection point shall submit to the department an application for a license. The application shall state the nature of the business, the post office address of the applicant, the post office address at or from which the business is to be conducted, and any additional contact information. If the applicant desires to operate a livestock yard where livestock are kept and sold at public or private sale, the application shall include that information. The application shall include additional information as requested by the director.

(2) Except as otherwise provided in this section, until October 1, 2019, the department shall charge the following nonrefundable fees for initial and renewal license applications:

(a) Class I (livestock auction operator).....	\$	400.00.
(b) Class II (buying station operator).....	\$	250.00.
(c) Class III (dealer/broker/agent/collection point operator).....	\$	50.00.
(d) Class IV (livestock trucker).....	\$	25.00.

(3) Each class of license listed in subsection (2) allows a person to operate at all classes listed below that class without requiring additional licensing. The licensee shall provide to the department a list of all individuals employed by and operating in license classes under his or her license.

(4) For each renewal application postmarked or delivered after October 1 of each year, a late fee of an additional \$10.00 shall be imposed for each business day the application is late. The late fee for a new application submitted after a person is operating as a class I, II, III, or IV operation as described in subsection (2) shall be an additional \$10.00 per business day the application is late. However, the total late fee shall not exceed \$100.00.

(5) The department shall deposit administrative and noncriminal fines received under this act and license or other administrative fees received under this section into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, upon appropriation, by the department in administering and carrying out those duties required by law under this act.

(6) A licensee who buys or sells livestock by weight shall employ a weighmaster to do all of the weighing. The duties, qualifications, and requirements for registration of weighmasters shall be established by the department by rule promulgated under section 9.

(7) The department shall issue an initial or renewal license under this section not later than 60 days after the applicant submits a completed application. Receipt of the application is considered the date the application is received by the department. If the application is considered incomplete by the department, the department shall notify the applicant in writing or electronically, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 60-day period is tolled

upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(8) If the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(9) The application for a license or the renewal of a license, and proof of bonding or other security requirements, shall be submitted to the director on or before October 1 of each year. Each license issued under this section shall be for a period of 1 year commencing October 1 and ending the following September 30.

(10) Each person operating a livestock auction or buying station shall file with his or her application for a license a surety bond effective during the period for which the license is issued or other security. A surety bond shall be issued by a surety company registered in this state to indemnify persons from whom livestock is purchased or for whom livestock is sold. The surety bond or other security shall be in such amounts, form, and sufficiency as approved by the director. The amount of the bond or other security shall be equal to the amount of gross dollar volume of livestock business conducted during the average week of the previous licensing year by the applicant, but shall not be less than \$1,500.00. If the average gross weekly livestock business conducted by the applicant during the previous licensing year was greater than \$25,000.00, the bond shall be increased above \$25,000.00, at the rate of \$1,000.00 for each \$5,000.00 or part thereof above \$25,000.00 of average gross dollar volume of weekly livestock business conducted during the previous year. A licensee who owns or operates more than 1 livestock auction or buying station may file 1 bond in an amount determined by the formula described in this subsection. A licensee operating a livestock auction or buying station who has filed a surety bond for the livestock auction or buying station and indemnifies persons from whom livestock is purchased or for whom livestock is sold in accordance with the terms of any federal act is exempt from the bonding requirements of this subsection if the bond is equivalent in amount to that which would be required by this act. The department shall be the obligee on the bond for the benefit and purpose of protecting all persons selling or consigning livestock to the licensee against the licensee's failure to pay amounts due on livestock purchased by or consigned to them.

(11) Each licensee shall keep records and shall furnish, upon request, information concerning his or her purchases and sales as may be required by the director for the purpose of establishing the amount of bond required under subsection (10). The director, in establishing the amount of the bond, shall take into consideration the dollar volume of livestock business and other information furnished by the licensee. If a licensee did not operate a livestock auction the previous licensing year, the bond shall be for an amount established by the director after consideration of all information available on the probable weekly gross dollar volume of business to be conducted by the licensee during the licensing year.

(12) If during any licensing year the bond filed by a licensee becomes less than required by this act because of an increase in gross dollar volume of livestock sales, or because of a claim outside this state, the director may issue an order requiring the licensee to file an additional bond to cover the increase in gross dollar volume of livestock sales. Failure to comply with the orders of the director is grounds for suspension or revocation of license. A bond or other security shall be conditioned upon the faithful performance of the licensee's duties as a dealer or broker and on the provisions of law relating to the purchase of livestock by the licensee and for the payment by the licensee of all livestock purchased by or consigned to the licensee as a dealer or broker in livestock. If a bond or other security required under this act is canceled, the license that is approved under that bond or other security is considered immediately suspended without notice. An opportunity for a hearing shall be provided to the licensee under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(13) A licensee bonded as required under this act shall submit a notice to the department not later than 60 days prior to canceling a bond.

(14) A license issued under this section allows the holder to conduct the business of dealer or broker at or from the place named in the application. A person engaged in the business of transporting livestock or negotiating or soliciting the transportation or transfer of livestock that is not engaged in the buying, selling, reselling, exchanging, negotiating, or soliciting the sale, resale, or exchange of livestock shall obtain a license under this section but is not required to comply with bonding or other security provisions of this section.

(15) A dealer, broker, livestock trucker, or agent shall notify the director of a change of address within 5

days after that change.

(16) Any change in ownership of a livestock auction shall be reported to the director within 5 days by the licensee. Each dealer or broker shall file with the director on January 1 of each year a sworn statement of average weekly sales and a statement showing the number and species of livestock purchased and sold during the previous year.

(17) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule of a local unit of government, a federal agency, or a private entity but not of another department or agency of this state.

(18) Notwithstanding any other provision of this section, the department shall waive any fee otherwise required under subsection (2)(c) and (d) if the individual responsible for paying the fee is, and provides proof satisfactory to the department that he or she is, an honorably discharged veteran of the armed forces of the United States.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—Am. 1945, Act 237, Eff. Sept. 6, 1945;—CL 1948, 287.123;—Am. 1949, Act 239, Eff. Sept. 23, 1949;—Am. 1957, Act 290, Eff. Sept. 27, 1957;—Am. 2003, Act 85, Imd. Eff. July 23, 2003;—Am. 2004, Act 279, Imd. Eff. July 23, 2004;—Am. 2007, Act 81, Imd. Eff. Sept. 30, 2007;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 69, Imd. Eff. June 11, 2015.

287.123a Livestock auction or buying station; bond, producers' proceeds account, deposits; record of charges.

Sec. 3a. Each licensee operating a livestock auction or buying station, in addition to providing a bond as required by this act, shall maintain a "producers' proceeds account". Within 7 calendar days following each livestock auction, the licensee shall deposit in the producers' proceeds account funds equal to the total amount of money due the livestock sellers or consignors of livestock sold or consigned through the livestock auction. Failure to make such deposits in their entirety is a violation of this section. The director shall audit from time to time the producers' proceeds account and ascertain whether the provisions of this section are being complied with. All records of the licensee shall be made available to the director for the purposes of auditing the account. The entire sale price of livestock sold through the auction less commissions, handling charges, service fees and other accepted charges shall be placed in the producers' proceeds account and shall be used to pay the seller or consignor for the livestock and for no other purpose. A record of the commissions, handling charges, service fees and other charges shall be maintained by the licensee and shall be provided to the seller or consignor of the livestock at the completion of the sale.

History: Add. 1957, Act 290, Eff. Sept. 27, 1957;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.124 Refusal, suspension, or revocation of license; hearing; notice, decision; appeal; causes for refusal, suspension, or revocation.

Sec. 4. If a person fails or refuses to comply with this act, the department may refuse to issue a license or may suspend or revoke the license held by the licensee. Before refusing, suspending, or revoking the license, the department shall give written notice of a hearing to be had thereon to the licensee affected. The notice shall appoint a time of hearing at the department and shall be mailed by certified or registered mail to the licensee. On the day of the hearing, the licensee may present evidence to the director as he or she considers appropriate regarding the violations charged, and after the hearing the director shall render a decision. A licensee who feels aggrieved at the decision of the director may appeal the decision within 10 days to the circuit court of the county where the licensee resides. The following reasons are cause for refusal to issue a license or for the suspension or revocation of a license:

(a) The applicant or licensee has failed to pay in full any amounts due on livestock purchased, or has violated the laws of the state or rules promulgated by the director governing the interstate or intrastate movement, shipment, or transportation of animals.

(b) There have been intentionally false or misleading statements to the purchaser concerning the identity or the physical condition of an animal, any test intended to establish the health status of an animal; or as to the ownership of an animal, the quantity of animals, or other matter in connection with the buying, receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, transport, transfer, weighing, or shipment of animals.

(c) The licensee has engaged in buying or receiving animals, or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, transport, or transfer of animals that do not comply with official identification, testing, permitting, or intrastate or interstate animal movement requirements under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

(d) The licensee has failed to practice measures of sanitation, disinfection, dead animal disposal as required

in 1982 PA 239, MCL 287.651 to 287.683, bodies of dead animals, animal handling, or inspection as required by this act, related to the premises or vehicles used for the stabling or transportation of animals.

(e) There has been a failure or refusal on the part of the licensee, upon the request of the department, to produce records required under this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.124;—Am. 1957, Act 290, Eff. Sept. 27, 1957;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.125 Dealer, broker, livestock trucker, or agent; license; place of keeping license.

Sec. 5. Every dealer, broker, livestock trucker, or agent licensed under this act and carrying on or conducting business under the license shall at all times keep in or at the place of business or in each vehicle used by the licensee for the purpose of transporting livestock a copy of the license for inspection by any representative of the department, sheriff, undersheriff, deputy sheriff, state police or any other law enforcing agency. Each person licensed under this act that utilizes a vehicle, trailer, or other conveyance for the purpose of transporting livestock shall place and visibly maintain the required vehicle permit on the upper forward corner of the left side of the vehicle, trailer, or other conveyance.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.125;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.126 Yards, pens, premises, or vehicles; requirements as to cleanliness and repair; application for vehicle permit; compliance with state and federal requirements for transport vehicles or livestock conveyances; official health certificates, movement permits or testing forms.

Sec. 6. (1) Each dealer, broker, livestock trucker, or agent leasing, renting, operating, or owning any livestock yards, pens, premises, or vehicles in which animals are quartered, fed, held, or transported shall keep the yards, premises, or vehicles properly cleaned, disinfected, and in adequate repair as prescribed by the department. The director may restrict the use of a licensed livestock auction facility, portion of a facility, or permitted vehicle, trailer, or conveyance until the licensee can demonstrate that it complies with cleaning, disinfecting, and adequate repair requirements under this act or a rule promulgated under this act.

(2) The application for a vehicle permit under this section shall be on forms approved by the director and shall demonstrate that the applicant meets requirements for registration and vehicle licensing required by this state.

(3) A vehicle, trailer, or other conveyance permitted under this act shall comply with all state and federal requirements for transport vehicles or livestock conveyances, and shall be maintained to ensure the safety and welfare of any animals that are transported in the vehicle. The operator of the permitted conveyance shall allow inspection of the conveyance during normal business hours and when operating, or at any reasonable time agreed upon by the licensee and the director. The director may revoke the permit for an individual vehicle without prior notification for a violation of this subsection.

(4) A licensee shall obtain and maintain during transport any official health certificates, movement permits, or testing forms required by state or federal law.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.126;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.127 Inspection of animals; tests or treatment, fee; false statements as to identity or physical condition; movement from 1 premises to another; market zone; protection of livestock from injury and inclement weather; pens and buildings; trucks or vehicles and transportation cages; animals under quarantine; sale or removal of swine; "immediate slaughter" defined.

Sec. 7. (1) For the purpose of preventing the spread of infection or communicable diseases of livestock, all animals sold, transferred, or exchanged from any yards or premises by any dealer, broker, or agent may be inspected by the director. The director may prescribe the proper tests or treatment of any animal when tests or treatment are considered necessary to prevent the spread of a communicable disease or undue suffering of livestock. The test or treatment shall be made by a veterinarian approved by the director, and the director may require fees for the test or treatment to be paid by the dealer, broker, livestock trucker, or agent.

(2) A dealer, broker, agent, livestock trucker, or owner of an animal shall not under an assumed or fictitious name sell or offer for sale the animal or make any false or misleading statements as to the identity or the physical condition of the animal or with regard to any test that is supposed to establish the health status of the animal offered for sale or sold.

(3) Animals that enter a livestock auction, collection point, or buying station, licensed under this act, are considered to have moved from 1 premises to another within this state. The livestock auction, collection point, or buying station is considered the immediate point of destination of the animals and the licensee is

responsible for ensuring that requirements for any necessary official identification, permitting, testing, or certification as required under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746, are met prior to allowing animals to be unloaded from the conveyance vehicle.

(4) The department may confer with the licensee of a livestock auction, collection point, or buying station that is to be used by the licensee for the purpose of selling, trading, or delivering livestock and define an area surrounding the premises that shall be known as the market zone of the premises. All livestock brought into the market zone and sold or traded shall be handled and sold through the livestock auction or buying station within the market zone in compliance with state laws and rules.

(5) A licensee of a livestock auction, collection point, or buying station shall ensure that pens and buildings are available to protect livestock handled from injury and inclement weather. The pens and buildings shall be of such construction as will facilitate cleaning and disinfection and shall be regularly cleaned and disinfected and kept free of mud and accumulations of manure and filth. A licensee shall ensure that all of the following are complied with:

(a) Flooring materials that are appropriate for the health and safety of livestock shall be installed in all pens and alleys in all licensed livestock auctions and in the loading and unloading areas immediately adjacent to the structure.

(b) All pens, alleys, and dock areas shall be constructed to facilitate drainage. Water shall not be permitted to accumulate in pens, alleys, or the loading and unloading areas, except in approved lagoons.

(c) Manure may be stored on the premises of any licensed livestock auction and shall be disposed of according to normal agricultural practices, or as otherwise required by the director.

(d) The walls of all primary animal enclosures shall be kept clean and free of accumulations of filth.

(e) The area in front of the unloading dock, for a distance of 15 feet, shall be of concrete or impervious material so as to facilitate the cleaning of manure and debris from the unloading trucks.

(f) All auction rings, docks, pens, scales, and alleys used for holding livestock shall be thoroughly cleaned after each sale day. In addition, auction rings and pens used to hold animals with an infectious or contagious disease shall also be thoroughly disinfected with a disinfectant approved by the director after each sale before being used again.

(g) Water shall be offered at least every 12 hours, or as needed in inclement weather. If an animal is to be housed for more than 24 hours, feed must be offered at least once a day, or as appropriate for species and age of the animal.

(h) Livestock housed for more than 24 hours shall be able to lie down, turn around, and stand in accordance with normal agricultural management practices. A person who purchases cattle under 3 months of age shall remove the cattle from the premises by noon the day following the sale.

(6) Trucks or vehicles, and transportation cages, used by livestock dealers, brokers, or livestock truckers for transportation and handling of livestock shall be properly constructed to adequately protect handled livestock from injury and undue exposure to inclement weather and shall be regularly cleaned and disinfected.

(7) Animals under quarantine shall not be sold through a livestock auction unless approved by the director.

(8) A licensee shall ensure that all pens used for confinement of animals with a contagious or infectious disease are in a location that prevents contact with healthy animals. The pens shall be of smooth tight siding construction and of sufficient height that they will not permit the contact of any other livestock. The pens shall be drained in such a manner as to prevent contamination of the alley. Pens used for livestock infected with contagious or infectious diseases shall be properly identified and shall not be used to confine any other livestock.

(9) Except upon a permit from the director, swine shall not be sold or removed from a livestock auction, collection point, or buying station except for immediate slaughter. Swine shall not be allowed to contact any swine not used for immediate slaughter or delivery as indicated in this section.

(10) Healthy swine not subject to quarantine that are within this state and handled in compliance with department rules and state law may be sold and removed from livestock auction facilities referred to in this section for purposes other than immediate slaughter when unloaded from vehicles and delivered directly to vehicles in which the swine are transported from the sale premises.

(11) As used in this section, "immediate slaughter" means killed or delivered to a licensed livestock facility, where state or federal veterinary inspection is maintained daily, within 72 hours following removal from the livestock auction, collection point, or buying station.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.127;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.127a Transportation or movement of nonambulatory livestock; prohibited conduct by licensee; methods of euthanasia; disposal of dead animals.

Sec. 7a. (1) A licensee shall not transport nonambulatory livestock to a livestock auction, collection point,

or buying station. Livestock that become nonambulatory in transport, or while present at a livestock auction, collection point, or buying station shall be humanely euthanized, and the dead animal disposed of as required in subsection (4) or be humanely moved or physically separated from other livestock.

(2) A licensee shall ensure that nonambulatory livestock are not dragged, pulled, pushed, rolled, or otherwise moved except as passive passengers on or in slings, mats, floats, carts, pallets, or containers, or as directly necessary to facilitate the use of these devices. When moved by these devices, the motive force shall be attached to the device, not the livestock. Nonambulatory animals that are not immediately euthanized shall be managed as provided in this section and shall receive appropriate veterinary care.

(3) The director may require a licensee to adhere to specific methods of euthanasia to ensure the welfare of the animal during the euthanasia process.

(4) A licensee shall dispose of any dead animals as defined in 1982 PA 239, MCL 287.651 to 287.683, in the manner required in that act.

History: Add. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.128 Records of licensee; inspection; sale of certain animals for slaughter.

Sec. 8. (1) The director may inspect the records of any licensee at any time to determine the origin and destination of any livestock handled by the licensee and to determine if any provisions of this act or the rules promulgated under this act, or requirements for importation of animals, or movement of animals within the state, have been violated.

(2) Each person licensed under this act shall keep the following records, for a minimum of 5 years, on each animal bought, received, sold, exchanged, transported, resold, or transferred:

(a) The identity of each animal, including all of the following:

(i) Species.

(ii) Breed or physical description.

(iii) Age or type.

(iv) Gender.

(b) The date and source of each animal, including complete name and address of the person from whom the animal is acquired.

(c) Records of all required tests, treatments, movement certificates, and permits.

(d) The date and place of disposition of each animal including the complete name and address of the destination and the name of the person receiving the animal.

(3) In addition to the records described in subsection (2), a person licensed to operate a livestock auction, buying station, or collection point shall keep the following records of each animal bought, received, sold, exchanged, transported, resold, or transferred:

(a) The official identification of each animal recorded by official eartag, official breed registry tattoo, or official backtag number.

(b) If an animal is sold by weight, the official weight of the animal.

(4) Animals, as determined by the director, at a licensed livestock auction, collection point, or buying station 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 shall be moved directly to slaughter. A person operating a livestock auction or buying station shall not sell livestock to a buyer of animals not meeting intrastate testing requirements for movement from 1 premises to another unless the buyer certifies in a signed statement that the animals removed from the premises shall be moved directly to a slaughter establishment and slaughtered within 5 days after movement. A licensee shall not allow animals to be removed from a livestock auction, collection point, or buying station premises until the buyer provides the slaughter destination information for each animal being removed from the premises.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.128;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

287.129 Rules and regulations; adoption, promulgation, enforcement.

Sec. 9. The department is authorized to formulate, adopt, promulgate and enforce rules and regulations for the purpose of carrying into effect the provisions of this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.129.

Administrative rules: R 285.119.1 of the Michigan Administrative Code.

287.131 Violation of certain sections or act; penalty; action by attorney general.

Sec. 11. (1) A person that violates section 2 may be ordered to pay a civil fine of not less than \$100.00 or more than \$1,000.00. Each day of continuing violation is a separate violation. However, a person shall not be subject to a civil fine totaling more than \$25,000.00.

(2) The court may allow the department to recover reasonable costs and attorney fees incurred in an action resulting in the imposition of a civil fine under subsection (1). 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.

(3) Except as otherwise provided in subsection (1), the director, upon finding that a person has violated this act or a rule promulgated under this act, may do any of the following:

(a) Issue a warning.

(b) Immediately summarily suspend use of equipment, a vehicle, or a facility with the opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) 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.

(d) Issue an appearance ticket as described and authorized by sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g, for a violation of subsection (4).

(4) A person that violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$300.00 or not more than \$1,000.00, or both.

(5) 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 any other provision 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.

(6) 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 fines and administrative fines collected shall be paid to the state treasury and credited to the department for the enforcement of this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937;—CL 1948, 287.131;—Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012.

LIVESTOCK AND POULTRY REMEDIES **Act 134 of 1929**

287.141-287.150 Repealed. 2016, Act 257, Eff. Sept. 26, 2016.

BABY CHICKS **Act 227 of 1935**

287.161-287.169 Repealed. 1984, Act 161, Imd. Eff. June 27, 1984.

STARTED PULLETS **Act 213 of 1962**

287.174 Repealed. 2002, Act 322, Imd. Eff. May 23, 2002; 287.171-287.175 Repealed. 2016, Act 256, Eff. Sept. 26, 2016.

COMMERCIAL FEEDS **Act 91 of 1917**

287.181-287.191 Repealed. 1959, Act 242, Eff. Mar. 19, 1960.

BREEDING OF HORSES **Act 72 of 1929**

287.201-287.210 Repealed. 2016, Act 250, Eff. Sept. 26, 2016.

CERTIFICATION OF LIVESTOCK **Act 150 of 1966**

287.211-287.216 Repealed. 1984, Act 161, Imd. Eff. June 27, 1984.

BRANDING LIVESTOCK
Act 122 of 1883

AN ACT to provide for branding certain livestock; to provide for certain powers and duties of certain state agencies; and to prescribe application procedures and fees.

History: 1883, Act 122, Imd. Eff. May 25, 1883;—Am. 1982, Act 52, Eff. Oct. 1, 1982.

The People of the State of Michigan enact:

287.221 Adoption of brand; application; earmark, tattoo, or vaccination mark; identification number; assignment and recordation; approval of brand.

Sec. 1. A person who has cattle, horses, hogs, sheep, or goats may adopt a brand by applying to the secretary of state. The brand shall not be an earmark, tattoo, or vaccination mark. The secretary of state shall assign each brand an identification number and shall record the brand and number. The secretary of state shall not approve a brand unless the brand is different from all other valid brands.

History: 1883, Act 122, Imd. Eff. May 25, 1883;—How. 2074a;—CL 1897, 5660;—CL 1915, 7350;—CL 1929, 5290;—CL 1948, 287.221;—Am. 1982, Act 52, Eff. Oct. 1, 1982.

287.222 Placement and size of brand.

Sec. 2. A brand shall be placed in a conspicuous location on the livestock. A brand placed on cattle shall be at least 3 inches high and on horses, hogs, sheep, or goats shall be at least 2 inches high.

History: 1883, Act 122, Imd. Eff. May 25, 1883;—How. 2074b;—CL 1897, 5661;—CL 1915, 7351;—CL 1929, 5291;—CL 1948, 287.222;—Am. 1982, Act 52, Eff. Oct. 1, 1982.

287.223 Duration of original brand; renewal and transfer; application forms and fees; disposition of fees.

Sec. 3. (1) An original brand shall be issued for 10 years and may be renewed for 10-year periods. Application for renewal shall be made within 90 days of the date of expiration.

(2) A brand may be transferred and is valid for 5 years from the date of transfer. A transferred brand may be renewed for 10-year periods.

(3) Application for an original brand or for renewal or transfer of a brand shall be made on forms prescribed by the secretary of state.

(4) An application shall be accompanied by a fee of \$50.00 for an original brand, \$20.00 for renewal of a brand, and \$10.00 for transfer of a brand.

(5) Fees collected by the secretary of state under this act shall be credited to the general fund.

History: Add. 1982, Act 52, Eff. Oct. 1, 1982.

Compiler's note: Former section 3 of this act was not compiled.

BODIES OF DEAD ANIMALS
Act 226 of 1929

287.231-287.241 Repealed. 1964, Act 162, Eff. Aug. 28, 1964;—1982, Act 239, Eff. Oct. 1, 1982.

DISPOSAL OF LIVESTOCK
Act 308 of 1976

AN ACT to provide for the disposal of certain livestock; to prescribe the conditions of disposal; to prescribe the powers and duties of the department of natural resources; and to make an appropriation.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

The People of the State of Michigan enact:

***** 287.251 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.251 Definitions.

Sec. 1. As used in this act:

- (a) "Department" means the department of natural resources.
- (b) "Director" means the director of the department of natural resources.
- (c) "Livestock" means cattle, swine, sheep, goats, or poultry located in this state.
- (d) "Person" means an individual, firm, partnership, association, corporation, or other legal entity.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

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.

***** 287.252 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.252 Selection and preparation of site for disposal of livestock.

Sec. 2. The director shall select and prepare a site for the disposal of livestock pursuant to this act.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.253 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.253 Conditions for receiving and disposing of livestock.

Sec. 3. The director shall receive and dispose of livestock owned by a person who voluntarily wishes to dispose of the livestock at the site selected by the director under section 2, subject to the following conditions:

- (a) That the owner of the livestock assumes all responsibility and costs incurred in transporting the livestock to the site.
- (b) That the owner of the livestock acknowledges in writing that acceptance of the livestock by the department for disposal pursuant to this act does not imply condemnation of the livestock by the state, nor in any way admits liability of the state to the owner or to any other person.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.254 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.254 Availability of site; notice.

Sec. 4. The site shall be available for the voluntary disposal of livestock pursuant to this act for a period not to exceed 60 days from the opening of the site. The director shall cause to be printed not less than 5 days before the opening of the site in papers of general circulation in agricultural communities in the state, notice of the location of the site and the dates and times during which the site will be available for the voluntary disposal of livestock.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.255 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.255 Contracts.

Sec. 5. The department may enter into contracts with state agencies, local units, public agencies, private agencies, organizations, or persons incidental to the performance of its duties under this act.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.256 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.256 Reimbursement of owner for livestock.

Sec. 6. This act does not obligate the state to reimburse the owner for any livestock disposed of under this

act.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.257 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.257 Appropriation.

Sec. 7. There is appropriated to the department for the 1975-76 fiscal year \$250,000.00, or as much thereof as may be necessary, for purposes of carrying out this act.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

***** 287.258 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 287.258 *****

287.258 Expiration of act.

Sec. 8. This act shall expire at such time as the purposes of this act have been accomplished.

History: 1976, Act 308, Imd. Eff. Oct. 28, 1976.

Compiler's note: As to validity of enactment of "sunset provision" under Const 1963, art 4, § 24, see OAG, 1987-1988, No 6438 (May 21, 1987).

DOG LAW OF 1919
Act 339 of 1919

AN ACT relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919.

Compiler's note: Near the end of this title, the word "employes" evidently should read "employees".

The People of the State of Michigan enact:

287.261 Short title; definitions.

Sec. 1. (1) This act shall be known and may be cited as the "dog law of 1919".

(2) For the purpose of this act:

(a) "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

(b) "Poultry" means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to part 427 (breeders and dealers) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

(c) "Owner" when applied to the proprietorship of a dog means every person having a right of property in the dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain on or about any premises occupied by him.

(d) "Kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes.

(e) "Law enforcement officer" means any person employed or elected by the people of the state, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law, and includes conservation officers and members of the state police.

(f) "Hunting" means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5245;—CL 1948, 287.261;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973;—Am. 1996, Act 63, Imd. Eff. Feb. 26, 1996.

287.262 Dogs; licensing, tags, leashes.

Sec. 2. It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as hereinafter provided, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5246;—CL 1948, 287.262;—Am. 1951, Act 173, Imd. Eff. June 8, 1951;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.263 Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to confinement of dog at night.

287.264 Supervision and enforcement.

Sec. 4. The state livestock sanitary commission shall have the general supervision over the licensing and regulation of dogs and the protection of livestock and poultry from dogs, and may employ all proper means for the enforcement of this act and all police officers of the state, county, municipality or township shall be at its disposal for that purpose. An animal control officer or a law enforcement officer of the state shall issue a citation, summons or appearance ticket for a violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5248;—CL 1948, 287.264;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.265 Tags, blanks and license forms.

Sec. 5. It shall be the duty of the state live stock sanitary commission to purchase from time to time, as may be necessary, a sufficient number of tags for the state of Michigan, which tags shall be purchased from such commission by the treasurers of the counties as the same may be needed to comply with the provisions of this act. Such tags shall be sold at cost to the said treasurers. The state treasurer is hereby authorized to advance to the said commission, out of any funds of the state, such sum of money as may be necessary from time to time to pay for the tags so purchased by the state live stock sanitary commission, which sum shall be repaid to the state treasurer from the money collected from the county treasurers in payment for the tags. The said commission is hereby authorized to extend 30 days' credit to any county treasurer for tags so purchased. The commission shall also furnish to each county treasurer, on or before November fifteenth of each year, a book containing proper forms for issuing dog licenses required in his county, together with the necessary blanks for the use of the supervisors and assessors of such county; such books and blanks shall be furnished to said commission by the board of state auditors without cost to said commission. The tags required by this act shall be not more than 1 1/2 inches in length and uniform in shape throughout the state, the general shape of which shall be changed from year to year; such tags shall have impressed upon them the calendar year for which they are issued and shall bear the name of the county issuing them and shall be numbered consecutively.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5249;—CL 1948, 287.265.

287.266 Dog licenses; application; resolution; provisions; proof of vaccination.

Sec. 6. (1) The owner of a dog that is 4 or more months old shall apply to the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or to the treasurer's authorized agent, for a license for each dog owned or kept by him or her.

(2) Unless the county board of commissioners adopts a resolution under subsection (3), the owner shall apply for a license annually on or before March 1.

(3) The county board of commissioners of a county may adopt a resolution during the 60-day period before the beginning of the county's fiscal year providing when the owner of a dog that is required to be licensed under subsection (1) must apply for a license. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution. Subject to subsection (4), the resolution shall provide for 1 of the following:

(a) That the owner apply for a license by March 1 every year or every third year, at the owner's option.

(b) That the owner apply for a license by June 1 every year.

(c) That the owner apply for a license by June 1 every year or every third year, at the owner's option.

(d) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every year.

(e) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every third year.

(f) That the owner apply for a license by 1 of the following, at the owner's option:

(i) The last day of the month of the dog's current rabies vaccination every year.

(ii) The last day of the month of the dog's current rabies vaccination, every third year.

(4) A resolution adopted under subsection (3) shall include necessary provisions for conversion to a new licensing schedule. The resolution may extend the effective period of outstanding licenses but shall not shorten the effective period of outstanding licenses or prorate license fees.

(5) The application shall state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. Except as otherwise provided in this subsection, the application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. If the application for a license is submitted electronically, the owner of the dog is not required to provide a valid certificate of a current vaccination for rabies if the dog was licensed the previous year and the dog's current rabies vaccination on record with the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or the treasurer's authorized agent, is still valid. A license shall not be issued under subsection (3)(d), (e), or (f) if the dog's current rabies vaccination will expire more than 1 month before the date on which that license would expire. When applying for a license, the owner shall pay the license fee provided for in the county budget. The county board of

commissioners may set license fees in the county budget at a level sufficient to pay all the county's expenses of administering this act as it pertains to dogs. For a spayed or neutered dog, the license fee, if any, shall be set lower than the license fee for a dog that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

(6) If a dog is licensed before it becomes 5 months old and is subsequently spayed or neutered before it becomes 7 months old, the owner of the dog may exchange the license for a license for a spayed or neutered dog and receive a refund for the difference in the cost of the licenses. The owner shall exchange the license before the dog becomes 7 months old.

(7) Subsection (6) applies in a county only if the county board of commissioners adopts a resolution to that effect during the 60-day period before the beginning of the county's fiscal year. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution.

(8) The owner of a dog that is required to be licensed under this section shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1927, Act 53, Eff. Sept. 5, 1927;—CL 1929, 5250;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1935, Act 17, Eff. Sept. 21, 1935;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—Am. 1947, Act 171, Eff. Oct. 11, 1947;—CL 1948, 287.266;—Am. 1949, Act 35, Eff. Sept. 23, 1949;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001;—Am. 2010, Act 18, Imd. Eff. Mar. 18, 2010.

287.266a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to proof of vaccination for rabies.

287.267 Dog license; tag, approval; kept on dog.

Sec. 7. The county treasurer shall then deliver to said owner a license and also 1 of the tags approved by the director of agriculture, before mentioned, such tag to be affixed to a substantial collar to be furnished by the owner, which with the tag attached, shall at all times be kept on the dog for which the license is issued, except when such dog is engaged in lawful hunting accompanied by its owner or custodian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5251;—CL 1948, 287.267;—Am. 1951, Act 173, Imd. Eff. June 8, 1951.

287.268 Dog license; unlicensed and young dogs; application; fee after certain date.

Sec. 8. A person who becomes owner of a dog that is 4 or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old. In a county in which section 6(2) or section 6(3)(a) applies, if a person applies for an annual license under this subsection after July 10 of a calendar year, the license fee shall be 1/2 the fee provided for under section 6.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5252;—CL 1948, 287.268;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269 Dog license; contents.

Sec. 9. Each dog license issued under this act shall display all of the following:

(a) An expiration date. Subject to section 6(4), the expiration date for a license issued under section 6(2) or 6(3)(b) shall be 1 year after the date on or before which the license was required to be obtained under section 6, and for a license issued under section 6(3)(a) or 6(3)(c) shall be 1 year or 3 years after that date. Subject to section 6(4), the expiration date of a license issued under section 6(3)(d), (e), or (f) shall be the earlier of the following:

- (i) One year or 3 years, as applicable, after the date on which the license was required to be obtained.
- (ii) The expiration date of the dog's rabies vaccination.
- (b) A serial number corresponding to the number on the metal tag furnished to the owner.
- (c) The name of the county issuing the license.
- (d) A full description of the dog licensed.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5253;—CL 1948, 287.269;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269a Production of proof of license.

Sec. 9a. A person who owns or harbors a dog shall produce proof of a valid dog license upon request of a person who is authorized to enforce this act.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.270 “Kennel” defined; kennel license; fee; tags; certificate; rules; inspection; exception.

Sec. 10. For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. Any person who keeps or operates a kennel may, in lieu of individual license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel. Proof of vaccination of dogs against rabies shall not be required with the application. The license shall be issued by the county treasurer on a form prepared and supplied by the director of the department of agriculture, and shall entitle the licensee to keep any number of dogs 6 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The county treasurer or county animal control officer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license. The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties, unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5254;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1945, Act 245, Eff. Sept. 6, 1945;—CL 1948, 287.270;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Administrative rules: R 285.129.1 of the Michigan Administrative Code.

287.270a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to vaccination of dog sold by licensed kennel.

287.270b Kennel licensing ordinance.

Sec. 10b. Any city, township or village having in its employment a full-time animal control officer may adopt an ordinance providing for the issuance of kennel licenses by the animal control officer on the same terms, conditions and fees as is provided in section 10. Upon the adoption of the ordinance the city, township or village shall be excepted from the provisions of sections 10 and 11 of this act.

History: Add. 1966, Act 132, Eff. Mar. 10, 1967;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.271 Rules governing kennel dogs.

Sec. 11. The licensee of a kennel shall, at all times, keep 1 of such tags attached to a collar on each dog 4 months old or over kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5255;—CL 1948, 287.271.

287.272 Lost tags.

Sec. 12. If any dog tag is lost, it shall be replaced without cost by the county treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5256;—CL 1948, 287.272.

287.273 License and tag; transferability.

Sec. 13. No license or license tag issued for 1 dog shall be transferable to another dog. Whenever the

ownership or possession of any dog is permanently transferred from 1 person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer who shall note such transfer upon his record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the state of Michigan.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5257;—CL 1948, 287.273.

287.274 Application for license blanks and tags; issuance of dog licenses and tags; fee; return of unused tags, books, and receipts; contents of receipt; paying over money; resolution providing that clerk perform duties of treasurer.

Sec. 14. (1) Every township or city treasurer shall, on or before December 1 each year, apply to the county treasurer for necessary license blanks and tags for the ensuing year and shall issue dog licenses and tags in a manner prescribed for issuing licenses by the county treasurer. Every township or city treasurer shall receive for the services of licensing dogs a reasonable fee at a rate determined by the county board of commissioners for each dog license issued.

(2) Each township or city treasurer shall not later than March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), return to the county treasurer all unused tags, and the book or books from which dog licenses have been issued, containing receipts properly filled out, and showing the name of the person issued each license and the number of each license issued and a full description of each dog licensed. The township or city treasurer shall on or before March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), pay over all money received for issuing licenses less the amount set by the board of commissioners to be retained by the township or village for each license issued.

(3) A city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on the treasurer. Upon the adoption of the resolution, the treasurer of a city is not required to issue licenses under this act but the clerk of the city shall perform, in the manner and under the terms and conditions, and with the same compensation, all of the duties imposed upon city treasurers by this act.

(4) A township treasurer, city treasurer, or city clerk may enter an agreement with the county treasurer for the county treasurer to perform the duties of the township treasurer, city treasurer, or city clerk under this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5258;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.274;—Am. 1977, Act 317, Imd. Eff. Jan. 9, 1978;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.274a Issuance of dog license; information to be provided to dog owner; definitions.

Sec. 14a. (1) When issuing a dog license pursuant to section 14, a county treasurer, city clerk, city treasurer, township treasurer, or the authorized agent of a city or township treasurer, including, but not limited to, a licensed veterinarian, an animal control shelter, or an animal protection shelter, shall also provide information to the dog owner regarding both of the following:

(a) The availability of microchip implantation and registration for dogs by a licensed veterinarian, an animal control shelter, or an animal protection shelter.

(b) The availability of a statewide tattoo identification registry for dogs maintained by the state department of agriculture.

(2) As used in this section, "animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331, and are facilities registered with the state department of agriculture pursuant to section 6 of 1969 PA 287, MCL 287.336.

History: Add. 2006, Act 551, Eff. Mar. 30, 2007.

287.275 County treasurer's record; inspection.

Sec. 15. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his or her county. Such record shall contain the name and address of the person to whom each license is issued and the expiration date of each license. For an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and for a kennel license, it shall state the place where the business is conducted. The record is a public record and shall be open to inspection during business hours. The county treasurer shall also keep an accurate record of all license fees collected by the county treasurer or paid over to him or her by any city or township treasurer.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5259;—CL 1948, 287.275;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998.

287.276 Listing of dogs; compensation of supervisor; appointment, duties, and compensation of animal control officer.

Sec. 16. The supervisor of each township and the assessor of every city, annually, on taking his assessment of property as required by law, may make diligent inquiry as to the number of dogs owned, harbored or kept by all persons in his assessing district; and on or before June 1, make a complete report to the county treasurer, for his county, on a blank form furnished by the director of agriculture, setting forth the name of every owner, or keeper, of any dog, subject to license under this act, how many of each sex are owned by him, and if a kennel license is maintained such fact shall be also stated. Every supervisor or assessor shall receive for his services in listing such dogs at a rate determined by the board of supervisors for each dog so listed, which sums shall be paid out of the general fund of the county. In any city having a population of 5,000 or more, the county board of supervisors may by resolution appoint for a term of 2 years, an animal control officer, who shall perform in and for the city all the duties which this act prescribes for the supervisors of townships, and who shall receive the same compensation as is herein provided for supervisors. The board of supervisors of any county may, by resolution, appoint for the county for a term of 2 years an animal control officer whose duties and compensation shall be such as shall be prescribed by the board of supervisors and who may be delegated the duties required by this section to be performed by the supervisors and assessors without extra compensation.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1925, Act 327, Imd. Eff. May 26, 1925;—CL 1929, 5260;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1941, Act 278, Eff. Jan. 10, 1942;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.276;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.277 Identification and location of unlicensed dogs; public nuisance; list; commencement of proceedings.

Sec. 17. The county treasurer may, based on records of the dogs actually licensed in each city or township of the county and any report under section 16, identify and locate all unlicensed dogs. A dog required to be licensed under this act that is unlicensed is a public nuisance. The county treasurer shall immediately list all unlicensed dogs identified under this section and shall deliver copies of the list to the prosecuting attorney of the county. Upon receipt of the name of an owner of an unlicensed dog from the county treasurer, the prosecuting attorney shall commence proceedings against the owner of the dog as required by this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5261;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—CL 1948, 287.277;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2014, Act 32, Imd. Eff. Mar. 11, 2014.

287.278 Killing of dog molesting wildlife.

Sec. 18. A law enforcement officer may kill a dog determined to be molesting wildlife and not hunting as defined in this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5262;—CL 1948, 287.278;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279 Killing of dog pursuing, worrying, or wounding livestock or poultry, or attacking person; damages for trespass; effect of license tag.

Sec. 19. Any person including a law enforcement officer may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5263;—CL 1948, 287.279;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279a Killing dog or other animal; use of high altitude decompression chamber or electrocution prohibited.

Sec. 19a. An animal control officer or other person killing a dog or other animal pursuant to the laws of this state shall not use a high altitude decompression chamber or electrocution for that killing.

History: Add. 1980, Act 382, Eff. Mar. 31, 1981.

287.280 Loss or damage to livestock or poultry caused by dogs; complaint; examination; summons; proceedings; killing of dog; liability of owner or keeper.

Sec. 20. If a person sustains any loss or damage to livestock or poultry that is caused by dogs, or if the

livestock of a person is necessarily destroyed because of having been bitten by a dog, the person or his or her agent or attorney may complain to the township supervisor or a township officer or other qualified person designated by the township board of the township in which the damage occurred. The complaint shall be in writing, signed by the person making it, and shall state when, where, what, and how much damage was done, and, if known, by whose dog or dogs. The township supervisor or a township officer or other qualified person designated by the township board shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He or she shall also examine under oath, or affirmation, any witness called. After making diligent inquiry in relation to the claim, the township supervisor or a township officer or other person designated by the township board shall determine whether damage has been sustained and the amount of that damage, and, if possible, who was the owner of the dog or dogs that did the damage. If during the course of the proceedings the owner of the dog causing the loss or damage to the livestock becomes known, the township supervisor or a township officer or other person designated by the township board shall request the district court judge to immediately issue a summons against the owner commanding him or her to appear before the township supervisor or township officer or other person designated by the township board and show cause why the dog should not be killed. The summons may be served anyplace within the county in which the damage occurred, and shall be made returnable not less than 2 nor more than 6 days from the date stated in the summons and shall be served at least 2 days before the time of appearance mentioned in the summons. Upon the return day fixed in the summons the township supervisor or township officer or other person designated by the township board shall proceed to determine whether the loss or damage to the livestock was caused by the dog, and if so he or she shall immediately notify the sheriff or the animal control officer of the county of that fact and upon notification the sheriff or the animal control officer shall kill the dog wherever found. Any owner or keeper of the dog or dogs shall be liable to the county in a civil action for all damages and costs paid by the county on any claim as provided in this section.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5264;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—CL 1948, 287.280;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1989, Act 45, Imd. Eff. June 12, 1989.

287.281 Report of examination.

Sec. 21. If after making the examination required in section 20, the township supervisor or other person designated by the township board has determined that damage has been sustained by the complainant, the township supervisor or other person designated by the township board, upon payment to him or her of his or her costs up to that time by the complainant, shall deliver a report of the examination and all papers relating to the case to the county board of commissioners of the county in which the loss was sustained. The report shall be filed in the office of the county board of commissioners. If the complainant has not paid the costs, the township supervisor or other person designated by the township board shall state that fact in the report and the amount of the unpaid costs.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5265;—CL 1948, 287.281;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.282 Damage to livestock or poultry by dogs; fees of justice, inclusion in damages.

Sec. 22. Justices of the peace, for the services rendered under this act, shall receive \$4.00 for each case, and 10 cents per mile for each mile traveled, to be paid by the claimant in each case. In all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5266;—CL 1948, 287.282;—Am. 1958, Act 26, Eff. Sept. 13, 1958.

287.283 Payment for amount of loss or damage; costs; investigation.

Sec. 23. (1) When the county board of commissioners of the county receives a report of the township supervisor or other person designated by the township board pursuant to section 21, if it appears from the report that a certain amount of damage has been sustained by the claimant, the county board of commissioners shall immediately draw their order on the treasurer of the county in favor of the claimant for the amount of loss or damage which the claimant has sustained, together with all necessary and proper costs incurred. If the claim filed with the board appears from the report filed to be illegal or unjust, the board may make an investigation of the case and make its award accordingly.

(2) An amount awarded pursuant to this section shall be paid by the county out of its general fund. A payment shall not be made for any item which has already been paid by the owner of the dog or dogs doing the injury. If a payment is made by the county for any livestock or poultry bitten by a dog or dogs, the payment shall not exceed the amount allowed by the county board of commissioners.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 31, Eff. Aug. 27, 1925;—Am. 1927, Act 52, Eff. Sept. 5, 1927;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5267;—Am. 1931, Act 286, Eff. Sept. 18, 1931;—Am. 1945, Act 233, Eff. Sept. 6, 1945;

—CL 1948, 287.283;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.284 Board of county auditors; duties.

Sec. 24. In a county having a board of county auditors, that board shall receive, audit, and determine all claims for damages under this act, and when a claim is found to be legal and just, the board of county auditors shall order its payment out of the general fund of the county. A township supervisor or other person designated by the township board in a county having a board of county auditors shall deliver the report of investigation under this act to the board of county auditors.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5268;—CL 1948, 287.284;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.285 Saving clause; disposition of dog fund; expense of dog department in cities, payment.

Sec. 25. Any valid claims for loss or damage to live stock which have accrued under any general or local laws, prior to the taking effect of this act, shall not abate by reason of the repeal of such laws by the operation of this act, but all such claims, and all claims arising under this act and all expense incurred in any county in enforcing the provisions of this act shall be paid out of the general fund of the county. At the time this act takes effect, all moneys then in the “dog fund” in the hands of township or city treasurers, derived from the taxation of dogs under existing laws, shall be turned into the county general fund: Provided, In all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by said county, duly audited by the board of supervisors, and in any county having a board of county auditors, said board of county auditors shall audit said reasonable bills, to be paid out of the general fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5269;—CL 1948, 287.285.

287.286 Penalties; disposition of fines.

Sec. 26. Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. All fines collected under the provisions of this act shall be paid to the treasurer of the county to be credited to the library fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5270;—CL 1948, 287.286;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.286a Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

Sec. 26a. (1) A district court magistrate or the district or common pleas court shall issue a summons similar to the summons provided for in section 20 to show cause why a dog should not be killed, upon a sworn complaint that any of the following exist:

(a) After January 10 and before June 15 in each year a dog over 6 months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog.

(b) A dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

(c) A dog, licensed or unlicensed, has attacked or bitten a person.

(d) A dog has shown vicious habits or has molested a person when lawfully on the public highway.

(e) A dog duly licensed and wearing a license tag has run at large contrary to this act.

(2) After a hearing the district court magistrate or the district or common pleas court may either order the dog killed, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 26. Costs as in a civil case shall be taxed against the owner of the dog, and collected by the county. The county board of commissioners shall audit and pay claims for services of officers rendered pursuant to this section, unless the claims are paid by the owner of the dog.

History: Add. 1927, Act 114, Eff. Sept. 5, 1927;—CL 1929, 5271;—CL 1948, 287.286a;—Am. 1977, Act 261, Imd. Eff. Dec. 8, 1977.

287.286b Penalty for stealing or confining licensed dog.

Sec. 26b. Any person who shall steal, or confine and secrete any dog licensed under this act or kept under a kennel license, unless legally authorized to do so, or unless such confining be justifiable in the protection of

person, property or game, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$50.00 nor more than \$100.00, or imprisonment in the county jail for not less than 60 nor more than 90 days, or both in the discretion of the court.

History: Add. 1939, Act 17, Eff. Sept. 29, 1939;—CL 1948, 287.286b.

287.287 Recovery of value of dog illegally killed.

Sec. 27. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, from any police officer or other person, the value of any dog illegally killed by such police officer or other person.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5272;—CL 1948, 287.287.

287.288 Common law liability.

Sec. 28. Nothing in this act contained shall be construed as limiting the common law liability of the owner of a dog for damages committed by it.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5273;—CL 1948, 287.288.

287.289 Dogs imported temporarily.

Sec. 29. None of the provisions of this act shall be construed to require the licensing of any dog imported into this state, for a period not exceeding 30 days, for show, trial, breeding or hunting purposes.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5274;—CL 1948, 287.289.

287.289a Animal control agency; establishment; employees; jurisdiction; contents of animal control ordinance.

Sec. 29a. The board of county commissioners by ordinance may establish an animal control agency which shall employ at least 1 animal control officer. The board of county commissioners may assign the animal control agency to any existing county department. The animal control agency shall have jurisdiction to enforce this act in any city, village or township which does not have an animal control ordinance. The county's animal control ordinance shall provide for animal control programs, facilities, personnel and necessary expenses incurred in animal control. The ordinance is subject to sections 6 and 30.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289b County animal control officers; employment standards.

Sec. 29b. (1) The board of county commissioners shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:

(a) Requirements for physical, educational, mental and moral fitness.

(b) A minimum course of study of not less than 100 instructional hours as prescribed by the department of agriculture.

(2) Subdivision (b) shall not apply if the animal control officer is a police officer or has served at least 3 years as an animal control officer.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289c Municipal animal control officers; employment standards.

Sec. 29c. Any city, village or township adopting or having adopted an animal control ordinance shall provide in the ordinance that the minimum employment standards relative to the recruitment, selection and appointment of animal control officers shall at least equal the minimum standards set forth in section 29b.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.290 Municipal animal control ordinances; certificate of vaccination.

Sec. 30. A city, village or township by action of its governing body may adopt an animal control ordinance to regulate the licensing, payment of claims and providing for the enforcement thereof. A city, village, county or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license, except kennel licenses, shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1929, Act 329, Eff. Aug. 28, 1929;—CL 1929, 5275;—Am. 1933, Act 189, Imd. Eff. June 28, 1933;—Am. 1941, Act 288, Eff. Jan. 10, 1942;—Am. 1943, Act 209, Imd. Eff. Apr. 17, 1943;—CL 1948, 287.290;—Am. 1949, Act 22, Eff. Sept. 23, 1949;—Am. 1952, Act 125, Eff. Sept. 18, 1952;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1959, Act 211, Eff. Mar. 19, 1960;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

LEADER DOGS FOR BLIND PERSONS
Act 207 of 1970

AN ACT to exempt certain service animals from license fees.

History: 1970, Act 207, Imd. Eff. Aug. 25, 1970;—Am. 1981, Act 74, Imd. Eff. June 30, 1981;—Am. 2015, Act 145, Eff. Jan. 18, 2016.

The People of the State of Michigan enact:

287.291 Service animal not subject to licensing fee; definitions.

Sec. 1. (1) Notwithstanding any law or ordinance to the contrary, a service animal is not subject to any fee for licensing if either of the following applies:

(a) The service animal is used by a person with a disability.

(b) The service animal is owned by a partnership, corporation, or other legal entity that trains service animals for use by a person with a disability.

(2) As used in this section:

(a) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

(b) As used in subdivision (a), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

(ii) Traumatic brain injury.

(iii) Other service-related disabilities.

(c) "Service animal" means all of the following:

(i) That term as defined in 28 CFR 36.104.

(ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(d) "Veteran" means any of the following:

(i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) A person discharged or released from military service because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

History: 1970, Act 207, Imd. Eff. Aug. 25, 1970;—Am. 1981, Act 74, Imd. Eff. June 30, 1981;—Am. 1984, Act 112, Imd. Eff. May 24, 1984;—Am. 2000, Act 4, Imd. Eff. Feb. 22, 2000;—Am. 2015, Act 145, Eff. Jan. 18, 2016.

REGISTRATION AND IDENTIFICATION OF DOGS
Act 309 of 1939

AN ACT to provide for the regulation, registration, identification and licensing of dogs; to prescribe the powers and duties of the commissioner of agriculture with respect thereto; to prescribe penalties for violation of the provisions of this act; and to declare the effect of this act.

History: 1939, Act 309, Eff. Sept. 29, 1939.

The People of the State of Michigan enact:

***** 287.301 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.301 Dogs; tattooing of serial number; application, fee.

Sec. 1. From and after the first day of January, 1940, any person may have any dog tattooed with a registration number, as hereinafter provided. The owner of any such dog shall apply to the commissioner of agriculture, on blanks furnished by such commissioner, for the registration of any such dog. Upon satisfying the commissioner of agriculture that the applicant is the owner of such dog, the commissioner of agriculture shall assign a specific number (which shall not permit duplication) of the ownership of such dog, such number to be tattooed on and through the ear of the animal and on the inside and through the skin of a rear leg,—such tattooing to be done by such persons as shall be designated by the commissioner of agriculture, and shall be made by the use of permanent tattoo ink, such person so tattooing any dog to receive such fee therefor as shall be designated by the commissioner of agriculture. The application for registration shall be accompanied by a fee of \$1.00.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.301.

***** 287.302 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.302 Dogs; assignment of title; filing; issuance of title to purchaser.

Sec. 2. The specific number of ownership assigned to such dog shall constitute a title to the owner of such dog and upon the sale of such dog by such owner he shall make an assignment of title and the purchaser shall immediately cause such assignment to be transmitted to the commissioner of agriculture, who shall issue a title in the name of the purchaser of such assignment, to be accompanied by a fee of \$1.00.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.302.

***** 287.303 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.303 Identification certificate; issuance to owner.

Sec. 3. Upon the registration or assignment of title the commissioner of agriculture shall issue to the owner of such dog an identification certificate.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.303.

***** 287.304 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.304 Record of dog and owner kept by commissioner of agriculture.

Sec. 4. It shall be the duty of the commissioner of agriculture to keep a permanent record of the name and address of the owner of every dog so registered, the title number, name, breed, sex and color of each dog so registered, and furnish any law-enforcing agency a true copy of such records upon request.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.304.

***** 287.305 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.305 Lost dog; finder entitled to fee for keeping.

Sec. 5. Any person finding a dog registered under the provisions of this act shall be entitled to the sum of 25 cents per day for boarding such dog, such board to be paid by the owner. The commissioner of agriculture

shall furnish such finder with the name and address of the owner, upon request.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.305.

***** 287.306 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.306 Fees credited to general fund.

Sec. 6. All fees received by the department of agriculture under the provisions of this act for the registration or assignment of titles of such dogs shall be paid to the commissioner of agriculture and by the commissioner of agriculture turned into the state treasury and any accumulated balance as of June 30, 1949, shall be credited to the general fund.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.306;—Am. 1949, Act 132, Imd. Eff. May 20, 1949.

***** 287.307 THIS SECTION IS REPEALED BY ACT 253 OF 2016 EFFECTIVE SEPTEMBER 26, 2016

287.307 Mutilating of serial number prohibited; penalty.

Sec. 7. No person, corporation, club or organization shall tattoo any number over or upon the number tattooed on any dog by the authorized agent of the commissioner of agriculture so as to deface the same and prevent identification by the owner of such dog, nor shall such person, corporation, club or organization duplicate any number used by the commissioner of agriculture. Upon proof of such mutilation of such number, such person, corporation, club or organization shall be deemed guilty of a misdemeanor and shall be punished in accordance with the laws of the state.

History: 1939, Act 309, Eff. Sept. 29, 1939;—CL 1948, 287.307.

287.308 Stealing or holding dog in possession; penalty.

Sec. 8. Any person who shall steal or take without the consent of the owner and without lawful authority, any dog registered under the provisions of this act, or any person excepting dog wardens who shall harbor or hold in his possession any stray dog of which he is not the owner and does not report such possession to the sheriff of the county or the police department of the city in which he is holding such dog within 48 hours after such person came in possession of said dog, where the value of such dog shall not be in excess of \$100.00, shall be guilty of a misdemeanor, and where the value of such dog shall be in excess of \$100.00, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$500.00, or imprisoned in the county jail for not more than 1 year, or both such fine and imprisonment in the discretion of the court.

History: Add. 1943, Act 146, Eff. July 30, 1943;—Am. 1945, Act 11, Eff. Sept. 6, 1945;—CL 1948, 287.308.

TURTLES
Act 424 of 1988

AN ACT to regulate the sale of turtles in this state; to provide for certain duties of the department of agriculture; and to provide for penalties.

History: 1988, Act 424, Eff. Mar. 30, 1989.

The People of the State of Michigan enact:

287.311 “Turtle” defined.

Sec. 1. As used in this act, “turtle” includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order testudinata, class reptilia.

History: 1988, Act 424, Eff. Mar. 30, 1989.

287.312 Sale or distribution of turtle eggs or live turtles; health advisory sheet required.

Sec. 2. A person shall not sell or distribute in the state viable turtle eggs or live turtles with a carapace length of less than 4 inches unless he or she provides the purchaser with the health advisory sheet described in section 3.

History: 1988, Act 424, Eff. Mar. 30, 1989.

287.313 Publication and availability of health advisory sheet.

Sec. 3. The department of agriculture shall publish and make available a health advisory sheet describing the potential health risk to children and adults of contracting salmonellosis from turtles.

History: 1988, Act 424, Eff. Mar. 30, 1989.

287.314 Violation as misdemeanor; penalty.

Sec. 4. A person who violates this act is guilty of a misdemeanor punishable by a fine of \$1,000.00, or imprisonment for not more than 90 days, or both, for each violation of this act.

History: 1988, Act 424, Eff. Mar. 30, 1989.

DANGEROUS ANIMALS
Act 426 of 1988

AN ACT to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings.

History: 1988, Act 426, Eff. Mar. 30, 1989.

The People of the State of Michigan enact:

287.321 Definitions.

Sec. 1. As used in this act:

(a) "Dangerous animal" means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(ii) An animal that bites or attacks a person who provokes or torments the animal.

(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(iv) Livestock.

(b) "Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(c) "Owner" means a person who owns or harbors a dog or other animal.

(d) "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

(e) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(f) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

History: 1988, Act 426, Eff. Mar. 30, 1989.

287.322 Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.

Sec. 2. (1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to a dog, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law.

(3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

(4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the

address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(a) If the animal that has been found to be a dangerous animal is of the *canis familiaris* species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(b) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or nonauthorized individuals cannot enter the premises.

(c) Have the animal sterilized.

(d) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(e) Take any other action appropriate to protect the public.

History: 1988, Act 426, Eff. Mar. 30, 1989.

287.323 Owner guilty of involuntary manslaughter, felony, or misdemeanor; penalty; costs.

Sec. 3. (1) The owner of an animal that meets the definition of a dangerous animal in section 1(a) that causes the death of a person is guilty of involuntary manslaughter, punishable under section 321 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.321 of the Michigan Compiled Laws.

(2) If an animal that meets the definition of a dangerous animal in section 1(a) attacks a person and causes serious injury other than death, the owner of the animal is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not less than \$2,000.00, or community service work for not less than 500 hours, or any combination of these penalties.

(3) If an animal previously adjudicated to be a dangerous animal attacks or bites a person and causes an injury that is not a serious injury, the owner of the animal is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

(4) If the owner of an animal that is previously adjudicated to be a dangerous animal allows the animal to run at large, the owner is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

(5) The court may order a person convicted under this section to pay the costs of the prosecution.

History: 1988, Act 426, Eff. Mar. 30, 1989.

PET SHOPS, DOG POUNDS, AND ANIMAL SHELTERS
Act 287 of 1969

AN ACT to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

The People of the State of Michigan enact:

***** 287.331 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.331.amended *****

287.331 Definitions.

Sec. 1. As used in this act:

(a) "Adoption" means a transfer of ownership, with or without remuneration, of a dog, cat, or ferret from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual. As used in this subdivision, a companion animal includes but is not limited to a dog that is used for hunting or as a guard dog.

(b) "Alteration" means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing.

(c) "Altered", in reference to a dog, cat, or ferret, means having undergone alteration.

(d) "Animal" means a mammal except livestock as defined in 1937 PA 284, MCL 287.121 to 287.131, and rodents.

(e) "Animal control shelter" means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

(f) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

(g) "Cat" means a domestic cat of any age of the species *felis catus*.

(h) "Department" means the state department of agriculture.

(i) "Director" means the director of the department or his or her authorized representative.

(j) "Dog" means a domestic dog of any age of the species *canis familiaris*.

(k) "Ferret" means an animal of any age of the species *mustela furo*.

(l) "Health certificate" means a certificate in a form prescribed by the department in which a veterinarian attests to the age, sex, breed, and description of an animal, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal free from visual evidence of communicable disease.

(m) "Municipality" means a county, city, village, or township.

(n) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(o) "Pet shop" means a place where animals are sold or offered for sale, exchange, or transfer.

(p) "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.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

***** 287.331.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.331.amended Definitions.

Sec. 1. As used in this act:

(a) "Adoption" means a transfer of ownership, with or without remuneration, of an animal from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual. As used in this subdivision, a companion animal includes, but is not limited to, a dog that is used for hunting or as a guard dog.

(b) "Alteration" means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing.

(c) "Altered", in reference to a dog, cat, or ferret, means having undergone alteration.

(d) "Animal" means a vertebrate other than a human being.

(e) "Animal abuse offense" means 1 or more of the following, but does not include the lawful use of an

animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock:

- (i) A violation of section 49 of the Michigan penal code, 1931 PA 328, MCL 750.49.
 - (ii) A violation of section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.
 - (iii) A violation of section 50a of the Michigan penal code, 1931 PA 328, MCL 750.50a.
 - (iv) A violation of section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.
 - (v) A violation of section 50c of the Michigan penal code, 1931 PA 328, MCL 750.50c.
 - (vi) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if the violation arose out of a crime against nature with an animal.
 - (vii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vi).
 - (viii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (vii).
- (f) "Animal control shelter" means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.
- (g) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.
- (h) "Cat" means a domestic cat of any age of the species *Felis catus*.
- (i) "Department" means the state department of agriculture and rural development.
- (j) "Director" means the director of the department or his or her authorized representative.
- (k) "Dog" means a domestic dog of any age of the species *Canis familiaris*.
- (l) "Ferret" means an animal of any age of the species *Mustela furo*.
- (m) "ICHAT" means the internet criminal history access tool maintained by the department of state police.
- (n) "Intact dog" means a dog that has not been altered.
- (o) "Large-scale dog breeding kennel" means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision, "housed or kept for the primary purpose of breeding" means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding.
- (p) "Municipality" means a county, city, village, or township.
- (q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (r) "Pet health certificate" means a certificate in a form prescribed by the director in which a veterinarian attests to the species, age, sex, breed, and description of an animal; any medical conditions of the animal; any medical treatment and vaccinations that the animal received while under the control of a pet shop or large-scale dog breeding kennel; and to the fact that at the time of the preparation of the certificate the veterinarian examined the animal and found the animal free from visual evidence of communicable disease.
- (s) "Pet shop" means a place where animals are sold or offered for sale, exchange, or transfer.
- (t) "Veterinarian" means a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

***** 287.332 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.332.amended *****

287.332 Rules; promulgation.

Sec. 2. The agriculture department shall issue rules to accomplish the purposes of this act and to establish minimum standards for housing, care and handling of animals to insure the humane care and handling of animals. The rules shall be promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1969, Act 287, Eff. Mar. 20, 1970.

Administrative rules: R 285.151.1 et seq. of the Michigan Administrative Code.

***** 287.332.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.332.amended Rules; promulgation.

Sec. 2. (1) The department may promulgate rules to accomplish the purposes of this act and to establish

minimum standards for the housing, care, and handling of animals to insure the humane care and handling of animals. The department may also promulgate rules to establish minimum standards for large-scale dog breeding kennels. The rules shall be promulgated in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Except as otherwise provided in this subsection, until the department promulgates rules under subsection (1), a large-scale dog breeding kennel is subject to R 285.151.1 to R 285.151.41 of the Michigan administrative code. Notwithstanding R 285.151.25 of the Michigan administrative code, in a large-scale dog breeding kennel, a female dog in estrus may be housed with intact male dogs for the purpose of breeding.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

Administrative rules: R 285.151.1 et seq. of the Michigan Administrative Code.

287.333 License required.

Sec. 3. No person shall operate a pet shop unless he has first received a license from the department of agriculture under the provisions of this act.

History: 1969, Act 287, Eff. Mar. 20, 1970.

287.334 Application for pet shop licenses; fee; deposit; filing of completed license application; report; "completed application" defined.

Sec. 4. (1) Applications for pet shop licenses shall be on a form as provided or made available by the director. Beginning October 1, 2003 through September 30, 2012, the director shall issue pet shop licenses for a term of 1 year beginning January 1 of each year. After September 30, 2012, the director shall issue a pet shop license upon application and payment of a license fee of \$150.00.

(2) Subject to subsection (6) and until September 30, 2012, the department shall charge a fee of \$200.00 for an initial application for a pet shop license and a fee of \$100.00 for renewal of a pet shop license.

(3) Until September 30, 2012 and except as otherwise provided for in this section, a pet shop license is renewable by submission of a completed renewal application provided or made available by the department and payment of the renewal fee described in subsection (2).

(4) The department shall deposit all license fees, inspection fees, other noncriminal fines or fees, and administrative fines received pursuant to this act into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

(5) Beginning July 23, 2004, the department shall issue an initial or renewal pet shop license not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(6) If the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(7) Beginning October 1, 2005, the director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with agriculture issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (5).

(b) The number of applications denied.

(c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees and registrants under subsection (6).

(8) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or

similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan. In the case of an initial application, completed application includes the completion of construction or renovation of any facility and the passing of a satisfactory inspection.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2003, Act 83, Imd. Eff. July 23, 2003;—Am. 2004, Act 280, Imd. Eff. July 23, 2004;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007.

287.335 Inspection of pet shop premises.

Sec. 5. The director of agriculture shall not issue a license to operate a pet shop until he has inspected the premises to assure that it complies with the provisions of this act and the rules of the department of agriculture.

History: 1969, Act 287, Eff. Mar. 20, 1970.

***** 287.335a THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.335a.amended *****

287.335a Prohibited conduct.

Sec. 5a. A person who operates a pet shop shall not do any of the following:

(a) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat less than 8 weeks old.

(b) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.

(c) Sell or offer for sale a dog, unless the dog has been inoculated against distemper, hepatitis, and leptospirosis, para influenza and, if indicated, has been treated for external and internal parasites, not less than 7 days before the dog's entry into this state. The dog shall be accompanied by a health certificate signed by a veterinarian, including records of the dog's medication and immunization.

(d) Sell or offer for sale a cat, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotracheitis and calici viruses and, if indicated, has been treated for external and internal parasites, not less than 7 days prior to the cat's entry into this state. The cat shall be accompanied by a health certificate signed by a veterinarian, including records of the cat's medication and immunization.

(e) Sell or deliver a dog or cat without providing to the purchaser a health certificate signed by a veterinarian licensed by this state, for the dog or cat. The certificate shall include a health record indicating the date and type of vaccinations which have been given to the dog or cat.

History: Add. 1980, Act 214, Imd. Eff. July 18, 1980.

***** 287.335a.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.335a.amended Prohibited conduct.

Sec. 5a. (1) A person who operates a pet shop shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old. A person who operates an animal control shelter or an animal protection shelter shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old unless the dog or cat is imported with its dam. A large-scale dog breeding kennel shall not import or cause to be imported into this state a dog that is less than 8 weeks old unless the dog is imported with its dam.

(2) A person who operates a pet shop shall not sell, exchange, transfer, or offer for sale, exchange, or transfer a dog or cat that is less than 8 weeks old. A large-scale dog breeding kennel shall not sell, exchange, or transfer a dog that is less than 8 weeks old.

(3) A person that operates a pet shop, an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a dog, unless all of the following are satisfied before the dog's entry into this state:

(a) The dog has been vaccinated against distemper, parvovirus, and canine adenovirus-2. The dog shall also be vaccinated against rabies and leptospirosis if the dog is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop or a large-scale dog breeding kennel shall ensure that vaccinations other than the rabies vaccination are administered not less than 7 days before the dog's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the dog has been treated for external and internal parasites so that the dog is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The dog is accompanied by an interstate health certificate or certificate of veterinary inspection signed

by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, including records of the dog's medication and immunization.

(4) A person who operates a pet shop, an animal control shelter, or an animal protection shelter shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a cat, unless all of the following are satisfied before the cat's entry into this state:

(a) The cat has been vaccinated against feline panleukopenia, calici viruses, and feline herpes virus-1. The cat shall also be vaccinated against rabies if the cat is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop shall ensure that vaccinations other than the rabies vaccination are administered to the cat as required by this subdivision not less than 7 days before the cat's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the cat has been treated for external and internal parasites so that the cat is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The cat is accompanied by an interstate health certificate or certificate of veterinary inspection filled out and signed by an accredited veterinarian licensed to practice veterinary medicine in the cat's state of origin, including records of the cat's medication and immunization.

(5) A person who operates a pet shop or a large-scale dog breeding kennel shall not sell, exchange, transfer, or deliver a dog, cat, or ferret without providing to the purchaser a valid pet health certificate. For purposes of this subsection, a pet health certificate is only valid for 30 days after the date the animal was examined by the veterinarian who signed the certificate.

History: Add. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

***** 287.336 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.336.amended *****

287.336 Animal control shelter; registration.

Sec. 6. A municipality shall not operate an animal control shelter unless the animal control shelter is registered with the department. A society for the prevention of cruelty to animals, or any other person, shall not operate an animal protection shelter unless the shelter is registered with the department.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

***** 287.336.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.336.amended Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration.

Sec. 6. (1) A municipality shall not operate an animal control shelter unless the animal control shelter is registered with the department.

(2) A society for the prevention of cruelty to animals or any other person shall not operate an animal protection shelter unless the shelter is registered with the department.

(3) A person shall not operate a large-scale dog breeding kennel unless the large-scale dog breeding kennel is registered with the department. The department shall charge an annual fee of \$500.00 per registration of a large-scale dog breeding kennel.

(4) This act is not intended to apply to a dog owner or breeder other than a person that operates a large-scale dog breeding kennel.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

***** 287.337 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.337.amended *****

287.337 Animal control shelter or animal protection shelter; registration application; forms.

Sec. 7. Application for registration of an animal control shelter or animal protection shelter shall be on forms approved by the department.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

***** 287.337.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.337.amended Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration application; form.

Sec. 7. Application for registration of an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall be on a form prescribed by the director.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

287.338 Animal control shelter or animal protection shelter; inspection; compliance.

Sec. 8. The department shall not register an animal control shelter or animal protection shelter unless the department first inspects it to ensure that it complies with this act and the rules promulgated under this act.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

287.338a Animal control shelter or animal protection shelter; alteration of dog, cat, or ferret.

Sec. 8a. (1) Except as otherwise provided in this section, an animal control shelter or animal protection shelter shall not permit a person to adopt a dog, cat, or ferret that has not been altered, unless that person has entered into a contract for the alteration of the dog, cat, or ferret with the animal control shelter or animal protection shelter. The contract shall state that the adopting person agrees to have an alteration performed on the dog, cat, or ferret and shall otherwise comply with this section.

(2) A contract with an animal control shelter or animal protection shelter entered into pursuant to subsection (1) shall require the adopting person to have an alteration performed on the dog, cat, or ferret within 4 weeks after the adoption date if at the time of adoption the dog, cat, or ferret is 6 months of age or older. If the dog, cat, or ferret to be adopted is under 6 months of age at the time of adoption, the contract shall contain the date upon which the dog, cat, or ferret will be 6 months of age, and shall require the person adopting the dog, cat, or ferret to have an alteration performed on the dog, cat, or ferret within 4 weeks after that date. This section does not prevent a veterinarian from performing an alteration on a dog, cat, or ferret that is under 6 months of age.

(3) Upon certification by a veterinarian in writing that a dog, cat, or ferret has a serious, permanent medical or health problem that prevents an alteration, the dog, cat, or ferret adopted is not required to be altered. Upon certification by a veterinarian in writing that an alteration poses a serious, temporary medical or health problem, the alteration may be postponed. The person adopting the dog, cat, or ferret shall have it reevaluated by a veterinarian at intervals not to exceed 14 days and shall have the alteration performed no later than 7 days after a veterinarian determines that the temporary problem is resolved.

(4) Except as otherwise provided in subsection (7), a contract entered into pursuant to subsection (1) shall require the adopting person to leave with the animal control shelter or animal protection shelter, or a designee of the animal control shelter or animal protection shelter, a good faith deposit of at least \$25.00 that indicates the person's intention to have the adopted dog, cat, or ferret altered within the time provided pursuant to subsection (2). If the person fails to comply with the terms of the contract, the deposit is forfeited. The good faith deposit shall be returned to the adopting person if the adopting person submits written certification from a veterinarian of either of the following:

(a) The dog, cat, or ferret died within the time period in which the alteration was required under subsection (2).

(b) The dog, cat, or ferret has a serious, permanent medical or health problem that prevents an alteration.

(5) Money forfeited under subsection (4) shall be used by the animal control shelter or animal protection shelter to finance alterations, for public education regarding the value of having dogs, cats, and ferrets altered, or to otherwise ensure compliance with this section.

(6) If the adopting person complies with the terms of a contract entered into under subsection (1), the good faith deposit of at least \$25.00 shall be refunded by the animal control shelter, animal protection shelter, or a designee of the animal control shelter or animal protection shelter, upon submission by the adopting person of written certification by a veterinarian that the adopted dog, cat, or ferret was altered. The certificate shall include the date of alteration, the name of the owner of the dog, cat, or ferret, the description of the dog, cat, or ferret, and the signature of the veterinarian who performed the alteration.

(7) The good faith deposit under subsection (4) is not required if 1 or more of the following apply:

(a) A dog is transferred to a local, state, or federal law enforcement agency.

(b) A dog is transferred to an organization or trainer that trains guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons.

(c) A dog, cat, or ferret is transferred to another animal control shelter or animal protection shelter or is transferred to a person who will transfer the animal to another animal control shelter or animal protection shelter. Before the first animal control shelter or animal protection shelter releases the animal, it shall obtain from the person to whom the animal is to be released a written statement by the second animal control shelter or animal protection shelter that it is willing to accept the animal for purposes of adoption or humane euthanasia. Promptly after receipt of the animal by the second animal control shelter or animal protection shelter, the person to whom the animal was released shall provide the first animal control shelter or animal protection shelter with a written statement by the second animal control shelter or animal protection shelter

containing a description of the dog, cat, or ferret and acknowledging its receipt on a date specified in the statement.

(8) A contract entered into pursuant to subsection (1) shall include a statement that if the terms of the contract are breached because a person adopting a dog, cat, or ferret fails to have the animal altered as required in the contract, then the person agrees to pay liquidated damages of the greater of \$100.00 or actual reasonable costs incurred by the animal control shelter or animal protection shelter to enforce the contract. Immediately before a person signs the contract, a representative of the animal control shelter or animal protection shelter shall verbally direct the person's attention to the liquidated damages agreement in the contract.

History: Add. 1997, Act 7, Eff. Jan. 1, 1998.

***** 287.338b.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.338b.added Animal control shelter or animal protection shelter; use of ICHAT to determine prior criminal history for animal abuse offense; subsection (1) inapplicable to pet shop; section to be referred to as "Logan's law."

Sec. 8b. (1) Before allowing an individual to adopt an animal, an animal control shelter or animal protection shelter may conduct a search using ICHAT to determine whether that individual has a prior criminal history for an animal abuse offense.

(2) An animal control shelter or animal protection shelter does not violate this act if the animal control shelter or animal protection shelter searches for an individual on ICHAT allowed under subsection (1) and the search fails to disclose that the individual has a prior criminal history for an animal abuse offense.

(3) Subsection (1) does not apply to a pet shop that allows an animal protection shelter to use pet shop resources, including, but not limited to, the pet shop's premises, facilities, employees, equipment, and advertising for pet adoptions, or to a pet shop that works with an animal protection shelter but does not perform adoptions except as an agent of the animal protection shelter. A pet shop described in this subsection is not an animal protection shelter and is not liable for any pet adoptions performed by an animal protection shelter.

(4) This section may be referred to as "Logan's law".

History: Add. 2016, Act 393, Eff. Mar. 29, 2017.

***** 287.338c.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.338c.added Consideration of individual's criminal history; decision to not allow individual to adopt animal; section to be referred to as "animal adoption protection act."

Sec. 8c. (1) An animal control shelter or animal protection shelter may consider an individual's criminal history when deciding whether to allow that individual to adopt an animal. An animal control shelter or animal protection shelter may choose not to allow an individual who has been convicted of an animal abuse offense to adopt an animal unless a period of at least 5 years has elapsed since the date of his or her conviction. An animal control shelter or animal protection shelter may choose not to allow an individual who is charged with committing an animal abuse offense and enters a plea to any other crime in exchange for dismissal of that charge to adopt an animal.

(2) This section may be referred to as the "animal adoption protection act".

History: Add. 2016, Act 392, Eff. Mar. 29, 2017.

***** 287.339 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.339.amended *****

287.339 Animal breeders and animal researchers; applicability of act.

Sec. 9. (1) The licensing and registration requirements of this act do not apply to a person who breeds his or her own animals or to a person subject to 1969 PA 224, MCL 287.381 to 287.395.

(2) Subsection (1) does not create an exemption from vaccination and licensing requirements under the dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

(3) This act does not require the alteration of a dog, cat, or ferret being reclaimed from an animal control shelter or animal protection shelter by its owner unless a local governmental ordinance requires the alteration.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

***** 287.339.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.339.amended Person breeding his or her own animals or person subject to MCL 287.381 to 287.395; applicability of act.

Sec. 9. (1) Except as otherwise provided in this subsection, the licensing and registration requirements of this act do not apply to a person who breeds his or her own animals or to a person subject to 1969 PA 224, MCL 287.381 to 287.395. The licensing and registration requirements of this act apply to a large-scale dog breeding kennel.

(2) Subsection (1) does not create an exemption from vaccination and licensing requirements under the dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

(3) This act does not require the alteration of a dog, cat, or ferret being reclaimed from an animal control shelter or animal protection shelter by its owner unless a local government ordinance requires the alteration.

History: 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

287.339a Animal control shelter or animal protection shelter; maintenance of records.

Sec. 9a. An animal control shelter or animal protection shelter shall maintain written records on the total number of dogs, cats, and ferrets under 6 months of age, the total number of dogs, cats, and ferrets 6 months of age and older, and all other animals received, returned to owners, adopted to new owners, sold, or transferred with or without remuneration to any person, the number of adopted dogs, cats, and ferrets that were altered, the number of adopted dogs, cats, and ferrets that were not altered, and the number of dogs, cats, and ferrets euthanized annually, and shall annually provide a copy of these statistics to the department, by March 31 of the year following the year for which the statistics were compiled.

History: Add. 1997, Act 7, Eff. Jan. 1, 1998.

287.339b Violation of act or rule; sanctions; court action or order.

Sec. 9b. (1) If a person violates this act or a rule promulgated under this act, the director, after notice and an opportunity for an evidentiary hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do either or both of the following:

(a) Suspend or revoke a license or registration issued to the person under this act.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation. The director shall advise the attorney general of the failure of a person to pay an administrative fine under this section. The attorney general shall bring a civil action to recover the administrative fine and costs and fees. The administrative fine shall be deposited in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209.

(2) In addition to any other action authorized by this act, the director may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is in 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.

(3) If a person fails to comply with a contract for the alteration of a dog, cat, or ferret as required under section 8a, a court with appropriate jurisdiction may order transfer of ownership of the adopted animal only to 1 of the following:

(a) The facility from which the animal was adopted.

(b) A veterinarian, animal control shelter, or animal protection shelter willing to accept the animal and either humanely euthanize the animal or adopt the animal to an owner who agrees to have the animal altered.

History: Add. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007.

***** 287.339c.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.339c.added Large-scale dog breeding kennel; records.

Sec. 9c. (1) A large-scale dog breeding kennel shall maintain current verifiable records for a period of at least 2 years. The records shall include all of the following information:

(a) The verified name and address of the person from whom the dog was acquired, where the dog was acquired, and the date that the dog was acquired.

(b) A description and identification of the dog, including the dog's identification information, color, breed, sex, alteration status, and approximate weight and age.

(c) The date and method of disposition of the dog. If the dog is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or

sold.

(d) The number of dogs on site daily at each physical location.

(e) The number of intact breeding adult female dogs on site daily at the physical location.

(f) Breeding records for each female intact dog that include the approximate date the dog was bred and the birth date and size of each litter during the time that the dog was at the physical location.

(2) A large-scale dog breeding kennel shall make the records required under subsection (1) available to the director or his or her representative on request.

History: Add. 2016, Act 392, Eff. Mar. 29, 2017.

***** 287.339d.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 *****

287.339d.added Report.

Sec. 9d. No later than 18 months after the effective date of the amendatory act that added this section and annually thereafter until September 30, 2019, the department shall prepare and submit a report to the senate and house standing committees on appropriations. The report required under this section shall include, but is not limited to, all of the following information:

(a) The number of registrations issued to large-scale dog breeding kennels under section 6(3).

(b) The approximate number of breeding animals housed at each large-scale dog breeding kennel described in subdivision (a).

(c) The number of inspections of large-scale dog breeding kennels performed by the department or a partner of the department.

(d) The number of complaints received regarding large-scale dog breeding kennels.

(e) The number of pending or assessed penalties arising from the complaints described in subdivision (d).

(f) Recommendations regarding all of the following:

(i) Department staffing levels.

(ii) Annual registration fees for large-scale dog breeding kennels.

(iii) Best practices for working with partners to assist in identifying and resolving noncompliant large-scale dog breeding kennels.

History: Add. 2016, Act 392, Eff. Mar. 29, 2017.

287.340 Violations; penalty.

Sec. 10. Any person who violates the provisions of this act or any rule of the department of agriculture promulgated under the provisions of this act is guilty of a misdemeanor.

History: 1969, Act 287, Eff. Mar. 20, 1970.

LIABILITY OF OWNER FOR DOG BITE
Act 73 of 1939

AN ACT providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs.

History: 1939, Act 73, Imd. Eff. May 4, 1939.

The People of the State of Michigan enact:

287.351 Person bitten by dog; liability of owner.

Sec. 1. (1) If a dog bites a person, without provocation while the person is on public property, or lawfully on private property, including the property of the owner of the dog, the owner of the dog shall be liable for any damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

(2) A person is lawfully on the private property of the owner of the dog within the meaning of this act if the person is on the owner's property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or if the person is on the owner's property as an invitee or licensee of the person lawfully in possession of the property unless said person has gained lawful entry upon the premises for the purpose of an unlawful or criminal act.

History: 1939, Act 73, Imd. Eff. May 4, 1939;—CL 1948, 287.351;—Am. 1988, Act 142, Eff. Mar. 30, 1989.

USE OF DOGS AND CATS FOR RESEARCH
Act 282 of 1966

287.361-287.375 Repealed. 1969, Act 224, Eff. Mar. 20, 1970.

USE OF DOGS AND CATS FOR RESEARCH
Act 224 of 1969

AN ACT to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts.

History: 1969, Act 224, Eff. Mar. 20, 1970.

The People of the State of Michigan enact:

287.381 Regulation of dealers and facilities using animals in research; definitions.

Sec. 1. When used in this act:

(a) "Person" includes any individual, partnership, association or corporation.

(b) "Director" means the director of the department of agriculture.

(c) "Cat" means any live domestic cat (*felis catus*) for use or intended to be used for research, tests or experiments at research facilities.

(d) "Dog" means any live dog of the species *canis familiaris* for use or intended to be used for research tests or experiments at research facilities.

(e) "Research facility" means any school, hospital, laboratory, institution, organization or person that uses or intends to use dogs or cats in research, tests or experiments, and that (1) purchases or transports such animals, or (2) receives any funds from the state or local government or any agency or instrumentality thereof to finance its operations by means of grants, loans or otherwise.

(f) "Dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys or sells dogs or cats for research purposes and does not mean a person who breeds or raises dogs or cats for sale to a research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.382 License; application, fee.

Sec. 2. An application for a license shall be accompanied by a \$25.00 fee to be deposited by the director into the general fund.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.383 License; issuance; qualifications; "good moral character" defined.

Sec. 3. (1) The director shall issue a license to an applicant after determining:

(a) The applicant or the officers and directors thereof are of good moral character.

(b) The applicant or any officer or director thereof has never been convicted of cruelty to animals or a violation of this act.

(c) An inspection has been made of the premises and the premises conform to this act and the rules of the agriculture commission, and are a suitable place in which to conduct the business.

(d) The business is to be conducted in a permanent structure or building.

(2) As used in subsection (1), "good moral character" means good moral character as defined and determined under Act No. 381 of the Public Acts of 1974, as amended, being sections 338.41 to 338.47 of the Michigan Compiled Laws.

History: 1969, Act 224, Eff. Mar. 20, 1970;—Am. 1978, Act 303, Imd. Eff. July 10, 1978.

287.384 Unlawful sale or transportation of animals; dealers' licenses needed.

Sec. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation to another dealer under this act any such animal, unless and until such dealer shall have obtained a license from the director in accordance with this act and such rules as the director may prescribe pursuant to this act, and such license shall not have been suspended or revoked.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.385 Rules; promulgation.

Sec. 5. The director is authorized to promulgate rules in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, as are necessary to govern the handling of dogs and cats by dealers and research facilities, to promote their health, well-being and safety.

History: 1969, Act 224, Eff. Mar. 20, 1970.

Administrative rules: R 285.150.1 et seq. of the Michigan Administrative Code.

287.386 Identification or marking of dogs and cats.

Sec. 6. All dogs and cats delivered for transportation, transported, purchased or sold to research facilities shall be marked or identified in such manner as the director may prescribe.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.387 Records of purchases, sales, transportation.

Sec. 7. Research facilities and dealers shall make and keep such records with respect to their purchase, sale, transportation and handling of dogs and cats, as the director may prescribe.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.388 Disposition of dogs or cats; time; notice; record; exceptions.

Sec. 8. A dealer, a county, city, village, or township operating a dog pound or animal shelter shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the pound or shelter shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a pound or shelter shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition.

This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

History: 1969, Act 224, Eff. Mar. 20, 1970;—Am. 1973, Act 31, Imd. Eff. June 14, 1973;—Am. 1974, Act 132, Imd. Eff. May 29, 1974.

287.389 Sales by public auction or by weight; disposal of unclaimed dogs and cats, maximum price.

Sec. 9. Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed \$10.00 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.390 License; suspension or revocation; grounds, notice, reinstatement.

Sec. 10. (1) The license may be suspended or revoked by the director of agriculture for any of the following reasons:

- (a) The incompetence or untrustworthiness of the holder.
 - (b) Wilful falsification of any matter or statement contained in the application.
 - (c) The licensee or any director or officer thereof has been convicted of cruelty to animals or a violation of the provisions of this act.
 - (d) The licensee does not conform to the provisions of this act or the rules of the agriculture commission.
- (2) Written notice of the suspension or revocation shall be given by the director of agriculture within 10 days to the licensee.
- (3) A person whose license has been suspended may apply, after 90 days from the date of the suspension, for reinstatement of the license.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.391 Bill of sale; form.

Sec. 11. The purchase of any dog or cat by the licensee or research facility shall be evidenced by a bill of sale signed by the seller. The bill of sale shall be a form approved by the director of agriculture and shall certify that the seller is the lawful owner of the dog or cat and that ownership is transferred to the licensee or research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.392 Violations, penalty.

Sec. 12. Any person who violates any of the provisions of this act is guilty of a misdemeanor.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.393 Dealers or facilities; responsible for acts of agents or employees.

Sec. 13. When construing or enforcing the provisions of this act, the act, omission or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission or failure of such research facility or dealer as well as of such individual.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.394 Effect on other acts.

Sec. 14. The provisions of this act shall be in addition to and not in contravention of the provisions of Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Compiled Laws of 1948.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.395 Repeal.

Sec. 15. Act No. 282 of the Public Acts of 1966, being sections 287.361 to 287.375 of the Compiled Laws of 1948, is repealed.

History: 1969, Act 224, Eff. Mar. 20, 1970.

**FEEDING OF GARBAGE TO SWINE
Act 173 of 1953**

287.401-287.409 Repealed. 1998, Act 387, Imd. Eff. Nov. 24, 1998.

**THE VETERINARY PRACTICE ACT
Act 152 of 1956**

287.451-287.474 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

**ANIMAL TECHNICIANS
Act 151 of 1975**

287.481-287.488 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

**COMMERCIAL FEED ACT
Act 242 of 1959**

287.501-287.519 Repealed. 1975, Act 120, Imd. Eff. June 26, 1975.

FEED LAW
Act 120 of 1975

AN ACT to license and regulate the manufacture and distribution of commercial feeds; to require fees; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1975, Act 120, Imd. Eff. June 26, 1975.

Compiler's note: Enacting section 1 of Act 83 of 2015 provides:

"Enacting section 1. R 285.635.15, R 285.635.16, and R 285.635.17 of the Michigan administrative code are rescinded."

The People of the State of Michigan enact:

287.521 Short title.

Sec. 1. This act shall be known and may be cited as the "feed law".

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.522 Administration of act.

Sec. 2. This act shall be administered by the director of the department of agriculture and rural development.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.523 Definitions.

Sec. 3. As used in this act:

(a) "AAFCO official publication" means the document entitled "2015 Official Publication", as published by the Association of American Feed Control Officials.

(b) "Animal" means any vertebrate animal, other than humans, including mammals, birds, fish, reptiles, and amphibians, and any domesticated insect.

(c) "Animal feed" means edible material that is consumed by an animal and contributes energy, nutrients, or both, to the animal's diet.

(d) "Brand" means a word, name, symbol, or device, or a combination of any of these that identifies the commercial feed of a manufacturer or distributor and distinguishes it from that of other manufacturers or distributors.

(e) "Bulk" or "in bulk" means feed that is not divided into parts or packaged in separate units or any lot that is not in a closed container at the time it passes to the possession of the purchaser and includes that feed at any stage of distribution.

(f) "Cease order" means a cease order issued by the director pursuant to section 15.

(g) "Commercial feed" means all materials or combination of materials, including feed ingredients, that are distributed or intended for distribution for use as animal feed or for mixing in animal feed. Commercial feed does not include any of the following:

(i) Unmixed whole seeds or physically altered entire unmixed seeds, as defined by United States grain standards, 7 USC chapter 3, if both of the following conditions are met:

(A) The seeds are not chemically changed.

(B) The seeds are not adulterated within the meaning of section 8.

(ii) Commodities, including, but not limited to, hay, straw, stover, silage, cobs, and husks, that have undergone normal harvesting practices, that are not intermixed with other materials or chemically changed, and that are not adulterated within the meaning of section 8.

(iii) Individual chemical compounds that are not intermixed with other materials and are not adulterated within the meaning of section 8.

(iv) Feed provided to contract feeders that is manufactured by integrated operators that is not adulterated within the meaning of section 8.

(v) Unmixed meat, poultry, fish, and other portions of animal carcasses to be commercially sold in their raw or natural state without further processing or packaging, except freezing or denaturing, if both of the following conditions are met:

(A) The products are not adulterated within the meaning of section 8.

(B) The products are not intended as commercial feed or for use as a feed ingredient.

(vi) Feeder mice, other live feeder animals, and crickets that are not adulterated within the meaning of section 8.

(h) "Commission" means the commission of agriculture and rural development.

(i) "Contract feeder" means a person that is an independent contractor that feeds animals pursuant to a

contract if the feed is supplied, furnished, or otherwise provided to the person.

(j) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser or purchaser's agent.

(k) "Department" means the department of agriculture and rural development.

(l) "Director" means the director of the department or the director's authorized representative.

(m) "Distribute" means either of the following:

(i) To offer for sale, hold for sale, sell, exchange, or barter commercial feed.

(ii) To supply, furnish, or otherwise provide commercial feed to a contract feeder or integrated operator.

(n) "Distributor" means a person that distributes.

(o) "Drug" means either of the following:

(i) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals.

(ii) Any article other than feed intended to affect the structure or a function of the animal body.

(p) "Embargo order" means an embargo order issued by the director pursuant to section 15.

(q) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(r) "Food additive" means that term as it is defined in 21 USC 321(s).

(s) "Fund" means the feed control fund created in section 17.

(t) "Guarantor" means a person that agrees to be responsible for labeling, information, guarantees, and claims.

(u) "Integrated operator" means a person located within this state that manufactures animal feed for other integrated operators if there is a minimum of 5% ownership by all persons involved in each aspect of the operation that supply or share feed and ingredients.

(v) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

(w) "Labeling" means all labels and other written, printed, electronic, or graphic matter, and includes advertising.

(x) "License" means a commercial feed license issued under this act.

(y) "Licensee" means a person that has been issued a license.

(z) "Local unit of government" means a county, township, city, or village.

(aa) "Manufacture" means to prepare, grind, mix, package, repack, or relabel commercial feed for distribution.

(bb) "Manufacturer" means a person that manufactures.

(cc) "Noncommercial feed" means all materials or combination of materials, not distributed or intended for distribution, that are for manufacturing and use as feed or for mixing in feed. A person manufacturing noncommercial feed is not subject to licensing or tonnage fees under this act.

(dd) "Official sample" means a sample of feed taken by the director in accordance with section 7.

(ee) "Percent" or "percentage" means the percentage by weight.

(ff) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(gg) "Pet food" means any commercial feed prepared and distributed for consumption by dogs or cats.

(hh) "Product name" means the name of the commercial feed that identifies it as to kind, class, or specific use and distinguishes it from all other products bearing the same brand name.

(ii) "Quantity statement" means a writing containing the net weight of a solid or net weight or net volume of a liquid.

(jj) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(kk) "Seizure order" means a seizure order issued by the director pursuant to section 15.

(ll) "Sell" or "sale" means the exchange of ownership.

(mm) "Specialty pet" means any noncanine or nonfeline domesticated animal kept as a pet and normally confined to and maintained in a cage or tank within the owner's domicile, including, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(nn) "Ton" means a net weight of 2,000 pounds avoirdupois.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 1980, Act 338, Imd. Eff. Dec. 23, 1980;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.524 Persons required to be licensed; application; fee; late fee; issuance of initial or renewal license; notice of incomplete application; display and expiration of license; labels;

powers of director; refusing, conditioning, revoking, or suspending license; hearing; revoking or refusing to issue or renew license after hearing; licensed distributor and guarantor operating from out-of-state location; effect of license issued prior to effective date of amendatory act.

Sec. 4. (1) Except as provided in subsection (2), the following persons shall obtain a license under this act:

(a) A manufacturer of commercial feed for each facility in this state used to manufacture commercial feed.

(b) A person, other than a manufacturer, that distributes commercial feed within this state or that serves as guarantor of commercial feed distributed within this state.

(2) The following persons are not required to obtain a license:

(a) A person that makes only retail sales of commercial feed that contains labeling or another approved indication that the commercial feed is from a licensed manufacturer, distributor, or guarantor that has assumed full responsibility for the inspection fee due under section 6.

(b) An on-farm mixer-feeder, if the person is not distributing feed commercially.

(c) An integrated operator that does not distribute feed commercially.

(3) A person that wishes to obtain a license shall submit an application to the department on a form provided by or approved by the director and accompanied by a license fee payable to this state in the following amount:

(a) For a manufacturer, \$100.00 for each manufacturing facility, except that the fee for a manufacturer that manufactures commercial feed in containers of 5 pounds or less is \$25.00 for each manufacturing facility.

(b) For a distributor or guarantor whose name appears on the label, \$100.00, except that the fee for a distributor or guarantor of commercial feed that is distributed in containers of 5 pounds or less is \$25.00.

(4) A new applicant that fails to obtain a license within 30 calendar days after notification of the requirement to obtain a license, or any licensee that fails to comply with license renewal requirements by June 30, shall pay a \$50.00 late fee in addition to the license fee.

(5) License fees and late fees collected under this section shall be forwarded to the state treasurer for deposit into the fund.

(6) The director shall issue an initial or renewal license not later than 90 days after the applicant submits a complete application accompanied by the appropriate license fee. If the application is incomplete, the department shall notify the applicant within 60 days after the department receives the application.

(7) After approval by the director, a license shall be furnished to the applicant. The license shall be displayed prominently at each manufacturing facility used to manufacture commercial feed and shall be available at the principal business office or the registered office of each distributor or guarantor.

(8) A license expires on June 30. A license is not transferable from 1 person to another, from 1 owner to another, or from 1 location to another.

(9) To determine compliance with this act and rules promulgated under this act, the director may require a current licensee or an applicant for a new license to submit labels or labeling being used or intended for use with a commercial feed.

(10) The director may do 1 or more of the following:

(a) Place conditions that limit the manufacture or distribution of a particular commercial feed on the license of any person found not in compliance with this act or the rules promulgated under this act.

(b) Refuse to license an applicant, or revoke or suspend the license of any person not in compliance with this act or the rules promulgated under this act.

(11) A license shall not be refused, conditioned, revoked, or suspended until the licensee or applicant for a license is given the opportunity for a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(12) After a hearing is conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, under subsection (11), the department may revoke or refuse to issue or renew a license if any of the following occurred within the 3 years preceding the date of the license application:

(a) A previous license issued under this act to a person with an ownership or management interest in the new operation was revoked due to the adulteration of commercial feed under section 8 or a violation of section 9.

(b) The applicant, a manager employed by the applicant, or any other individual with management responsibilities for the feed manufacturing operation of the applicant was convicted of any felony involving fraud, conversion, or embezzlement.

(c) The applicant's license under the federal food, drug, and cosmetic act, registration under the bioterrorism act, 21 USC 350d, or commercial feed license in another state was revoked or canceled because of a violation of the respective act.

(13) Each distributor and guarantor holding a license that operates from a business location outside this state shall do either of the following:

(a) Continuously maintain in this state a registered office and a resident agent, which agent may be an individual resident in this state whose business office or residence is identical with the registered office, a domestic corporation or limited liability company, or a foreign corporation or limited liability company authorized to transact business in this state and having a business office identical with the registered office. The licensee shall file with the department the name, address, and telephone number of the resident agent and shall maintain and make available records required by this act.

(b) Maintain and make available to the department records required by this act and pay all costs incurred by the department in auditing the records if they are held at an out-of-state location.

(14) A license issued prior to the effective date of the amendatory act that added this subsection remains in effect until July 1, 2016, subject to revocation or suspension as otherwise provided in this act. Beginning July 1, 2016, all persons required to obtain a license under this section shall obtain a license as provided in this section.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.525 Commercial feed; labels; document for customer-formula feed; information.

Sec. 5. (1) Commercial feed shall be labeled as follows:

(a) Each container of commercial feed, except a customer-formula feed, shall be accompanied by a label with the following information in legibly printed form:

(i) The quantity statement of the contents.

(ii) The product name and brand name, if any.

(iii) The guaranteed analysis stated in those terms as the director by rule determines is required to advise the user of the composition of the feed or to support claims made in the labeling. The substances or elements must be determinable by laboratory methods such as the methods published by AOAC International.

(iv) The common or usual name of each ingredient used in the manufacture of the commercial feed. However, the director may do either or both of the following:

(A) By rule, permit the use of a collective term for a group of ingredients that perform a similar function.

(B) Exempt commercial feeds, or any group of commercial feeds, from the requirement of this subparagraph if the director finds that the information required is not in the interest of purchasers.

(v) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(vi) Directions for use for all commercial feeds containing drugs and for other feeds the director by rule requires as necessary for their safe and effective use.

(vii) Precautionary statements that the director determines by rule are necessary for the safe and effective use of the commercial feed.

(viii) If a drug product is used, both of the following:

(A) The purpose of the medication.

(B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with rules prescribed as necessary by the director.

(ix) The date of manufacture, processing, packing, or repacking, or a code that permits the determination of the date or enables the segregation of specific lots of feed if the director finds segregation is necessary for the enforcement of this act. Tag perforations, notches, and other similar markings shall not be recognized as suitable codes for the purpose of identifying specific lots of feed unless they can be translated into an alphanumeric code without the use of special tools.

(2) A commercial feed, except a customer-formula feed, distributed in bulk, shall be accompanied by a label in accordance with subsection (1), and the label shall be presented to the purchaser or the purchaser's agent or affixed to the purchaser's storage container at the time of delivery of the commercial feed.

(3) Bulk commercial feed held for further manufacturing or distribution shall be labeled in such a manner that its identity and traceability are maintained at all times.

(4) A customer-formula feed shall be accompanied by a label, invoice, delivery slip, or other shipping document that contains the following information:

(a) The name and address of the manufacturer.

(b) The name and address of the purchaser.

(c) The date of delivery.

(d) The product name.

(e) A quantity statement of the lot or lots delivered.

(f) If a drug product is used, both of the following:

- (i) The purpose of the medication.
 - (ii) The established name of each active ingredient and the level of each drug used in the final mixture expressed in accordance with rules promulgated, as necessary, by the director.
- (5) The following information related to a customer-formula feed shall be sent to the purchaser upon delivery, or within 1 business day, by electronic means, such as electronic mail or facsimile:
- (a) The quantity statement for each commercial feed and each other ingredient used in the mixture.
 - (b) Adequate directions for use for all commercial feeds containing drugs and for other feeds as necessary for their safe and effective use if required by rule.
 - (c) Precautionary statements as necessary for the safe and effective use of the commercial feed if required by rule.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.526 Inspection fee per ton; payment; filing statement of tonnage and fees; failure to comply with section; disclosure of information.

Sec. 6. (1) An inspection fee of \$0.30 per ton shall be paid on commercial feed distributed in this state by the person whose name appears on the label as the manufacturer, guarantor, or distributor, except that a person other than the manufacturer, guarantor, or distributor may assume responsibility for the inspection fee, subject to the following:

- (a) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.
- (b) A fee shall not be paid on customer-formula feed if the inspection fee is paid on the commercial feeds that are used as ingredients within the customer-formula feed.
- (c) The minimum inspection fee is \$50.00 per July 1 to June 30 annual period.
- (d) The inspection fee is \$0.15 per ton on feed ingredients that are by-products of manufacturing processes and have a moisture content equal to or greater than 60%.

(2) Each person liable for paying the inspection fee under subsection (1) shall do both of the following:

(a) File annually, by the last day of July, a statement, stating the number of tons of commercial feed distributed in this state during the preceding July 1 to June 30 period. The inspection fee and tonnage shall be reported on forms furnished or approved by the director. Payments due of less than \$5.00 are waived, and refunds of less than \$5.00 will not be processed unless requested in writing. For any report not filed with the department by the due date, a penalty of \$50.00 or 10% of the amount due, whichever is greater, shall be assessed. The assessment of this penalty fee does not prevent the department from taking other actions as provided in this act.

(b) Maintain records for 2 years to accurately indicate the commercial feed tonnage distributed in this state. The director may examine the records to verify statements of tonnage.

(3) Failure to make an accurate statement of tonnage, pay the inspection fee, or comply with this section constitutes sufficient cause for suspending a distributor license.

(4) Unless disclosure is required for the enforcement of this act, the information furnished under this section is private or nonpublic, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by an employee of the department in any manner that divulges the business operations of a licensee required by this section to make a report.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 1980, Act 338, Imd. Eff. Dec. 23, 1980;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.527 Entry and inspection of operations; powers of director; refusal to permit entry or inspection; warrant; maintenance of laboratory to analyze, test, and examine commercial feed; forwarding of results to licensee; official sample as guide in determination of deficient animal feed.

Sec. 7. (1) For the purpose of enforcing and determining compliance with this act, including whether or not any operations are subject to this act, the director may do 1 or more of the following:

(a) Enter, during normal business hours, any factory, warehouse, or any other establishment within this state in which commercial feeds or noncommercial feeds are stored, manufactured, or held for distribution or enter any vehicle being used to transport or hold the commercial or noncommercial feeds.

(b) Inspect at reasonable times and within reasonable limits and in a reasonable manner any factory, warehouse, or any other establishment or vehicle and all pertinent equipment, finished and unfinished commercial or noncommercial feeds or feed ingredients, containers, and labeling therein. A noncommercial feed inspection shall be with permission and based on cause. The inspection may include sampling of feed and feed ingredients and the verification of only the records and production and control procedures as are necessary to determine compliance with this act.

(c) Enter any vehicle of transport during regular business hours to access and obtain samples, and examine records relating to distribution of feed for the enforcement of this act. Subject to subsection (2), entry upon farm premises shall not be made without permission of the landowner or the operator of the farm and based on cause.

(2) If the owner of any factory, warehouse, or establishment described in subsection (1), or the owner's agent, refuses permission to enter or inspect in accordance with subsection (1), the director may obtain from any state court a warrant directing the owner or owner's agent to submit the premises described in the warrant to inspection.

(3) The director may maintain a laboratory with equipment and personnel necessary to effectively analyze, test, and examine commercial feeds subject to this act and the rules promulgated under this act. Sampling and analysis shall be conducted in accordance with methods published by AOAC International or in accordance with other generally recognized methods.

(4) The results of official analyses of all samples of animal feed found to be in violation of this act or the rules promulgated under this act shall be forwarded to the licensee. The owner or agent from the place of sampling may request a copy of the official results. The licensee may request a portion of a sample if the request is made not more than 60 days after the date of receipt of the analysis report.

(5) The director, in determining for administrative purposes whether an animal feed is deficient in any component, shall be guided by the official sample.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.528 Commercial feed or material considered to be adulterated.

Sec. 8. A commercial feed or material described in section 3(g)(i) to (vi) shall be considered to be adulterated if any of the following conditions exist:

(a) It bears or contains any poisonous or deleterious substance that may render the feed injurious to health. However, if the substance is not an added substance, the commercial feed is not considered adulterated under this section if the quantity of the substance does not ordinarily render the commercial feed injurious to health.

(b) It bears or contains any added poisonous, added deleterious, or added nonnutritive substance that is unsafe under 21 USC 346a, except for the following:

(i) A pesticide chemical in or on a raw agricultural commodity.

(ii) A food additive.

(c) It bears or contains a pesticide chemical residue that is unsafe under 21 USC 346a(a).

(d) It is, or it bears or contains, any food additive that is unsafe under 21 USC 348.

(e) It is, or it bears or contains, a new animal drug, or conversion product thereof, that is unsafe under 21 USC 360b.

(f) It is, or it bears or contains, any color additive that is unsafe under 21 USC 379e.

(g) It consists in whole or in part of any filthy, putrid, or decomposed substance or it is otherwise unfit for feed.

(h) It has been prepared, packed, held, or transported under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

(i) It is, in whole or in part, the product of a diseased animal or of an animal that has died other than by slaughter, which is unsafe under 21 USC 342(a)(1) or (2).

(j) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to 21 USC 348.

(l) It is, or it bears or contains, any substance prohibited from use in animal food or feed as provided in 21 CFR 589.

(m) It contains viable prohibited or restricted noxious weed seeds in amounts exceeding the limits established by rule.

(n) It is inferior or is damaged, and the inferiority or damage has been concealed.

(o) Any substance has been added or mixed or packed with it so as to deceptively increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is.

(p) Any valuable constituent has been in whole or in part omitted or abstracted from the feed or any less valuable substance is substituted within the feed.

(q) Its composition or quality falls below or differs from that purported or represented on its label.

(r) It contains a drug defined as a veterinary feed directive in 21 CFR 558.3 and does not conform to the requirements of 21 CFR 558.6.

(s) It contains a drug and the methods used in or the facilities or controls used for its manufacture,

processing, packing, or holding do not conform to rules promulgated by the director to assure that the drug meets the requirement of this act as to safety and has the purported or represented identity, strength, quality, and purity.

(t) It violates current good manufacturing practice regulations under 21 CFR 225.1 to 225.202 for medicated feeds and for medicated premixes, regulations under 21 CFR 226.1 to 226.115.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 1976, Act 236, Imd. Eff. Aug. 4, 1976;—Am. 2015, Act 83, Eff. Oct. 1, 2015

287.529 Commercial feed considered to be misbranded.

Sec. 9. A commercial feed is considered to be misbranded and in violation of this act if any of the following occur:

- (a) Its labeling is false or misleading in any particular.
- (b) It is distributed under the name of another commercial feed.
- (c) It is not labeled as required under section 5.

(d) It purports to be or is represented as a commercial feed, or it purports to contain or is represented as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the definition prescribed by rule by the director.

(e) A word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed on the commercial feed with the conspicuousness as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.530 Recall of adulterated or misbranded commercial feed; notification.

Sec. 10. A manufacturer that voluntarily recalls a commercial feed that has been introduced into channels of trade beyond its control, and that supports the conclusion that the feed processed by the manufacturer is adulterated or misbranded in a manner that creates an unreasonable risk to animals or to the public health, shall immediately notify the director of the recall and the reasons for the recall. The notification may be oral if it is followed by a written notice to the director. Information or a statement exclusively derived from notification required under this section, except for information contained in records required to be maintained under this act, shall not be used as evidence in a proceeding brought against the person pursuant to this act with respect to a violation of law occurring prior to or concurrently with the notification. The notification required by this section shall contain a clear description of the adulterated or misbranded feed, an evaluation of the risk related to the feed, and a statement of the measures to be taken to protect animals or the public from the risk.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.531 Rules.

Sec. 11. The director may promulgate rules necessary to implement this act.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

Administrative rules: R 285.505.1 and R 285.635.1 et seq. of the Michigan Administrative Code.

287.532 Implementation of act; agreements; reports.

Sec. 12. (1) The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations to implement this act.

(2) The director may publish a report of gross tonnage of feed sold or distributed in this state annually or more often as may be desirable.

(3) The director may annually publish a report of official sample analyses results of commercial feed sold within this state as compared with the analyses guaranteed on each respective product label.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.533 Manufacture or distribution of commercial feed; requirements.

Sec. 13. A person manufacturing or distributing commercial feed shall comply with all of the following:

(a) The "AAFCO Model Good Manufacturing Practice Regulations for Feed and Feed Ingredients" as published within the AAFCO official publication, which is hereby incorporated by reference. These regulations apply in determining whether a commercial feed meets either of the following:

- (i) Is adulterated within the meaning of section 8.
- (ii) Has been produced, prepared, packed, or held under unsanitary conditions through which it may have

become contaminated with filth or rendered unwholesome or unsafe to animal or public health.

(b) The requirements in 21 CFR 558.6 for a veterinary feed directive drug as defined in 21 CFR 558.3.

(c) The requirements in 21 CFR 589.1 to 589.2001 for prohibited mammalian protein.

(d) The following requirements of manufacturing or distributing commercial feeds containing drugs:

(i) The regulation prescribing good manufacturing practices for type B and type C medicated feeds in 21 CFR 225.1 to 225.202.

(ii) The regulations prescribing good manufacturing practices for type A medicated articles in 21 CFR 226.1 to 226.115.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.534 Prohibited acts.

Sec. 14. A person shall not do or shall not cause any of the following:

(a) Manufacture or distribute any commercial feed that is adulterated or misbranded.

(b) Adulterate or misbrand any commercial feed.

(c) Distribute agricultural commodities such as whole grain, whole seed, hay, straw, stover, silage, cobs, and husks, that are adulterated within the meaning of section 8. Upon prior approval by the director, commodities described in this subdivision may be distributed if reworked to acceptable levels for safe use to be fed to animals.

(d) Remove or dispose of, without authorization from the director, commercial feed subject to a seizure order.

(e) Fail or refuse to obtain a license required under section 4.

(f) Fail to make records available, furnish reports, permit the examination of records, or pay an inspection fee as required under section 6.

(g) Refuse, or cause another person to refuse, to permit entry, inspection, sampling, or examination and copying of production and distribution records and production and control procedures authorized under section 7.

(h) Provide false information in a matter pertaining to this act or resist, impede, or hinder the director or authorized representatives in the discharge of their duties.

(i) Violate section 16(8).

(j) Violate a rule promulgated under section 11.

(k) Reuse bags, totes, or other containers for commercial feeds, including customer-formula feeds, unless the container is in, on, or upon a portable device and can be filled without entering the manufacturing facility. Containers that have been used to directly feed livestock, such as tubs, troughs, licks, or other containers, shall not be refilled with feed.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.535 Administrative orders; correction of violation; costs; damages; finding of nuisance; storage of seized commercial feed as risk to animal or human health; "nuisance" defined.

Sec. 15. (1) The following administrative orders may be issued by the director to enforce this act:

(a) A cease order in compliance with this subdivision. When the director has probable cause to believe that a commercial feed operation is manufacturing or distributing adulterated or misbranded feed or fails to comply with this act or any of the rules promulgated under this act, the director may at any time order the responsible party to cease manufacturing or distributing commercial feed entirely or with limitations. The cease order may be either oral or written and shall inform the manufacturer, distributor, or other seller of the reason for the order. An oral cease order shall be followed by a written cease order as follows:

(i) Upon receipt of the cease order, the responsible party shall immediately comply with the order. Failure to comply subjects the responsible party to the penalties imposed under section 16.

(ii) The director shall rescind the cease order immediately upon being satisfied by inspection that the order has been complied with. An inspection may be conducted as soon as possible at the oral or written request of the responsible party. The rescission may be oral, and the responsible party may rely on the oral rescission. However, an oral rescission shall be followed by a written rescission.

(b) A seizure order in compliance with this subdivision. When necessary for the enforcement of this act, the director may seize without formal warrant any commercial feed being distributed in violation of this act or rules promulgated under this act as follows:

(i) The director may issue and enforce a written seizure order when the director finds or has probable cause to believe that commercial feed is unlicensed, adulterated, or misbranded, fails to meet guarantees, or is being distributed in violation of this act or rules promulgated under this act. When the director issues a seizure order, the distributor must hold the lot of commercial feed at the location where the seizure order was issued

and not dispose of the lot of commercial feed in any manner until permission is given by the director.

(ii) The director shall release the lot of seized commercial feed when this act and the rules promulgated under this act have been complied with. If compliance is not obtained within 30 days, the director may, or, upon request of the licensee, shall, begin administrative proceedings for disposal or other use of the commercial feed.

(c) An embargo order in compliance with this subdivision. If the director finds or has probable cause to believe that any commercial feed is adulterated or misbranded or poses a threat to animal or human health, the director may issue an embargo order on the commercial feed product. A person shall not remove or dispose of the commercial feed that is subject to an embargo order until permission for removal or disposal is given by the director or a court of competent jurisdiction.

(2) If proper processing or relabeling will correct a violation of this act, the commercial feed may be delivered to the licensee for processing or relabeling under the supervision of the director.

(3) A licensee that is not in compliance with this act is responsible for all costs incurred in reprocessing or relabeling the commercial feed intended to correct the violation and is responsible for all costs involved in the transportation and disposal of any commercial feed not in compliance with this act. Disposal shall be in a manner consistent with the quality of the commercial feed and the laws of this state.

(4) A court shall not allow the recovery of damages by a person against whom an administrative action was brought resulting in an order requiring seizure or embargo of commercial feed if the court finds that there was probable cause for the action or order.

(5) If the director finds any adulterated feed that the director declares to be a nuisance, the director shall immediately condemn, destroy, or in any other manner render the feed unsaleable as commercial feed. If adulterated or misbranded feed is a nuisance or is fraudulent and requires the director's supervision, or if the feed establishment requests the supervision of the director for sorting, destruction, reconditioning, or other disposition, the feed establishment that is in possession of the feed at the time of the seizure or embargo is liable for the costs of that supervision.

(6) If storage of seized commercial feed is not possible without risk to animal or human health, the director shall order immediate destruction of the feed to be accomplished without delay by the owner, operator, or person in charge of the feed establishment. The feed shall be destroyed as specified in the order for destruction.

(7) As used in this section, "nuisance" means animal feed that is adulterated to the extent that it constitutes an impending danger to the health, safety, or welfare of humans or animals.

History: 1975, Act 120, Imd. Eff. June 26, 1975;—Am. 2015, Act 83, Eff. Oct. 1, 2015.

287.536 Violation of act or rules; administrative fine; warning; penalty; injunction; protection of information as trade secret; civil action; affirmative defense; liability; restitution.

Sec. 16. (1) A person that violates this act or rules promulgated under this act is subject to the penalties and remedies provided in this act regardless of whether the person acted alone or through an employee or agent.

(2) Upon a finding by the director, after notice and an opportunity for an administrative hearing, that a person has violated or attempted to violate this act or a rule promulgated under this act, the director may impose an administrative fine of not more than \$1,000.00 for each violation or attempted violation.

(3) If the director finds that a violation or attempted violation has occurred despite the exercise of due care or did not result in significant harm to human or animal health or the environment, or if the director believes the public interest will best be served, the director may issue a warning instead of imposing an administrative fine.

(4) The director shall advise the attorney general of the failure of a person to pay an administrative fine imposed under this section. The attorney general shall bring an action in a court of competent jurisdiction to recover the administrative fine.

(5) A person that violates or attempts to violate this act or a rule promulgated under this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00, or both, for each violation or attempted violation, in addition to any administrative fines imposed.

(6) A person that knowingly and with malicious intent violates or attempts to violate this act or a rule promulgated under this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$25,000.00, or both, for each offense.

(7) The director may bring an action to enjoin a violation or threatened violation of this act or a rule promulgated under this act in a court of competent jurisdiction in the county in which the violation occurs or is about to occur.

(8) A person that uses to his or her own advantage or reveals to a person, other than the director, officers of the department, the attorney general, or the department of treasury, or the courts when relevant in any judicial

proceeding, any information acquired under this act concerning any method, record, formulation, or process that as a trade secret is entitled to protection, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days and shall be fined not less than \$500.00. This prohibition does not prohibit the director from exchanging information of a regulatory nature with appointed officials of the United States government, or of other states, who are similarly prohibited by law from revealing this information.

(9) The attorney general may file a civil action for a violation of this act. A person that violates this act or a rule promulgated under this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation or attempted violation. In addition, the attorney general may bring an action in circuit court to recover the reasonable costs of the investigation from any person that violated this act or attempted to violate this act. Money recovered under this subsection shall be forwarded to the state treasurer for deposit into the fund.

(10) As an affirmative defense of an action filed under this section, in addition to any other lawful defense, a person may present evidence that, at the time of the alleged violation or attempted violation, the person was in compliance with this act and the rules promulgated under this act.

(11) A person that violates this act is liable for all damages sustained by a purchaser of a product sold in violation of this act. In an enforcement action, a court, in addition to other remedies or penalties provided by law, may order restitution to a person injured by the purchase of a product sold in violation of this act.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015.

287.537 Feed control fund.

Sec. 17. (1) The feed control fund is created within the state treasury.

(2) The state treasurer shall receive for deposit in the fund all fees, administrative or civil fines, and payments for the costs of investigations incurred by the director collected under this act. In addition, the state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The director shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) The administration and enforcement of this act.

(b) Training programs and outreach and educational materials to ensure the proper use and handling of animal feed.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015.

287.538 Actions by local unit of government.

Sec. 18. (1) Except as otherwise provided in this section, this act preempts any local ordinance, regulation, or resolution that would in any manner duplicate, extend, revise, contradict, or conflict with the provisions of this act. Except as otherwise provided in this section, a local unit of government shall not adopt, maintain, or enforce an ordinance, regulation, or resolution that in any manner duplicates, extends, revises, contradicts, or conflicts with this act.

(2) If a local unit of government is under contract with the department to act as its agent or the local unit of government has received prior written authorization from the department, that local unit of government may adopt an ordinance that is identical to this act and rules promulgated under this act, except as prohibited in subsection (6). The local unit of government's enforcement response for a violation of the ordinance that involves the manufacturing, storage, distribution, sale, or agricultural use of products regulated by this act is limited to issuing a cease order in the manner prescribed in section 15.

(3) A local unit of government may adopt an ordinance prescribing standards different from those contained in this act and rules promulgated under this act and that regulates the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act only under either or both of the following circumstances:

(a) The local unit of government has determined that unreasonable adverse effects on the environment or public health will otherwise exist within the local unit of government, taking into consideration specific populations within that local unit of government whose health may be adversely affected.

(b) The local unit of government has determined that the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act within that unit of government has resulted or will result in the violation of other existing state or federal laws.

(4) An ordinance adopted under subsection (2) or (3) shall not conflict with existing state laws or federal laws. An ordinance adopted under subsection (3) shall not be enforced by a local unit of government until approved by the commission. The commission shall provide a detailed explanation of the basis of a denial within 60 days.

(5) Within 60 days after the legislative body of a local unit of government submits to the department a resolution identifying unreasonable adverse effects on the environment or public health as provided for in subsection (3)(a), the director shall hold a local public meeting to determine the nature and extent of unreasonable adverse effects on the environment or public health due to the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act. Within 30 days after the local public meeting, the director shall issue a detailed opinion regarding the existence of unreasonable adverse effects on the environment or public health as identified by the resolution of the local unit of government.

(6) The director may contract with a local unit of government to act as its agent for the purpose of enforcing this act and the rules promulgated under this section. The director has sole authority to assess fees and license fees manufacturers and distributors.

(7) A local unit of government that adopts an ordinance under subsection (2) or (3) shall require persons enforcing the ordinance to comply with training and enforcement requirements determined appropriate by the director.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015.

287.539 Actions by director to facilitate continued access to market.

Sec. 19. To facilitate continued access to markets for feed and feed ingredients, the director may do 1 or more of the following:

(a) At the request of a licensee or based upon records voluntarily supplied by a licensee, inspect, audit, or certify locations where feed regulated under this act is stored or business records are kept.

(b) Issue certificates pursuant to subdivision (a), including, but not limited to, certificates of export from this state.

(c) Promulgate rules to inspect, audit, or certify and issue certificates pursuant to this section.

(d) Include a schedule of fees that addresses all activities required under this section. The schedule of fees shall not duplicate those provided in other sections of this act.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015.

HUMANE SLAUGHTER OF LIVESTOCK **Act 163 of 1962**

AN ACT to require humane methods of slaughter of livestock; to prescribe the powers and duties of the director of agriculture; and to fix penalties for violations.

History: 1962, Act 163, Eff. Mar. 28, 1963.

The People of the State of Michigan enact:

287.551 Humane slaughter of livestock; definitions.

Sec. 1. As used in this act:

- (a) "Director" means the director of agriculture.
- (b) "Person" means any individual, partnership, corporation or association doing business in this state, in whole or in part.
- (c) "Slaughterer" means any person regularly engaged in the commercial slaughtering of livestock.
- (d) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats and any other animal which can or may be used in and for the preparation of meat or meat products.
- (e) "Packer" means any person engaged in the business of slaughtering, or of manufacturing or preparing meat or meat products for sale, either by such person or others; or of manufacturing or preparing livestock products for sale by such person or others.
- (f) "Stockyard" means any place, establishment or facility commonly known as a stockyard, conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, and their appurtenances, for the handling, keeping and holding of livestock for the purpose of sale or shipment.
- (g) "Humane method" means either: (1) A method whereby the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or (2) a method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

History: 1962, Act 163, Eff. Mar. 28, 1963.

287.552 Humane slaughter of livestock; methods prohibited.

Sec. 2. No slaughterer, packer or stockyard operator shall shackle, hoist or otherwise bring livestock into position for slaughter by any method which shall cause injury or pain.

History: 1962, Act 163, Eff. Mar. 28, 1963.

287.553 Humane slaughter of livestock; exemptions.

Sec. 3. No slaughterer, packer or stockyard operator shall bleed or slaughter any livestock except by a humane method. The director, by administrative order, may exempt from compliance with this act, for a period not to exceed 1 year after the effective date of this act, any slaughterer, packer or stockyard operator if he finds that an earlier compliance would cause such person an undue hardship.

History: 1962, Act 163, Eff. Mar. 28, 1963.

287.554 Ritual slaughter.

Sec. 4. Nothing in this act shall be construed to prohibit, abridge or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this act, ritual handling or other preparation of livestock for ritual slaughter are exempted from the terms of this act. For the purposes of this section, the term "ritual slaughter" means slaughter in accordance with subsection (g) of section 1. To conform with the provisions and intent of this act, animals not previously rendered insensible, and to be slaughtered in accordance with a humane method as defined in subsection (g) of section 1, shall be slaughtered immediately following total suspension from the floor.

History: 1962, Act 163, Eff. Mar. 28, 1963.

287.555 Rules and regulations; inhumane methods.

Sec. 5. The director shall administer the provisions of this act. He shall promulgate and may from time to time revise rules and regulations in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, which shall conform substantially to the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the federal humane slaughter act of 1958, Public Law 85-765, 72 Stat. 862, and any

amendments thereto. The use of a manually operated hammer, sledge or poleax is declared to be an inhumane method of slaughter within the meaning of this act.

History: 1962, Act 163, Eff. Mar. 28, 1963.

287.556 Violation of act; penalty.

Sec. 6. Any person who violates any provision of this act shall be guilty of a misdemeanor.

History: 1962, Act 163, Eff. Mar. 28, 1963.

**SLAUGHTERHOUSES; EDIBLE RENDERING, WHOLESALE FABRICATING, PROCESSING,
OR STORAGE ESTABLISHMENTS
Act 280 of 1965**

287.571-287.582 Repealed. 2015, Act 210, Eff. Mar. 14, 2016.

BEEF INDUSTRY COMMISSION ACT
Act 291 of 1972

AN ACT relating to bovine meat animals; to create a beef promotion, consumer marketing, industry information, research and education program; to prescribe the powers and duties of the governing commission; to prescribe the method of obtaining moneys to implement and administer the provisions of the act; to provide for penalties; and to provide for termination of the program.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972.

The People of the State of Michigan enact:

287.601 Short title.

Sec. 1. This act shall be known and may be cited as the “beef industry commission act”.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972.

287.602 Definitions.

Sec. 2. As used in this act:

(a) “Cattle” means ruminating and nonruminating bovine animals sold for slaughter, ruminating and nonruminating bovine animals produced in this state to be fed for slaughter, and ruminating and nonruminating bovine animals to be fed for slaughter and sold in this state more than 30 days after arrival in this state.

(b) “Commission” means the state beef industry commission.

(c) “Department” means the state department of agriculture.

(d) “Person” means a natural person, partnership, corporation, company, association, society, or trust, or other business unit or organization.

(e) “Market agency” means a person, including a producer, who sells, offers for sale, markets, distributes, trades, or processes cattle which have been purchased or acquired from a producer or other, or which is marketed on behalf of a producer, and includes meat packing firms and their agents which purchase or consign to purchase cattle. The owner or operator of a livestock sales yard is the exclusive market agency for sales made at that yard.

(f) “Producer” means a person who raises or feeds cattle for market.

(g) “Director” means the director of the state department of agriculture.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1983, Act 154, Imd. Eff. July 18, 1983.

287.603 Commission; creation; appointment, qualifications, and terms of members; lists.

Sec. 3. (1) The state beef industry commission is created within the department. The commission shall be composed of 11 members, 2 of whom shall be ex officio and without vote. The following voting members shall be appointed by the governor with the consent of the senate for terms of 3 years:

(a) Two members engaged in the raising, breeding, or growing of cattle or calves for beef production.

(b) Three members engaged in the feeding of cattle for beef production.

(c) One member engaged as a dairyman in the production of fluid milk.

(d) One member who is an executive of a meat packing company which purchases cattle and processes beef.

(e) One member engaged in the operation of a public livestock marketing firm.

(f) One member engaged in retail sales of beef.

(2) One ex officio member shall be selected by the director and 1 by the chairperson of the animal science department of Michigan state university.

(3) The governor shall select a minimum of 2 of the members engaged in the feeding of cattle for beef production from a list submitted by the Michigan cattlemen's association, inc. The list submitted shall contain twice the number of names required to fill the available positions. The governor shall solicit similar lists of qualified candidates for other commission vacancies from appropriate industry organizations.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1983, Act 154, Imd. Eff. July 18, 1983;—Am. 1984, Act 143, Imd. Eff. June 21, 1984.

287.604 Commission; duties; compensation; personnel; contracts; appropriations; rules.

Sec. 4. (1) The commission shall:

(a) Annually elect a chairperson, secretary, and treasurer from the members of the commission.

(b) Meet not less often than once each calendar quarter and at any other time as set by the chairperson or

requested by 4 or more members.

(c) Receive and distribute funds, and make arrangements for financial affairs for these purposes including banking, accounting, and other services as needed.

(d) Prepare an annual report that shall include a full description of all activities of the commission including a detailed financial statement certified by the auditor general or a certified public accountant appointed by the auditor general. The report shall be given to the governor and the director and made available to the affected producers.

(2) Voting members of the commission shall receive \$50.00 per day for each day spent in actual attendance at meetings of the commission and on other official activities approved by the commission, together with travel expense in accordance with standard travel regulations of the department of management and budget.

(3) The commission may employ personnel and enter into other contracts as necessary to carry out the commission's duties.

(4) The commission may make annual appropriations to the national livestock and meat board of not more than 50% of the money collected under this act.

(5) The commission may adopt procedures and promulgate rules necessary for the exercise of powers and the performance of duties under this act. The rules shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1976, Act 238, Imd. Eff. Aug. 4, 1976;—Am. 1983, Act 154, Imd. Eff. July 18, 1983.

287.605 Purposes and objectives of commission's program.

Sec. 5. The program created and organized by this act is the state beef industry commission. The purposes and objectives of the commission's program may include but shall not be limited to:

(a) The promotion of the sale, use of beef and beef products in this state.

(b) The support of the beef promotion, research, education, consumer marketing and other activities of the national livestock and meat board.

(c) Conducting or contracting with an accredited university, college or other institution for scientific research on any or all phases of beef production and marketing or promotion.

(d) Dissemination of reliable information benefiting the consumer and the beef industry on such subjects as purchase, pricing, identification, care, cookery, serving, nutritive and economic value of beef and beef products.

(e) Functioning in a liaison capacity between the beef industry and other food industry of the state in matters which ultimately benefit both consumers and industry.

(f) Aiding in the development of practices within the industry tending to improve the quality of the air and waters of the state.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972.

287.606 Assessments; collection; records; report; duties of market agency; commission expenses.

Sec. 6. (1) The commission may make an assessment of not more than 1/10 of 1% of gross receipts from sale of all cattle raised or fed in the state and shall impose the assessment upon all producers. The assessment collected from each producer shall be used to defray the commission's program and administrative costs.

(2) All market agencies shall keep as a part of the permanent records a record of all purchases and sales which records shall be open for inspection at all times.

(3) Market agencies shall collect the assessments from the producers at no cost to the commission. Assessments collected by a market agency from a producer shall be held in trust for the commission in a separate account until transferred to the commission. The market agency is the trustee of the assessments until the transfer.

(4) Each market agency shall file a report with the commission stating the quantity of cattle received, sold, or shipped by the market agency on forms approved by the director and provided by the commission. The report prepared by the market agency shall be due at least once a month. With the filing of the report, the market agency shall pay to the commission the assessment provided for in this act. A producer who functions as a market agency shall be responsible for remitting assessment payments on that producer's own production of cattle.

(5) Except as otherwise provided in this subsection, the operational and administrative expenses of the commission shall be paid entirely by assessments collected under this act. Other state funds may be appropriated for expenses of a program under section 5. The commission may accept and expend money from

sources other than state appropriations for achieving the purposes of section 5.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1983, Act 154, Imd. Eff. July 18, 1983.

287.607 Failure to file report or pay assessment or falsification of information as misdemeanor; penalty; order to pay assessment; interest on unpaid assessment.

Sec. 7. (1) A market agency or a producer which fails to file a report or to pay an assessment or which falsifies an affidavit, record, receipt, voucher, or other information required to be maintained by this act is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both. However, an offending party shall be allowed 30 days after an order to pay an assessment within which to pay the assessment. A penalty for a violation of this act shall not be imposed before this 30-day period expires.

(2) If an assessment is not paid when due, the assessment shall be subject to an 18% annual interest charge.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1983, Act 154, Imd. Eff. July 18, 1983.

287.608 Enforcement of act; reimbursement.

Sec. 8. Employees and agents of the department shall enforce this act. The commission shall reimburse the department in the enforcement of the act. Such funds received by the department are appropriated for the department's use.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972.

287.609 Exemption of assessments prohibited; referendum; petition; ballots; costs; termination of programs; payment of debts; disposition of unexpended or unencumbered funds.

Sec. 9. (1) An exemption shall not be made of an assessment required to be imposed under this act.

(2) After the first 5 full calendar years of operation the commission shall conduct a referendum to determine if the program shall be continued. The program shall be terminated only if, in a referendum, more than 50% of the affected producers who pay more than 50% of the assessments vote in favor of the program's termination.

(3) Upon written petition signed by 500 of the producers affected by the program during the previous calendar year, the director, within 100 days, shall conduct a referendum to determine if the marketing program shall be terminated. A program shall be terminated only if more than 50% of the affected producers who pay more than 50% of the assessments vote in favor of its termination.

(4) In a referendum, the director shall mail a ballot to each affected producer of record. Ballots shall also be made available through livestock sales yards, extension offices, and the commission upon request.

(5) The commission shall pay the costs of conducting a referendum.

(6) Upon termination of the program, the commission shall assure payment of all debts incurred by the program. Unexpended or unencumbered funds remaining in the account of the commission at the time of termination shall be paid into the state general fund.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972;—Am. 1976, Act 238, Imd. Eff. Aug. 4, 1976;—Am. 1978, Act 284, Imd. Eff. July 6, 1978;—Am. 1983, Act 154, Imd. Eff. July 18, 1983.

287.609a Veal producers; assessment; “veal” defined.

Sec. 9a. (1) Veal producers who pay an assessment of at least 1/10 of 1% of gross receipts under a veal marketing program pursuant to Act No. 232 of the Public Acts of 1965, being sections 290.651 to 290.674 of the Michigan Compiled Laws, are exempt from this act.

(2) For the purposes of this section, “veal” means nonruminating bovine animals raised entirely on a formulated milk-soymilk ration.

History: Add. 1983, Act 154, Imd. Eff. July 18, 1983.

287.610 Falsification of affidavits, records, receipts, or information.

Sec. 10. A person who falsifies any affidavit, record, receipt, voucher or any information required to be maintained by this act is guilty of a misdemeanor.

History: 1972, Act 291, Imd. Eff. Oct. 30, 1972.

BODIES OF DEAD ANIMALS **Act 239 of 1982**

AN ACT to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

The People of the State of Michigan enact:

287.651 Meanings of words and phrases.

Sec. 1. For the purposes of this act, the words and phrases defined in sections 3 and 4 have the meanings ascribed to them in those sections.

History: 1982, Act 239, Eff. Oct. 1, 1982.

287.653 Definitions; A to F.

Sec. 3. (1) "Active composting" means the accelerated decomposition of organic materials leading primarily to the production of carbon dioxide, water, heat, and compost.

(2) "Aeration" or "aerate" means the introduction of air into compost by using porous bulking agents, agitating, turning, mixing, forcing air through open ended perforated pipes embedded in compost, or other method provided for by rule.

(3) "Anaerobic digester" means a system designed to facilitate the production of methane from anaerobic microbial digestion of animal or food waste, including dead animals.

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

(5) "Animal food manufacturing plant" means an establishment at which animal or pet food is produced through the slaughtering, boning, grinding, cooking, canning, or freezing of dead animals.

(6) "Batch" means compost accumulated in a planned period of time.

(7) "Biofilter cap" means a layer of fresh bulking agent placed over a pile.

(8) "Bulking agent" means a material added to compost to provide nutrients, decrease bulk density, promote aeration, and remove heat.

(9) "Compost leachate" means any liquid leaving compost by running off of the surface of the pile or flowing downward through the pores of the pile.

(10) "Composting structure" means a structure designed and built for the sole purpose of composting organic material and dead animals.

(11) "Curing" means the period of time after active composting when further decomposition occurs at a slow rate.

(12) "Dead animals" means restaurant grease and the bodies, any part of the bodies, or any material produced from the bodies of animals that have been slaughtered or have died from any other cause and are not intended for human food. Dead animals do not include a finished product that has been processed by an approved method.

(13) "Dead animal dealer" means a person that procures and transports dead animals to or from a facility licensed under this act.

(14) "Decharacterize" means a procedure that renders dead animals unfit for human consumption.

(15) "Denature" means a procedure that imparts a distinctive color, odor, or taste to dead animals so that the bodies are unfit for human consumption or cannot be used for animal or pet food unless properly rendered.

(16) "Department" means the department of agriculture.

(17) "Director" means the director of the department of agriculture or his or her authorized representative.

(18) "Effluent" means any liquid leaving compost by running off the surface of the pile and flowing downward through the pores of the pile.

(19) "Facility" means any of the following:

(a) An animal food manufacturing plant.

(b) A rendering plant.

(c) A transfer station.

(20) "Fresh" means bulking agents of plant origin that have not been mixed with any animal tissue, product, or excrement and have limited odor-producing potential.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005;—Am. 2008, Act 311, Imd. Eff. Dec. 18, 2008.

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287.654 Definitions; G to T.

Sec. 4. (1) "Grinding" means the mechanical reduction of intact or whole animal tissues into smaller pieces.

(2) "Groundwater" means that term as defined in section 8303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8303.

(3) "Normal natural daily mortality" means dead animals generated as a result of the ordinary death loss or tissue by-product accumulations associated with or as a result of the day-to-day operations of raising, keeping, and harvesting animals.

(4) "Person" means an individual, partnership, corporation, limited liability company, cooperative, association, joint venture, or other legal entity or 2 or more entities in contractual relationships.

(5) "Pile" means the mass or mound of compost within the forms of an open-pile, contained-pile within bin, or open-windrow.

(6) "Rendering plant" means an establishment for the reduction by cooking or processing of dead animals to tallow and meat scrap, cracklings, or other items unfit for human consumption.

(7) "Restaurant grease dealer" means a person who procures and transports cooking grease wastes from a restaurant.

(8) "Static" means a compost pile that is left to stand motionless or idle and does not include a rotating drum in-vessel compost digester.

(9) "Transfer station" means an establishment for the collection of dead animals that are to be transported to a facility licensed either under this act or the Michigan commercial feed law, 1975 PA 120, MCL 287.521 to 287.535.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.657 Establishment of business without license prohibited; exemptions; transportation of officially quarantined dead animals on public highway; permit; rules.

Sec. 7. (1) Except as provided in section 9, a person shall not establish any of the following as a business without obtaining a license under this act:

- (a) An animal food manufacturing plant.
- (b) A dead animal dealer.
- (c) A transfer station.
- (d) A rendering plant.

(2) Notwithstanding any other provision of this act, a person shall not transport a dead animal on a public highway if the animal has been officially quarantined by the director. The director may issue a permit for the transport of animals officially quarantined by the director under special security rules promulgated by the department.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.659 License; exemptions.

Sec. 9. All of the following are exempt from obtaining a license under this act:

(a) A restaurant grease dealer who is licensed under part 121 (liquid industrial wastes) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.12101 to 324.12118 of the Michigan Compiled Laws.

(b) A landfill that is licensed by the department of natural resources under part 115 (solid waste management) of Act No. 451 of the Public Acts of 1994, being sections 324.11501 to 324.11549 of the Michigan Compiled Laws.

(c) A person, and any vehicle used by a person, who is licensed under Act No. 173 of the Public Acts of 1953, being sections 287.401 to 287.409 of the Michigan Compiled Laws.

(d) A person who is licensed under the Michigan commercial feed law, Act No. 120 of the Public Acts of 1975, being sections 287.521 to 287.535 of the Michigan Compiled Laws, who manufactures or processes only decharacterized or denatured dead animals.

(e) A person and any vehicle that is used by a person to transport dead animals, as follows:

- (i) To a laboratory for diagnosis.
- (ii) To an incinerator approved by state and local authorities.
- (iii) To a licensed facility, by the original owner of the animal at the time of the animal's death.

(iv) Dead animals that have been released by authorized meat inspection personnel for educational or research purposes.

(v) Dead animals that are naturally unfit for human consumption, including but not limited to, hoofs, horns,

and hides in their natural state.

(vi) For use in preparing pharmaceutical, organotherapeutic, or technical products and not for use as human food.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1996, Act 65, Imd. Eff. Feb. 26, 1996.

287.661 Application for license; form; filing; fee; renewal; application of dead animal dealer license; specification of destination; annual license application fee; issuance or denial of license; inspection; standards; license fee not returnable.

Sec. 11. (1) An application for a license, in a form prescribed by the department, shall be filed with the department and accompanied by the annual license application fee as provided in subsection (3).

(2) A person shall apply to renew a license to the department on or before September 30 for the next fiscal year. Applications for renewal of a license required by this act for a facility or vehicle are delinquent 31 days after the due date, and a delinquent fee of \$25.00 shall be assessed in addition to the appropriate license application renewal fee. All money collected under this section shall be appropriated to the department and expended to administer this act.

(3) The application for a dead animal dealer license shall specify the destinations of the dead animals, which shall be a facility licensed in this or another state. If the destination is a facility licensed in another state, the applicant shall include a certified copy of the license for that facility with the application.

(4) The annual license application fee is as follows:

- (a) For a rendering plant..... \$ 375.00
- (b) For an animal food manufacturing plant..... \$ 200.00
- (c) For a dead animal dealer..... \$ 100.00
- (d) For a transfer station..... \$ 100.00
- (e) For each vehicle used to transport dead animals..... \$ 25.00

(5) Within a reasonable period of time after receipt of a license application, the director shall inspect the facility or vehicle. If the director determines that the facility or vehicle that is to be utilized under a license conforms to standards prescribed by this act and rules promulgated under this act, the director may issue a license. The application for a license may be denied if standards established in this act or by rules promulgated under this act are not met.

(6) The department shall not return a license fee or portion of a license fee to an applicant regardless of whether a license is issued or denied.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.663 License denial; notice; hearing; request for second inspection.

Sec. 13. (1) The department shall notify an applicant of the reasons for a license denial. The notice shall specify the deficiencies that must be corrected in order for a license to be issued. The applicant shall be afforded an opportunity for a hearing on the denial.

(2) Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department shall not make more than 2 inspections of the same facility or vehicle per application.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.665 Rules.

Sec. 15. The department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding the following:

- (a) The construction and operation of a facility licensed under this act.
- (b) Vehicles used for the transportation of dead animals.
- (c) Methodology for active composting to include, but not be limited to, methodology regarding passively aerated static piles, mechanically or forced aerated static piles, windrow piles, and contained or in-vessel systems.
- (d) Conditions for active composting to include, but not be limited to, recommended conditions regarding moisture content, carbon-to-nitrogen ratio, bulking agent particle size, animal tissue density, composting density, temperature ranges, and pH ranges.
- (e) Parameters regarding grinding, including, but not limited to, pile form and shape, pile slumping, and the presence of large intact bones after composting.
- (f) Methods for effluent containment and prevention of its movement into groundwater and surface water.
- (g) The accommodation of normal natural daily mortality and system capacity for accommodation of both

active composting and curing.

(h) Control of odor and pest or vermin infestation of piles with biofilter caps or as otherwise provided by rule.

(i) The generation of adequate records involving composting.

(j) A system of annual nutrient-content analysis.

(k) The final disposition of finished compost.

(l) Methodology for the anaerobic digestion of organic materials.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005;—Am. 2008, Act 311, Imd. Eff. Dec. 18, 2008.

287.667 Repealed. 1993, Act 228, Eff. Feb. 4, 1994.

Compiler's note: The repealed section pertained to vehicles used for transportation of dead animals.

287.669 Inspection of facility, vehicle, and composting; suspension or revocation of license; hearings; alternative methods authorized by director; operation under common ownership or management; report of increase in mortality.

Sec. 19. (1) The director may inspect each facility and vehicle licensed under this act, and each location where composting of dead animals occurs as often as necessary to maintain the standards adopted in this act or in the rules promulgated under this act.

(2) The director may suspend or revoke a license issued under this act if a licensee violates this act or the rules promulgated under this act. The director shall conduct suspension or revocation administrative hearings pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The director may authorize by rule alternative methods of composting of dead animals for emergency, commercial, research, or other applications.

(4) Dead animals resulting from normal natural daily mortality intrinsic to an animal operation under common ownership or management may be composted together if the methods comply with the requirements of this act and all rules applicable to those methods as promulgated under section 15.

(5) Composting methods shall be used to compost only the normal natural daily mortality associated with a animal production unit under common ownership or management. Any increase in normal natural daily mortality, due to any cause known or unknown, shall be reported to the director immediately, and any dead animals resulting from that increase in normal natural daily mortality shall not be composted without permission of the director.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.671 Dead animals; transfer from 1 vehicle to another; disposal; exceptions.

Sec. 21. (1) Dead animals, except if contained in a drum, barrel, or similar container, shall be transferred from 1 vehicle to another only at a licensed facility.

(2) All dead animals, except as provided in subsection (3), shall be disposed of within 24 hours after death by any of the following:

(a) Burial not less than 2 feet below the natural surface of the ground according to rules promulgated under this act.

(b) Burning in an appropriate licensed or permitted incinerator in compliance with part 55 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5501 to 324.5542. Residue from the burning process shall be disposed of by burial as provided in subdivision (a) or in a manner approved by the director.

(c) Composting methods.

(d) Procuring the services of a licensed dead animal dealer.

(e) Procuring the services of a licensed rendering plant.

(f) Procuring the services of a licensed animal food manufacturing plant.

(3) The following dead animals are not subject to the requirements of subsection (2):

(a) Small mammals, deer, and birds taken under the authority of a damage and nuisance animal control permit issued by the Michigan department of natural resources pursuant to part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

(b) Small mammals, cervidae, and birds, that are road kill.

(c) Dead animals kept in secured temporary cold storage of 4.5 degrees Celsius, 40 degrees Fahrenheit, or below for a maximum of 7 days or frozen and securely stored at minus 11 degrees Celsius, 0 degrees Fahrenheit, or below for a maximum of 30 days.

- (d) Restaurant grease.
- (e) Dead animals used as specimens at educational institutions.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1996, Act 65, Imd. Eff. Feb. 26, 1996;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.673 Dead animals transported to licensed facility for production into animal or pet food; decharacterizing or denaturing; container label; preventing diversion of dead animals for use as human food; advertising.

Sec. 23. (1) Except when transported in a vehicle meeting the requirements of rules promulgated under section 15, dead animals transported from a licensed facility to another licensed facility for production into animal or pet food shall be decharacterized or denatured and the facility shall label the container as inedible. The label also shall state both of the following:

- (a) In letters not less than 3 inches high, that the material is not intended for human consumption.
- (b) The name and address of the licensee.

(2) A license holder shall take all reasonable precautions to prevent the dead animals from being diverted for use as human food.

(3) Unless licensed under this act, a person shall not advertise involvement or participation in the business of transporting and disposing of dead animals.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

287.675 Repealed. 1993, Act 228, Eff. Feb. 4, 1994.

Compiler's note: The repealed section pertained to reports on abnormality or irregularity in animal health.

287.677 Rules.

Sec. 27. The department shall promulgate rules to implement and enforce this act. The rules shall be promulgated in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

Administrative rules: R 287.651 et seq. of the Michigan Administrative Code.

287.678 Request for administrative hearing by aggrieved person; administrative fine or warning.

Sec. 28. (1) A person aggrieved by an order issued by the department under this act may request an administrative hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) After notice and an opportunity for a hearing and upon a finding that a person has violated a provision of this act, the director may impose an administrative fine of not more than \$1,000.00 for each violation. If the director finds that a violation occurred despite the exercise of due care or if the violation did not result in significant harm to human health or to the environment, the director may issue a warning rather than an administrative fine.

History: Add. 1998, Act 299, Imd. Eff. July 28, 1998.

287.679 Violation of act as misdemeanor or felony; penalties; civil actions.

Sec. 29. (1) A person who violates this act or a rule promulgated under this act 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.

(2) A person who is convicted of violating this act or a rule promulgated under this act 3 or more times is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(3) Any person authorized by the director to enforce the animal health laws of the state may 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, for any violation of this act.

(4) Notwithstanding the provisions of this act, the department may bring an action in a court of competent jurisdiction to do 1 or both of the following:

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

(b) Obtain an injunction against a person who is engaging in, or is about to engage in, a method, act, or practice that violates this act or a rule promulgated under this act. Venue in an action brought under this subdivision is the county in which the person is engaging in, or is about to engage in, the method, act, or

practice.

(5) In addition to the other actions provided for in this act, the director may bring a civil action in a court of competent jurisdiction through the department of the attorney general for the violation of this act or a rule promulgated under this act. If the court determines that a violation has occurred, the court may impose a civil fine of not more than \$5,000.00 for each violation.

(6) The director shall advise the department of the attorney general of the failure of a person to pay an administrative or civil fine imposed under this act. The department of the attorney general shall bring a civil action in a court of competent jurisdiction to recover this fine.

(7) In addition to any other defense available under law, a person may present as a defense to an administrative or civil action brought under this section and section 28 evidence that at the time of the alleged violation he or she was in compliance with this act and rules promulgated under this act.

(8) Applicable provisions of the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948, apply to civil actions brought under this act.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

287.681 Repeal of MCL 287.231 to 287.241.

Sec. 31. Act No. 226 of the Public Acts of 1929, being sections 287.231 to 287.241 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 239, Eff. Oct. 1, 1982.

287.683 Effective date.

Sec. 33. This act shall take effect October 1, 1982.

History: 1982, Act 239, Eff. Oct. 1, 1982.

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.

(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

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, 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.
Rendered Friday, February 17, 2017

287.706 Definitions; O to W.

Sec. 6. (1) “Official calftooth 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.

(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:

(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

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 and older maintained on common ground for any purpose; 2 or more groups of cattle, goats, or privately owned cervids under common ownership or supervision geographically separated but that have an interchange or movement of cattle, goats, or privately owned cervids without

regard to health status as determined by the director; or any other test of an isolated group of livestock considered a whole herd test by the director.

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

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

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

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

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

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

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

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

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

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

written surveillance plan approved by the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

- (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 poulters" (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

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.

(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.

- (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

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

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.

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.

(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

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

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).

(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

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

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 calthood 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 calthood 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 calthood 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 calthood 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

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.

(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.

(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.

PSEUDORABIES AND SWINE BRUCELLOSIS CONTROL AND ERADICATION ACT
Act 239 of 1992

AN ACT to establish a control and eradication program for pseudorabies and swine brucellosis; to provide certain powers and duties for certain state agencies and officers; to provide for funding of certain programs; to create certain committees for certain purposes; to provide for the promulgation of rules; to provide for certain remedies and penalties; and to repeal certain acts and parts of acts.

History: 1992, Act 239, Eff. Mar. 31, 1993.

The People of the State of Michigan enact:

287.801 Short title.

Sec. 1. This act shall be known and may be cited as the “pseudorabies and swine brucellosis control and eradication act”.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.803 Meanings of words and phrases.

Sec. 3. For the purpose of this act, the words and phrases defined in sections 5 through 15 shall have the meanings ascribed to them in those sections.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.805 Definitions; A, B.

Sec. 5. (1) “Accredited veterinarian” means a veterinarian approved by the United States department of agriculture to perform specific functions required by cooperative state-federal disease control and eradication programs.

(2) “Animal” means any vertebrate member of the animal kingdom other than a human being.

(3) “Approved pseudorabies quarantined feedlot” means a swine feedlot premises inspected and approved by the director and whose owner has entered into an agreement with the director to comply with this act and rules or regulations promulgated pursuant to this act.

(4) “Approved swine assembly point” means a premises where swine are gathered which is inspected and approved by the director whose owner has entered into an agreement with the director to comply with this act and rules or regulations promulgated pursuant to this act.

(5) “Approved vaccine” means a preparation administered to livestock or other animals to induce a specific immunological response in the recipient, the use of which in this state shall be approved by the state veterinarian.

(6) “Boar” means any sexually intact male swine.

(7) “Breeding herd” means all swine on 1 swine premises that are maintained for breeding purposes or reproduction.

(8) “Breeding swine” means swine intended for use as breeding stock and all swine not intended for slaughter or feeding to market age and weight for slaughter including companion animals and research animals regardless of reproductive capacity. Breeding swine includes all boars and sows.

(9) “Broker” means any person, copartnership, association, or corporation engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting sale, resale, exchange, transportation, or transfer of livestock and that is licensed as a livestock dealer in accordance with Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

(10) “Brucellosis” means the contagious, infectious, and communicable disease caused by bacteria of the genus *brucellae* also known as bangs disease, undulant fever, and contagious abortion.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.807 Definitions; D to F.

Sec. 7. (1) “Department” means the Michigan department of agriculture.

(2) “Differential test” means an official test approved by the director designed to distinguish swine which are positive for pseudorabies field strain virus associated antibodies from swine that have antibodies due to vaccination with a differential vaccine.

(3) “Differential vaccine” is a veterinary biological approved by the director which produces a pseudorabies antibody response that can be differentiated from the field strain virus antibody response by a differential test.

(4) “Direct movement” means transfer of swine to a destination without unloading the swine en route and

without exposure to any other livestock.

(5) "Director" means the director of the Michigan department of agriculture or his or her authorized representative.

(6) "Domestic animal" means any species of animal living under the husbandry of man.

(7) "Exposed swine" means any swine that has been in contact with an animal infected with pseudorabies or brucellosis, including all swine from a known infected herd or any swine moved into a livestock auction market.

(8) "Feeder pig" means immature swine weighing less than 120 pounds intended for feeding to market age and weight for slaughter. Feeder pig does not include intact boars, post-parturient females, animals kept, sold, or offered for sale, for breeding, as companion animals, or for research.

(9) "Feeder pig monitored herd" means a swine breeding herd that has been sampled and tested negative by an official pseudorabies serologic test on the following schedule: 10 head—test all, 11 - 35 head—test 10, 36 or more—test 30% or 30, whichever is less or according to a schedule as prescribed by the director. Breeding herds in regions recognized as stage III of the pseudorabies eradication program by the United States department of agriculture, animal and plant health inspection service, veterinary services, or in an equivalent low prevalence area as determined by the director are considered feeder pig monitored herds.

(10) "Feedlot" means a premises used only to feed livestock in preparation for slaughter.

(11) "Feral swine" means swine which have lived any part of their life as free-roaming and not under the husbandry of man.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.809 Definitions; G to L.

Sec. 9. (1) "Gilt" means any female breeding swine until her first litter is farrowed, born, or aborted.

(2) "Herd" means any individual swine or group of swine under common ownership or management maintained on a swine premises for more than 24 hours for any purpose, or 2 or more individual swine or groups of swine that have been intermingled or in physical contact without regard to pseudorabies status or that are under common ownership or management and that have been geographically separated. Two or more swine or such groups of swine are 1 herd unless, through investigation, the director has determined that intermingling and contact between groups has not occurred and is not likely to occur.

(3) "Herd cleanup plan" means a written plan developed jointly by the director and the quarantined herd's owner for the elimination of pseudorabies virus from the swine herd. Such plan may include provisions for the movement of feeder pigs from the quarantined premises to an approved pseudorabies quarantined feedlot and shall include, but not be limited to, provisions for testing, segregation, cleaning, and disinfection, disease management, vaccine use, control of exposure and virus spread to other herds, and a timetable for implementing such plan as can be outlined. The herd cleanup plan shall be approved by the official pseudorabies epidemiologist for the state of Michigan.

(4) "Herd of origin" means any herd in which swine are born and remain until movement or any herd in which swine remain for at least 30 days immediately following direct movement into the herd from another herd.

(5) "Infected herd" means any herd in which pseudorabies or brucellosis has been diagnosed in 1 or more animals by an official test, clinical diagnosis, or laboratory procedure. The final determination of infected herd status shall be made by the director.

(6) "Livestock" means animals used for human food and fiber or animals used for service to mankind. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits.

(7) "Livestock auction market" means a public stockyard, auction sale yard, livestock yard, or concentration yard or any livestock market where livestock are accepted on consignment and the auction method is used in the marketing of consigned livestock or as described in Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.811 Definitions; M to P.

Sec. 11. (1) "Monitored feedlot" means a herd of swine being fed for slaughter whose pseudorabies negative status is demonstrated by an annual official test, on a schedule prescribed by the director of representative groups of swine that have been on the premises at least 30 days.

(2) "Movement permit" means a statement on a form approved by the director and signed by the owner of the swine herd of origin which states all of the following:

(a) The number of swine moved.

- (b) The complete address for points of origin and destination.
- (c) The names of the consignor and consignee.
- (d) Any additional information required by the department.
- (3) "Official ear tag" means an identification tag approved by the United States department of agriculture or the department.
- (4) "Official identification" means an identification ear tag or ear tattoo or other identification approved by the United States department of agriculture or the department.
- (5) "Official interstate health certificate" or "official interstate certificate of veterinary inspection" means a printed form adopted by any state that records the information required in section 20 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.720 of the Michigan Compiled Laws, and that is issued within 30 days before importation of the livestock it describes. A photocopy of an official interstate health certificate or an official interstate certificate of veterinary inspection is an official copy if certified as a true copy by the issuing veterinarian or a livestock health official of the state of origin.
- (6) "Official pseudorabies epidemiologist" means a state or federally employed veterinarian designated by the director and the area veterinarian in charge, United States department of agriculture, animal and plant health inspection services, veterinary services, to investigate and diagnose suspected pseudorabies in animals.
- (7) "Official test" means a sample of specific material collected from an animal by a veterinarian 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 a veterinarian. An official test shall be conducted only by an accredited veterinarian except with permission by the director.
- (8) "Originate" refers to direct movement of swine from a herd of origin.
- (9) "Owner" means the person or the person's representative, manager, or operator, that is the person responsible for day-to-day operation of the swine farm.
- (10) "Person" means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity, including, but not limited to, entities established by contractual relationships.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.813 Definitions; P to R.

Sec. 13. (1) "Pseudorabies" means the contagious, infectious, and communicable disease of livestock and other animals known also as Aujeszky's disease, mad itch, or infectious bulbar paralysis caused by the pseudorabies virus.

(2) "Pseudorabies herd agreement" means a written agreement signed by the owner or owner's representative of the pseudorabies infected quarantined herd and the director. The pseudorabies herd agreement shall contain a herd cleanup plan designed to eradicate pseudorabies.

(3) "Pseudorabies veterinary biological" means any veterinary biological product used to stimulate an immune response to pseudorabies virus or any portion of the pseudorabies virus.

(4) "Qualified pseudorabies negative gene-altered vaccinated herd" means a herd as defined in title 9 of the code of federal regulations or as approved by the director.

(5) "Qualified pseudorabies negative herd" means a herd as defined in title 9 of the code of federal regulations or as approved by the director.

(6) "Quarantined herd" means any herd declared under quarantine and confined to a swine premises according to provisions in section 12 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.712 of the Michigan Compiled Laws, or other authority as defined by law.

(7) "Reasonable assistance" means safely and comfortably controlling an animal by corraling, stabling, kenneling, holding, tying, 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.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.815 Definitions; S to V.

Sec. 15. (1) "Sow" means any female swine that has farrowed or given birth to or aborted 1 litter or more.

(2) "State veterinarian" means the chief animal health official of the state as appointed by the director in accordance with section 7 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.707 of the Michigan Compiled Laws.

(3) "Swine premises" means any land together with buildings, enclosures, and facilities that may be used for swine housing and production.

(4) "Vaccinated feeder pig monitored herd" means a swine breeding herd meeting the requirements of a feeder pig monitored herd in which all breeding swine are vaccinated with a single manufacturer's approved differential vaccine and that has been tested negative using an approved differential test or official test.

(5) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under a state or federal law applicable to that person.

(6) "Veterinary biological" means a product of biological origin used in the diagnosis, prevention, or treatment of animal disease, including, but not limited to, serums, vaccines, antitoxins, bacterins, and antigens.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.817 Pseudorabies and brucellosis in porcine species; disease control and eradication; agreements with secretary of agriculture; market swine identification program.

Sec. 17. (1) The director may enter into agreements with the secretary of agriculture, United States department of agriculture, the secretary's authorized representative, or any other person to further pseudorabies and brucellosis disease control and eradication.

(2) The department shall cooperate with the United States department of agriculture in the control and eradication of brucellosis and pseudorabies in all porcine species in this state and shall provide assistance to pseudorabies and brucellosis quarantined herds for the purposes of elimination of pseudorabies and brucellosis and the removal of quarantines.

(3) The department may participate in the market swine identification program as set forth in title 9 of the code of federal regulations and the uniform methods and rules for brucellosis eradication approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture and all amendments thereafter adopted pursuant to rules promulgated by the director, or may test for pseudorabies or brucellosis in any samples of porcine blood or tissue collected at a United States department of agriculture or department approved slaughter facility, any livestock collection or market facility, or any sample of porcine blood or tissue submitted for diagnostic purposes to a United States 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: 1992, Act 239, Eff. Mar. 31, 1993.

287.819 Feeder pigs; origination and movement requirements.

Sec. 19. (1) Feeder pigs shall originate from a breeding herd whose status has been established as any of the following:

(a) Feeder pig monitored herd.

(b) Qualified pseudorabies negative herd.

(c) Vaccinated feeder pig monitored herd.

(d) Qualified pseudorabies negative gene-altered vaccinated herd.

(e) A herd located in an area recognized as a stage III or equivalent low prevalence area or region as designated by the director.

(f) A herd with any other status classification that is determined by the director to provide reasonable assurance that the pigs are not infected with pseudorabies.

(2) Feeder pigs that do not originate from a herd of origin with a status described in subsection (1) shall be individually tested negative within 30 days prior to movement.

(3) All feeder pigs sold, loaned, leased, or moved within this state, except those exempted by the state veterinarian, shall be by a direct movement unless the movement is through a swine market where they are held for less than 24 hours.

(4) Swine that are additions to a herd from any other source herd shall not be moved from that herd based on herd status until they have been a part of that herd for at least 120 days prior to movement unless either of the following occurs:

(a) They are individually tested negative to an official test for pseudorabies which shall be performed no sooner than 30 days after the date of direct movement into the herd.

(b) They are sold or moved directly to slaughter or through slaughter marketing channels.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.821 Transferring swine infected with or exposed to pseudorabies; transferring feeder pigs to approved pseudorabies quarantined feedlot; movement permit; requirements.

Sec. 21. (1) A person shall not sell, loan, lease, move, or otherwise transfer swine known to be infected with, or known to have been exposed to, pseudorabies except directly to slaughter or through slaughter swine market channels unless permission of the director is obtained. Feeder pigs may be transferred to an approved

pseudorabies quarantined feedlot as part of a pseudorabies herd agreement and herd cleanup plan. The pseudorabies herd agreement shall operate as the written permission of the director for movement from the quarantined premises.

(2) Feeder pigs may be sold, loaned, leased, or moved from a quarantined premises to an approved pseudorabies quarantined feedlot only when accompanied by a movement permit, a copy of which shall be forwarded to the director within 5 days of movement.

(3) Feeder pigs to be transferred shall be in compliance with all of the following:

(a) Bear official identification which contains the herd number assigned to the herd of origin by the director.

(b) Have been vaccinated for pseudorabies prior to movement using a differential vaccine specified and approved by the director.

(c) Be by direct movement from the herd of origin to the destination on the movement permit.

(d) Not move through a swine market or other facility or premises prior to arrival at the approved pseudorabies quarantined feedlot.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.823 Identification of feeder pigs.

Sec. 23. (1) Feeder pigs shall be identified in a manner as described in subsection (2) in a manner that allows tracing to the herd of origin for the purpose of epidemiology and investigations to determine the spread of disease.

(2) Feeder pigs shall be identified before leaving the herd of origin with official identification that contains the herd number assigned to that herd by the director unless any of the following occur:

(a) They are consigned to a swine market or assembly point where they are identified by official ear tags which identify the market with a United States department of agriculture, animal and plant health inspection service, veterinary services prefix and a 4-digit number that allows tracing to the herd of origin by records maintained at the swine market or assembly point.

(b) They are sold to an approved pseudorabies quarantined feedlot where they are identified on entry in accordance with this act and rules promulgated pursuant to this act, and records are maintained that allow tracing to the herd of origin.

(c) They are sold to a broker who identifies the pigs by official ear tags which identify the broker with a United States department of agriculture, animal and plant health inspection service, veterinary services prefix and 4-digit number that allows tracing to the herd of origin by records maintained by the broker.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.825 Establishment of herd status; conducting official pseudorabies test; transfer of status; schedule; test requirements; herd number or designations; retesting.

Sec. 25. (1) Beginning 90 days after the effective date of this act, each owner of any swine herd of unknown status shall cause an official test for pseudorabies to be conducted on such herd at the owner's expense for establishment of at least 1 of the following herd statuses:

(a) A qualified pseudorabies negative herd.

(b) A qualified pseudorabies negative gene-altered vaccinated herd.

(c) A feeder pig monitored herd.

(d) A vaccinated feeder pig monitored herd.

(e) An approved pseudorabies quarantined feedlot herd.

(f) An infected herd.

(g) A monitored feedlot.

(2) Herd status is not transferable to a herd moved to another swine premises without prior approval of the director.

(3) Approved pseudorabies quarantined feedlots shall establish pseudorabies status on a schedule prescribed by the director at the director's request and at the owner's expense.

(4) Except as otherwise provided in this subsection, an owner of a swine herd shall be responsible for all costs of tests required under this section. An owner in compliance with the test requirements of this section may receive a certificate of compliance on a form prescribed by the director. Testing of herds shall continue at the owner's expense until this state or the region of the state in which the herd is located is recognized by the United States department of agriculture as a state or region in stage III of the pseudorabies eradication state-federal-industry program standards or an equivalent low prevalence status by the director. A herd shall be quarantined if the owner does not cause a herd test to be performed within 60 days after notification from the director that a herd test is necessary. If the required testing is not performed within 30 days after issuance

of quarantine, the director may order that the herd be tested by a department veterinarian or an accredited veterinarian at the herd owner's expense.

(5) A person shall not sell, loan, lease, move, or otherwise transfer any swine unless it can be demonstrated that such person is a herd owner whose herd has been issued a herd number by the department or is a licensed broker.

(6) The director may adopt other acceptable herd designations for pseudorabies status as technology and program advances make them available.

(7) Vaccinated herds shall be retested annually. Vaccinated herds that are not retested on an annual basis within 60 days after the anniversary test date shall be quarantined. The director shall then notify the owner of the herd of the issuance of the quarantine and advise the owner that testing is due. Such herds shall be tested at the owner's expense within 30 days after notification by the director that testing is due and that the quarantine has been issued. If the required testing is not performed within 60 days after the date of quarantine, the director may order that the herd be tested by a department veterinarian or an accredited veterinarian at the herd owner's expense. Herds that test negative to pseudorabies by an official test and that have discontinued vaccinating may be reclassified as feeder pig monitored herds.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.827 Pseudorabies and swine brucellosis control and eradication fund.

Sec. 27. There is created within the department of treasury a pseudorabies and swine brucellosis control and eradication fund which shall be administered by the director. Fees assessed and collected pursuant to this act shall be remitted to the state treasury for credit to the pseudorabies and swine brucellosis control and eradication fund. Money in the pseudorabies and swine brucellosis control and eradication fund shall be used for the control, eradication, and surveillance of pseudorabies and swine brucellosis as determined by the director, with advice from the pseudorabies advisory committee. The pseudorabies and swine brucellosis control and eradication fund shall consist of money appropriated by the legislature and gifts, grants, fees, and charges from any source. A fee for the testing of swine for pseudorabies and brucellosis shall be determined by the commission of agriculture. Money placed into this fund shall not revert to the general fund and shall be carried forward in the fund from year to year.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.829 Pseudorabies; diagnosis; availability of herd for testing.

Sec. 29. (1) When pseudorabies is diagnosed in swine purchased from or sold to another producer in the preceding 12 months, the owners of both the herd of origin and the herd of destination shall make available their herds for testing on a schedule prescribed by the director at the director's request.

(2) When pseudorabies infection is diagnosed, any herd having contact with the infected herd, as determined by epidemiological evidence, or located in the surrounding area within 1-1/2 miles of the infected herd shall be tested for the presence of pseudorabies at the request of the director.

(3) Upon request of the director, owners of swine within the state of Michigan shall make available their swine for testing for pseudorabies or brucellosis. The owner shall provide necessary facilities for handling, restraint, and testing, and shall render reasonable assistance as may be required by the director. The department shall be responsible for all costs and personnel for the collection and analysis of test samples under this subsection.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.831 Status as pseudorabies quarantined infected herd; agreements; herd cleanup plan; slaughter or other disposition; introduction of animals into infected herd; compliance; movement of vaccinated breeding swine; information furnished to department.

Sec. 31. (1) Not later than 180 days after the effective date of this act, owners of all herds with the status as a pseudorabies quarantined infected herd shall enter into a pseudorabies herd agreement or an approved pseudorabies quarantined feedlot agreement with the director. When pseudorabies is diagnosed in a swine herd, the herd owner shall enter into a pseudorabies herd agreement and a herd cleanup plan within 90 days after the issuance of the quarantine. All herd cleanup plans shall be formulated with the goal of eradication of the pseudorabies virus from the herd within a maximum of 36 months from the date of the approval of the pseudorabies herd agreement by the official pseudorabies epidemiologist for this state. The herd cleanup plan shall be part of an approved pseudorabies herd agreement.

(2) If it is determined by the director that the control or eradication of swine brucellosis or pseudorabies warrants the slaughter or other disposition of infected or exposed swine, the director may order the slaughter or other disposition of the swine.

(3) The director may order slaughter or other disposition of herds whose owners do not enter into a pseudorabies herd agreement or an approved pseudorabies quarantined feedlot agreement.

(4) The director may prohibit the introduction of animals into an infected herd.

(5) A person shall not knowingly purchase, move, or import feeder swine or breeding swine from a seller who has not complied with the provisions of this act or rules promulgated pursuant to this act.

(6) Vaccinated breeding swine shall move only directly to slaughter or through slaughter market channels and shall not be sold, loaned, leased, or moved to another swine premises without the permission of the director.

(7) The owner of a herd in which pseudorabies infection has been diagnosed shall furnish the following information to the department:

(a) A list of all swine that are additions to the herd from another herd during the preceding 12 months including the number of animals added and the address of origin.

(b) A list of sales and movement of all swine from the herd within the preceding 12 months including number sold and the address of their destination.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.833 Identification of herd of origin; notification; availability of herd for official test.

Sec. 33. (1) Brucellosis or pseudorabies positive swine shall be traced to the herd of origin. The director shall notify the owner of the herd of origin within 60 days after the date the department is notified of positive swine.

(2) When the herd of origin has been identified, the owner of the swine herd in this state shall, upon request by the director, make available his or her swine for an official test for the detection of brucellosis or pseudorabies and shall provide the necessary facilities for handling and restraining the swine, and shall render any reasonable assistance required by the director. The department shall provide personnel and assume expense for the collection and analysis of samples.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.835 Approved pseudorabies quarantined feedlot.

Sec. 35. (1) The director shall issue a certificate to the owner of an approved pseudorabies quarantined feedlot for the acceptance of feeder pigs from a pseudorabies quarantined premises and for the purpose of feeding such pigs in isolation from other animals and for sale and direct movement to slaughter or another approved quarantined feedlot only.

(2) A person shall not accept swine from pseudorabies quarantined herds for any purpose other than slaughter unless prior permission is obtained from the director. The approved quarantined feedlot certificate may be issued by the director following inspection of the swine premises and receipt of a signed agreement between the feedlot owner and the director containing the following conditions:

(a) That swine on the premises are kept in isolation from other domestic livestock.

(b) That an approved pseudorabies quarantined feedlot be constructed and operated in order to prohibit swine in the feedlot from coming in contact with, or exposing other livestock to, a contagious infectious disease.

(3) An approved pseudorabies quarantined feedlot shall be maintained in a condition free from accumulation of manure or waste material. Other livestock shall not have access to manure or other waste material removed from the approved pseudorabies quarantined feedlot in accordance with the Michigan right to farm act, Act No. 93 of the Public Acts of 1981, being sections 286.471 to 286.474 of the Michigan Compiled Laws.

(4) Drainage from an approved pseudorabies quarantined feedlot shall not be permitted to flow into areas of access to other livestock.

(5) The facility must be constructed and maintained in such a manner that it can be cleaned and disinfected.

(6) Breeding swine shall not be allowed to enter into an approved pseudorabies quarantined feedlot. Breeding swine shall not be maintained on the premises of the approved pseudorabies quarantined feedlot at any time.

(7) Feeder pigs shall not be moved onto an approved pseudorabies quarantined feedlot from a quarantined herd unless the feeder pigs are accompanied by a movement permit, a copy of which shall remain at the premises as part of the permanent record of the feedlot.

(8) Swine that do not originate from a quarantined pseudorabies infected herd shall not be moved onto an approved pseudorabies quarantined feedlot unless such swine bear official identification and are vaccinated for pseudorabies with a pseudorabies veterinary biological approved by the director on or prior to entry into

the approved pseudorabies quarantined feedlot. Vaccination shall be performed at the approved pseudorabies quarantined feedlot at the owner's expense.

(9) Dead swine shall be kept in an area where domestic animals and wildlife cannot have contact with or have access to them and shall be disposed of in accordance with section 57 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.57 of the Michigan Compiled Laws.

(10) Individual swine shall only be kept in an approved pseudorabies quarantined feedlot for a maximum of 5 months and then shall be transferred as a direct movement to slaughter or through slaughter market channels to slaughter.

(11) Records of swine purchases and sales, including names of sellers and buyers, dates of purchase and sale, movement permits, proof of vaccination, numbers of head, and individual animal identification shall be kept for not less than 1 year by the approved quarantined feedlot owner. The director may inspect and make copies of the records of any approved pseudorabies quarantined feedlot at any time to determine the origin and disposition of any animals handled by the feedlot and to determine if provisions of the act or rules have been violated.

(12) A certificate issued to the owner of an approved pseudorabies quarantined feedlot shall expire 12 months after an agreement described in subsection (2) is entered into. The director shall issue a certificate for another 12-month period upon compliance of the feedlot owner with subsection (2).

(13) The director may revoke the certificate and prohibit entry of any swine to the approved pseudorabies quarantined feedlot premises at any time it is determined that the provisions of this act or rules promulgated pursuant to this act have been violated or it is determined by the director there has been failure to maintain compliance with this act or the rules promulgated pursuant to this act.

(14) The certificate shall expire not later than 90 days after the date on which notice is received from the director that the county where the approved pseudorabies quarantined feedlot is located has less than 10 quarantined infected herds. Swine shall not be added to an approved quarantined feedlot after expiration or revocation of the certificate until all swine have been removed and the premises cleaned by the operator then disinfected under the supervision of the director.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.837 Importing swine into state with prior entry permit; delivery to slaughterhouse or collection facility; compliance; requirements for breeding swine imported into state.

Sec. 37. (1) A person shall not import into this state swine, other than swine consigned directly to a slaughterhouse or to an approved livestock auction market for sale as slaughter swine, without a prior entry permit obtained from the director.

(2) Swine brought into this state for slaughter shall be delivered only to a slaughterhouse approved by the director to receive livestock for slaughter, or to a collection facility approved by the director to receive swine for slaughter. The swine shall be killed within 48 hours after arrival at the slaughterhouse.

(3) Breeding swine brought into this state shall comply with 1 or more of the following:

(a) Be accompanied by proof that the swine have tested negative to an official test for brucellosis in the 1:25 dilution, conducted in a laboratory approved by the United States department of agriculture within 30 days before importation.

(b) Originate directly from a validated brucellosis-free herd of swine as set forth in title 9 of the code of federal regulations and the uniform methods and rules for brucellosis eradication approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture which became effective on July 1, 1986, and all amendments thereafter adopted pursuant to rules promulgated by the director.

(c) Originate from a herd located in a brucellosis-free state as determined by the director.

(4) Breeding swine imported into this state shall test negative to an official pseudorabies test conducted within 30 days before importation, shall originate directly from a pseudorabies qualified negative herd as defined in title 9 of the code of federal regulations, or shall originate from a pseudorabies free state or region as determined by the director.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.839 Importation of swine; requirements; waiver.

Sec. 39. (1) Breeding swine brought into this state shall remain at the destination stated on the official interstate health certificate or official interstate certificate of veterinary inspection until the herd owner obtains a negative official test for pseudorabies conducted not less than 30, or more than 60, days following the date of importation. The director may grant an exemption for infected herds under quarantine.

(2) Swine imported into this state shall bear official identification.

- (3) The importation of swine vaccinated for pseudorabies is prohibited.
- (4) A person shall not bring swine into this state from a livestock auction market or other collection facility where slaughter swine are handled except when importing swine for slaughter purposes only.
- (5) 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 health of native livestock.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.841 Importation of feeder pigs; requirements; entry of feral swine.

Sec. 41. (1) Feeder pigs imported into this state shall meet 1 of the following requirements:

- (a) Originate directly from a feeder pig monitored herd or qualified negative pseudorabies free herd.
- (b) Originate directly from a herd in a state which participates in a pseudorabies testing program that is approved by the director.
- (c) Originate directly from a pseudorabies free state or region as designated by the United States department of agriculture or as determined by the director.

(2) Feral swine shall not be allowed to enter the state of Michigan for any purpose without specific permission of the director.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.843 Pseudorabies veterinary biological; use; conditions; distribution.

Sec. 43. (1) The use of a pseudorabies veterinary biological is prohibited except when used or prescribed for use by an accredited veterinarian. A person shall not use or prescribe for use any pseudorabies veterinary biological for swine unless 1 of the following conditions is met:

(a) The herd in which the vaccine is used is a pseudorabies vaccinated feeder pig monitored herd whose owner has been issued a certificate by the director which lists the type of vaccine used.

(b) The herd in which the vaccine is used is a qualified pseudorabies negative gene-altered vaccinated herd as defined in title 9 of the code of federal regulation and whose owner has been issued a certificate by the director which lists the type of vaccine used.

(c) The herd in which the vaccine is used is a pseudorabies quarantined herd and the vaccine is used as part of the pseudorabies herd agreement approved by the director and the herd owner is issued a certificate by the director which lists the type of vaccine used.

(d) The herd in which the vaccine is used is an approved pseudorabies quarantined feedlot herd and the owner is issued a certificate by the director which lists the type of vaccine to be used.

(e) Prior permission of the director is obtained.

(2) A vaccine for pseudorabies that is not a differential vaccine shall not be used or dispensed for use in this state.

(3) Distribution of a pseudorabies veterinary biological must be reported to the director by the accredited veterinarian within 30 days of administration, dispensing, sale, or prescribing for use any pseudorabies veterinary biological.

History: 1992, Act 239, Eff. Mar. 31, 1993.

Compiler's note: In subsection (1)(b), "code of federal regulation" evidently should read "code of federal regulations."

287.845 Swine presented to livestock auction or collection point as entering interstate commerce.

Sec. 45. All swine presented to a livestock auction or collection point licensed under Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws, shall be considered to have entered interstate commerce and shall be identified prior to sorting and grouping in accordance with title 9 of the code of federal regulations, and all amendments thereafter adopted pursuant to rules promulgated by the director.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.847 Livestock auction market, yards, and premises considered infected with organisms of infectious diseases of swine; moving or selling swine; identification; proof, test report, or permission required; copy of documents; feral swine entering facility for other than immediate slaughter.

Sec. 47. (1) For the purpose of this act, a livestock auction market, public stockyard, auction sale yard, livestock yard, garbage feeding premises, and slaughterhouse premises shall be considered as infected with the organisms of infectious diseases of swine.

(2) Swine shall not be moved or sold from a livestock auction market, public stockyard, auction sale yard,

livestock yard, garbage feeding lot or premises, or slaughterhouse premises except for immediate slaughter.

(3) Swine, including feeder pigs, that are sold, loaned, leased, or otherwise transferred or moved within this state shall bear individual official identification.

(4) Breeding swine which are sold, loaned, leased, or otherwise transferred or moved within this state shall be accompanied by 1 of the following:

(a) Proof that the swine originate directly from a qualified pseudorabies negative herd or qualified pseudorabies negative gene-altered vaccinated herd as defined in title 9 of the code of federal regulations or other acceptable herd status as determined by the director. Proof may consist of a copy of a valid certificate issued by the department stating that the herd meets the requirements for such herd status as is acceptable to the department.

(b) An official test report that indicates that the swine have been tested for pseudorabies within 30 days before sale or movement and have received negative results.

(c) Proof that the breeding swine originate from an area or region recognized as a stage IV or equivalent low prevalence area as approved by the director.

(d) Prior permission of the director.

(5) A person who moves or sells swine shall, upon request, present for inspection the documents required by subsection (4), and a person who sells breeding swine shall provide to the purchaser a copy of the documents.

(6) Feral swine shall not be allowed to enter any facility for any purpose other than for immediate slaughter without the permission of the director.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.849 Sale as feeding and breeding swine; requirements; conveyance; facilities approved as swine assembly point; pseudorabies test requirements; identification of swine consignment; removal of swine from premises.

Sec. 49. (1) The director may approve the designation of a swine assembly point for swine to be assembled and grouped for sale as feeding and breeding swine when facilities are provided separate and apart from any slaughter hogs if these facilities, methods of operations, and management practices have been inspected and approved by the director. Swine within this state which are not subject to quarantine and which are handled in compliance with this act and all rules pursuant to this act may be sold from other than a swine assembly point for purposes other than immediate slaughter only when the swine are moved from the vehicles in which they were delivered and loaded directly onto vehicles in which the swine are removed from the sales premises.

(2) Swine offered for sale shall be clinically free of infectious, contagious, or toxicological diseases and shall not originate from a quarantined premises.

(3) A conveyance bringing swine to or removing swine from a swine assembly point or market shall be free of accumulated litter or manure.

(4) An approved swine assembly point for the sale of swine shall meet all of the following requirements:

(a) Be constructed in a manner to provide protection of the swine from inclement weather.

(b) Have floors constructed of an impervious material that can be easily cleaned.

(c) Have adequate drainage and proper disposal of waste material from the cleaning process.

(d) Have an adequate supply of potable water.

(e) Be constructed in a manner to provide ample penning facilities with adequate room in the pens.

(f) Be constructed to properly contain the animals.

(5) An approved swine assembly point shall be thoroughly cleaned and disinfected 48 hours before each sale day using a procedure approved by the director.

(6) Breeding swine shall meet the pseudorabies test requirements specified in this act.

(7) Feeder swine may be assembled, graded, and grouped for sale provided that each consignment of swine shall be individually identified to the consignor by official identification.

(8) Swine sold at an approved swine assembly point shall be removed from the premises within 24 hours after the sale. The director shall not approve a swine assembly point to handle both feeder pigs and breeding swine.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.851 Pseudorabies advisory committee.

Sec. 51. (1) The director may establish a pseudorabies advisory committee. The committee shall be composed of, but not limited to, swine producers, animal scientists, state and federal regulatory officials, veterinarians, representatives of organizations and cooperatives in the swine industry, auction markets, the packing industry, and extension specialists.

(2) The director may consult with the committee on issues which include, but are not limited to, intrastate regulations, interstate regulations, and progress of the state on pseudorabies and brucellosis control and eradication programs.

(3) The committee shall maintain liaison with other states and the federal government and with the national pseudorabies eradication program standards committee through state and national producer and livestock associations, organizations, and agencies.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.853 Pseudorabies herd cleanup technical advisory committee.

Sec. 53. (1) The director may establish and consult with a pseudorabies herd cleanup technical advisory committee.

(2) The pseudorabies herd cleanup technical advisory committee shall serve as a resource and, at the request of the director, shall do the following:

- (a) Evaluate progress made in accomplishing elimination of pseudorabies virus from an infected herd.
- (b) Assist in obtaining cooperation from herd owners.
- (c) Recommend adjustments in herd cleanup plans.
- (d) Make recommendations for depopulation of infected herds.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.855 Violations; penalties; enforcement.

Sec. 55. (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 or more than \$50,000.00, imprisonment of not more than 5 years, or both, and shall not be eligible to 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.

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

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

(2) A person who violates this act or a rule promulgated under this act other than subsection (1) 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) A person authorized by the director to enforce this act may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, for any violation of this act classified as a misdemeanor.

(4) Notwithstanding the provisions of this act, the department may bring an action to do either 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: 1992, Act 239, Eff. Mar. 31, 1993.

287.857 Rules.

Sec. 57. The department of agriculture may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1992, Act 239, Eff. Mar. 31, 1993.

287.859 Repeal of MCL 287.717, 287.725, 287.736, 287.737, and 287.738.

Sec. 59. Sections 17, 25, 36, 37, and 38 of Act No. 466 of the Public Acts of 1988, being sections 287.717, 287.725, 287.736, 287.737, and 287.738 of the Michigan Compiled Laws, are repealed.

History: 1992, Act 239, Eff. Mar. 31, 1993.

FERRETS
Act 358 of 1994

AN ACT to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

The People of the State of Michigan enact:

287.891 Definitions.

Sec. 1. (1) "Accredited veterinarian" means a veterinarian approved by the United States department of agriculture to perform specific functions required by cooperative state and federal disease control and eradication programs.

(2) "Animal" means an animal other than a human being.

(3) "Animal control officer" means an individual employed as an animal control officer pursuant to sections 29a, 29b, and 29c of the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.289a, 287.289b, and 287.289c of the Michigan Compiled Laws.

(4) "Approved vaccine" means a vaccine authorized by the state veterinarian pursuant to the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being sections 287.701 to 287.747 of the Michigan Compiled Laws.

(5) "Breeder" means a person who is a dealer as defined in the animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149, and 2151 to 2159, and who is regulated by the United States department of agriculture as a class A licensee, breeder, or a class B licensee, meeting the definition of dealer in §1.1, pursuant to title 9, C.F.R., subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142.

(6) "Department" means the department of agriculture.

(7) "Director" means the director of the department of agriculture or his or her authorized representative.

(8) "Ferret" means an animal of any age of the species *Mustela furo*.

(9) "Hobby breeder" means a person who owns 4 or fewer ferrets that are at least 6 months of age or a litter of ferrets that is less than 5 months of age on a temporary basis for personal recreational purposes such as competitions in shows or improving the breed, and who registers his or her ferrets with a national ferret registry organization.

(10) "Law enforcement agent" means an officer of the department of state police, a law enforcement agency of a county, township, city, or village who is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state, or a conservation officer.

(11) "Local unit of government" means a county, city, village, or township.

(12) "Official interstate health certificate" or "official certificate of veterinary inspection" means a printed form that is adopted by any state that documents the information described in this subsection and that is issued by an accredited veterinarian for animals being imported 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 official certificate of veterinary inspection is not valid. An official interstate health certificate or official certificate of veterinary inspection 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 ferret by breed, sex, age, color, markings, and other identification.

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

(d) The health status of the ferret by recording the results of any required tests and required vaccinations. The accredited veterinarian preparing the certificate shall certify that the ferret is free from clinical signs of infectious, contagious, or toxicological diseases.

(13) "Owner" means a person having a right of property ownership in a ferret, who keeps or harbors the ferret or has the ferret in his or her care or custody, or who permits the ferret to remain on or about premises occupied by the person. An owner does not include a veterinarian who keeps a ferret on a temporary basis for medical care or treatment.

(14) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(15) "State veterinarian" means the chief animal health official of the state as appointed by the director under section 7 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.707 of the Michigan Compiled Laws.

(16) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under the law of another state or federal authority that is applicable to that person.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.892 Ferrets; vaccinations required; exception; bite, scratch, abrasions, or contamination; report to county health department; handling; production of rabies certificate upon request.

Sec. 2. (1) A person shall not own or harbor a ferret over 12 weeks of age unless the ferret has a current vaccination against rabies with an approved rabies vaccine administered by a veterinarian, except that rabies vaccinations are not required for research ferrets kept at research facilities registered pursuant to the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws.

(2) A person who owns or harbors a ferret that has bitten, scratched, caused abrasions or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall report the incident within 48 hours to the county public health department.

(3) A person who owns or harbors a ferret that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions, or contaminating open wounds or mucous membranes with saliva or other infectious material shall handle the ferret in accordance with current published guidelines of the centers of disease control and prevention.

(4) A person who owns or harbors a ferret shall produce proof of a valid rabies certificate signed by a veterinarian for the ferret upon request of a law enforcement agent or animal control officer or the director.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.893 Ferrets; breeding without license; criteria; review of veterinary care; compliance; violation as misdemeanor.

Sec. 3. (1) A hobby breeder may engage in the breeding of ferrets without a license or permit if all of the following criteria are met:

(a) Ferrets are housed indoors, and the temperature is sufficiently regulated by heating or cooling to protect the ferrets from extremes of temperature, to provide for their health, and to prevent their discomfort. Fresh air is provided by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Lighting by natural or artificial means is ample and of sufficient intensity to permit routine inspection and cleaning.

(b) Each ferret has a minimum of 2 square feet of floor space in a well-ventilated cage. Each cage is equipped with, at a minimum, a food hopper or bowl, a water bottle, a litter box, and bedding appropriate for the season. Breeding females are provided with a draft-proof nest box of not less than 1 cubic foot of space.

(c) The food is wholesome and of sufficient quantity and nutritive value to maintain all ferrets in good health. Ferrets are fed at least once a day except as dictated by veterinary treatment. Food receptacles are located so as to be accessible and placed so as to minimize contamination. Food receptacles are kept clean and sanitary at all times.

(d) Water is accessible at all times, except as dictated by veterinary treatment, for the health and comfort of the ferret. All water receptacles are kept clean and sanitary at all times.

(e) Excretia is removed from a cage and a litter box is disinfected as often as necessary to maintain ferrets in a state of good health and minimize odors.

(f) A ferret with any congenital or developmental defect is not used in a breeding program or offered for stud or hire.

(g) Beginning on the effective date of this act, a ferret is not sold by a hobby breeder without a contract of sale that provides that if for any reason the buyer of the breeder's ferret or ferrets finds that the buyer can no longer keep the ferret or ferrets, the breeder will take the ferret or ferrets back without question or conditions placed on the return of the animal. The contract shall make it clear that the buyer shall not sell, surrender, give, or otherwise transfer the ferret or ferrets to anyone except the original breeder.

(h) A ferret is not sold or offered for sale before the ferret is at least 10 weeks old.

(i) The hobby breeder establishes a program of veterinary care with a veterinarian that includes regularly scheduled visits to monitor ferret health and husbandry.

(2) The hobby breeder's veterinarian shall annually review the program of veterinary care required under subsection (1)(i).

(3) A breeder may engage in the breeding of ferrets pursuant to title 9, C.F.R., subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142.

(4) A person who violates this section is guilty of a misdemeanor.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.894 Ferrets; identification; confinement; release or abandonment.

Sec. 4. (1) The director may require that a ferret be identified pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws, at the expense of the owner.

(2) An owner shall prevent a ferret from leaving the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(3) A person shall not release a ferret into the wild or abandon a ferret.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.895 Importation.

Sec. 5. (1) A person shall not import a ferret into this state unless the person has an official interstate health certificate or official certificate of veterinary inspection signed by an accredited veterinarian and a current rabies vaccination if the ferret is over 12 weeks of age, and a current distemper vaccination if the ferret is over 6 weeks of age. A record of the vaccinations including date and type administered shall be on the official interstate health certificate or official certificate of veterinary inspection. A copy of the official interstate health certificate or official certificate of veterinary inspection approved by the state veterinarian in the state of origin shall be forwarded to the state veterinarian within 10 days after the date of issuance. An official interstate health certificate may be obtained from a veterinarian or the department.

(2) A ferret under 6 weeks of age shall not be imported into this state unless it is accompanied by its natural mother.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.896 Sale or transfer.

Sec. 6. A person who sells or transfers a ferret shall furnish a ferret health information sheet provided by the director to the person to whom a ferret is sold or transferred.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.897 Quarantine.

Sec. 7. (1) The director may declare a quarantine on ferrets in any district or region of this state to control or prevent the spread of an infectious, contagious, or toxicological disease. A person shall not move a ferret that is under quarantine to other premises without permission from the director. A person shall not allow a ferret under quarantine to mingle or have contact with animals that the director has not placed under quarantine without the permission of the director. The director may prescribe procedures for the identification, inventory, separation, mode of handling, treatment, feeding, and caring for the quarantined ferrets to prevent the quarantined ferrets from infecting nonquarantined animals. A person shall not import into this state a ferret from another state or jurisdiction if that ferret is under quarantine in the other state or jurisdiction unless that person obtains prior permission from the director.

(2) A ferret found running at large in violation of a quarantine declaration may be killed by a law enforcement agent or animal control officer. The director may ask for the cooperation of a law enforcement agency or animal control agency to enforce the quarantine.

(3) A law enforcement agent or animal control officer who kills a ferret due to a quarantine under this section is not subject to liability as a result of the killing of the ferret.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.898 Licensing requirements; ordinances established by local units of government.

Sec. 8. A local unit of government by ordinance may establish licensing requirements for ferrets. The ordinance shall provide for proof of rabies vaccination, license tags, forms, and procedures as described for dogs pursuant to the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.899 Violation as misdemeanor; penalty; actions by law enforcement agent, animal control officer, or director.

Sec. 9. (1) A person who intentionally violates a condition of a quarantine is guilty of a misdemeanor, and shall pay the costs of the quarantine and prosecution. In addition, the misdemeanor is punishable by 1 or more of the following:

(a) Imprisonment for not more than 1 year.

- (b) A fine of not more than \$5,000.00.
- (c) Community service work for not more than 500 hours.
- (d) Permanent relinquishment of the privilege of animal ownership.

(2) A person who violates this act or a rule promulgated under this act other than as provided under subsection (1) or (3) is guilty of a misdemeanor, and shall pay the costs of the prosecution. In addition, the misdemeanor is punishable by 1 or more of the following:

- (a) Imprisonment for not more than 90 days.
- (b) A fine of not less than \$500.00 or more than \$1,000.00.
- (c) Community service work of not more than 120 hours.
- (d) Permanent relinquishment of the privilege of animal ownership.

(3) A person who violates section 4(2) is guilty of a misdemeanor punishable by a fine of not more than \$100.00, and shall pay the costs of the prosecution.

(4) A law enforcement agent, an animal control officer, or the director may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, for any misdemeanor violation of this act as described in subsection (2).

(5) In addition to any other action authorized by this act, a law enforcement agent, an animal control officer, or the director 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: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.900 Rules.

Sec. 10. The director 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: 1994, Act 358, Imd. Eff. Dec. 22, 1994;—Am. 2006, Act 220, Imd. Eff. June 26, 2006.

287.901 Repeal of MCL 317.151 to 317.152.

Sec. 11. Act No. 277 of the Public Acts of 1927, being sections 317.151 to 317.152 of the Michigan Compiled Laws, is repealed.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

PRIVATELY OWNED CERVIDAE PRODUCERS MARKETING ACT
Act 190 of 2000

AN ACT to define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide power and duties of certain state agencies and departments; and to provide for certain penalties and remedies.

History: 2000, Act 190, Eff. June 1, 2001.

The People of the State of Michigan enact:

287.951 Short title.

Sec. 1. This act shall be known and may be cited as the “privately owned cervidae producers marketing act”.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

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.

287.952 Definitions.

Sec. 2. As used in this act:

(a) "Business plan" means a written document of intent that a person submits to the department that defines the methods, protocols, or procedures that the person intends on implementing to be in compliance with this act.

(b) "Biosecurity" means measures, actions, or precautions taken to prevent the transmission of disease in, among, or between free-ranging and privately owned cervidae species.

(c) "Cervidae livestock facility" means a privately owned cervidae livestock operation on privately controlled lands capable of holding cervidae species.

(d) "Cervidae livestock operation" means an operation that contains 1 or more privately owned cervidae species involving the producing, growing, propagating, using, harvesting, transporting, exporting, importing, or marketing of cervidae species or cervidae products under an appropriate registration.

(e) "Cervidae products" means any products, co-products, or by-products of cervidae, including antler, antler velvet, meat, or any part of the animal.

(f) "Cervidae species" means members of the cervidae family including, but not limited to, deer, elk, moose, reindeer, and caribou.

(g) "Department" means the Michigan department of natural resources.

(h) "Director" means the director of the Michigan department of natural resources or his or her designee.

(i) "Farm" or "farm operation" means those terms as defined in the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(j) "Flush" or "flushed" means to move or chase from a cervidae livestock facility.

(k) "Identify" means any documentable system or process that allows a person to recognize as separate or different an individual animal.

(l) "Law enforcement officer" means a person appointed by the state or a local governmental unit who is responsible for the enforcement of the criminal laws of this state.

(m) "Owner" means the person who owns or is responsible for a cervidae livestock operation.

(n) "Person" means an individual, corporation, limited liability corporation, partnership, association, joint venture, or other legal entity.

(o) "Release" means to cause or allow an animal to become located outside the perimeter fence of a cervidae livestock facility not under the direct control of the owner.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.953 Administration of act; conduct of activities.

Sec. 3. (1) The department shall administer this act. The departments of agriculture and environmental quality shall provide consultation.

(2) The department of agriculture may conduct activities designed to develop and assist the cervidae

industry in the manner provided for by law.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.954 Cervidae livestock operation as agricultural enterprise.

Sec. 4. (1) A cervidae livestock operation is an agricultural enterprise and is considered to be part of the farming and agricultural industry of this state. The director of the department of agriculture shall assure that cervidae livestock operations are afforded all rights, privileges, opportunities, and responsibilities of other agricultural enterprises.

(2) Cervidae livestock operations are a form of agriculture. Cervidae livestock facilities and their equipment are considered to be agricultural facilities and equipment. Uses related to the farming of cervidae are considered agricultural uses.

(3) Cervidae products and cervidae species lawfully produced, purchased, possessed, or acquired from within this state or imported into this state are the exclusive and private property of the owner.

(4) An owner harvesting privately owned cervidae species from a registered cervidae livestock facility is exempt from possession limits and closed seasons involving cervidae imposed in parts 401, 411, and 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40120, 324.41101 to 324.41105, and 324.42701 to 324.42714. This act does not give a cervidae livestock operation authority to take free-ranging animals in violation of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, unless under a permit issued by the department.

(5) Any movement, importing, or exporting of cervidae species or cervidae products shall be in compliance with the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.955 Cervidae livestock operation; registration; records; compliance with facility standards.

Sec. 5. (1) A person shall not possess cervidae or engage in a cervidae livestock operation unless he or she obtains from the department a cervidae livestock facility registration or unless otherwise exempt by rule or law. If the activity in which the cervidae livestock facility is engaged is required to be regulated under any other act, registration under this act does not exempt the person or cervidae livestock facility from requirements imposed under any local, state, or federal regulation. Zoos accredited under the American zoological association or other accreditations or standards determined appropriate by and acceptable to the department are exempt from this act.

(2) A person registered under this act shall keep and maintain records of production, purchases, or imports in order to establish proof of ownership and shall keep any other records required under standards incorporated by reference under section 6. A person transporting cervidae species 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 the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, upon demand of the director or a law enforcement officer.

(3) Until July 1, 2008, a cervidae livestock facility registered prior to the effective date of the amendatory act that added this subsection must comply with the facility standards contained in "Operational Standards for Registered Privately Owned Cervid Facilities", published by the Michigan department of agriculture, (May 2000). A cervidae livestock facility in existence on or before the effective date of the amendatory act that added this subsection shall be in compliance with the facility standards by July 1, 2008, which are contained in "Operational Standards for Registered Privately Owned Cervidae Facilities" published by the Michigan department of natural resources, (revised December 2005), adopted by the Michigan commission of agriculture on January 9, 2006, and adopted by the natural resources commission on January 12, 2006, and are incorporated by reference.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.956 Application; fee; standards; business plan; forwarding copies of application; notice to local governmental units; issuance; renewal; determination of completed application;

denial; review; "completed application" defined.

Sec. 6. (1) The initial application to construct a cervidae livestock facility shall be accompanied by the application fee described in section 8. The department shall approve, deny, or propose a modification to the completed application within 60 days. The department shall utilize the standards contained in "Operational Standards for Registered Privately Owned Cervidae Facilities", published by the Michigan department of natural resources, (revised December 2005), adopted by the Michigan commission of agriculture on January 9, 2006, and adopted by the natural resources commission on January 12, 2006, and incorporated by reference, to evaluate the issuance, construction, maintenance, administration, and renewal of a registration issued under this act. The department after consultation with the department of agriculture and with concurrence of the commissions of natural resources and agriculture may, by amendment of this act, amend or update the standards adopted in this subsection. Before issuing any registration under this act, the director shall verify, through written confirmation, both of the following:

(a) The department has approved the method used to flush any free-ranging cervidae species from the facility, if applicable, and all free-ranging cervidae species have actually been flushed.

(b) The department has determined that the size and location of the facility will not place unreasonable stress on wildlife habitat or migration corridors.

(2) As part of the initial application or the application to modify a cervidae livestock facility, the applicant for registration shall submit a business plan complying with the standards established under this section that includes all of the following:

(a) The complete address of the proposed cervidae livestock facility and the size of, the location of, and a legal description of the lands on which the cervidae livestock operation will be conducted.

(b) The number of each cervidae species included in the proposed facility.

(c) Biosecurity measures to be utilized, including, but not limited to, methods of fencing and appropriate animal identification.

(d) The proposed method of flushing wild cervidae species from the enclosure, if applicable.

(e) A record-keeping system in compliance with this act and the operational standards incorporated by reference in subsection (1).

(f) The method of verification that all free-ranging cervidae species have been removed.

(g) The current zoning of the property proposed as a cervidae livestock facility and whether the local unit or units of government within which the cervidae livestock facility will be located has an ordinance regarding fences.

(h) A disease herd plan in compliance with the operational standards incorporated by reference in subsection (1) to be approved by the state veterinarian under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

(i) Any other information considered necessary by the department.

(3) Upon receipt of an application, the director shall forward 1 copy each to the departments of agriculture and environmental quality. Upon receipt of an application, the department shall send a written notice to the local unit or units of government within which the proposed cervidae livestock facility will be located unless the department determines, from information provided in the application, that the local unit of government has a zoning ordinance under which the land is zoned agricultural. The local unit or units of government may respond, within 30 days of receipt of the written notice, indicating whether the applicant's cervidae livestock facility would be in violation of any ordinance.

(4) The department shall not issue an initial cervidae livestock facility registration or modification unless the application demonstrates all of the following:

(a) The cervidae livestock facility has been inspected by the director and he or she has determined that the cervidae livestock facility meets the standards and requirements prescribed by and adopted under this act, complies with the business plan submitted to the department, and determines that there are barriers in place to prevent the escape of cervidae species and prevent the entry of wild cervidae species. A renewal or initial applicant must provide a perimeter fence in compliance with the operational standards incorporated by reference under subsection (1).

(b) The method for individual animal identification complies with the standards incorporated by reference under this section.

(c) The applicant has all necessary permits that are required under part 31 regarding water resources protection, part 301 regarding inland lakes and streams, and part 303 regarding wetland protection of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, 324.30101 to 324.30113, and 324.30301 to 324.30323, and any other permits or authorizations that may be required by law.

(5) Beginning the effective date of the amendatory act that added this subsection, the department shall

issue an initial registration or modification registration allowing an expansion of an existing facility not later than 120 days after the applicant files a completed application. Renewal applications shall be issued not later than 60 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by the department. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The determination of the completeness of an application does not operate as an approval of the application for the registration and does not confer eligibility upon an applicant determined otherwise ineligible for issuance of a registration. The 120-day period is tolled under any of the following circumstances:

(a) Notice sent by the department of a deficiency in the application until the date all of the requested information is received by the department.

(b) The time period during which required actions are completed that include, but are not limited to, completion of construction or renovation of the facility; mandated reinspections if by the department; other inspections if required by any state, local, or federal agency; approval by the legislative body of a local unit of government; or other actions mandated by this act or as otherwise mandated by law or local ordinance.

(6) If the department fails to issue or deny a registration within the time required by this subsection, the department shall return the registration fee and shall reduce the registration fee for the applicant's next renewal application, if any, by 15%. The failure to issue a registration within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the registration fee was refunded or discounted under this subsection.

(7) Upon receipt of a denial under this section and without filing a second application, the applicant may request in writing and, if requested, the department shall provide an informal review of the application. The review shall include the applicant, the department, and the departments of agriculture and environmental quality, if applicable. After the informal review, if the director determines that the proposed cervidae livestock facility or cervidae livestock operation complies with the requirements of this act, the director shall issue a registration within 30 days after the applicant notifies the department of completion of the facility. After the informal review, if the director determines that the proposed cervidae livestock facility or cervidae livestock operation does not comply with the requirements of this act, the director shall affirm the denial of the application in writing and specify the deficiencies needed to be addressed or corrected in order for a registration to be issued. The applicant may waive the informal review of the application.

(8) As used in this subsection, "completed application" means an application complete on its face and submitted with any applicable registration fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.957 Completion of facility construction; notice; inspection; issuance of registration; determination of noncompliance; notice of registration denial; request for second inspection; review upon second denial; hearing; return of registration fee.

Sec. 7. (1) At the time the construction of the cervidae livestock facility is completed, the applicant shall notify the department in writing. That written notice shall certify that, to the best of the applicant's knowledge, the cervidae livestock facility has been constructed in compliance with the requirements of this act and in compliance with the standards for cervidae livestock facilities. Within 30 days after notification of the completion of the cervidae livestock facility, the director shall inspect the cervidae livestock facility. If the director determines that the proposed cervidae livestock facility conforms to standards prescribed by and adopted under this act, the director shall issue a registration within 30 days after completion of an inspection finding that the cervidae livestock facility conforms to this act. The time periods described in this subsection may be extended by the department only if the department is unable to verify the removal of wild cervidae species, for an act of God, or in accordance with section 6(5)(a) or (b).

(2) If the director determines that a proposed cervidae livestock facility does not comply with the requirements of this act, the director shall deny the application for registration. The department shall notify in writing an applicant of the reasons for a registration denial within 60 days after receipt of the completed application. The notice shall specify in writing the deficiencies to be corrected in order for a registration to be

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.959 Registration; modification; application; decommission.

Sec. 9. (1) A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration if any changes to the information on the registration have occurred or will occur. Except for registrations approved under subsection (2)(a), expiration dates shall not change for approved modifications.

(2) A completed modification application shall be submitted and approved by the department before any of the following changes occur:

(a) A change in registration class.

(b) A modification to the size of a cervidae livestock facility.

(3) A modification application submitted under subsection (2)(a) shall include the appropriate fee for the new class. If approved by the department, the registration expires 3 years from the new date of issuance.

(4) A modification application submitted under subsection (2)(b) shall include the submission of a modification application fee of \$100.00.

(5) A modification application shall be submitted within 30 days after any of the following changes have occurred:

(a) A change to the complete name, business name, business address, or telephone number of the current cervidae livestock facility registration holder.

(b) A change to the complete address of the cervidae livestock facility location.

(c) A sale or transfer of ownership of a cervidae livestock facility. The modification application shall include a written statement signed by the new and previous owner verifying the sale or transfer of ownership.

(d) The introduction of new species into a cervidae livestock facility.

(6) A registrant may request decommissioning of a cervidae livestock facility. The decommissioning of a cervidae livestock facility shall be in compliance with the operational standards incorporated by reference under section 6(1) and upon approval by the department, unless there is a risk to the environment and to the health of other free-ranging animals in the area in the removal of fencing and other barriers.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.960 Memorandum of understanding with department of agriculture.

Sec. 10. The director shall enter into a memorandum of understanding with the department of agriculture for approving disease herd plans and determining compliance by persons engaged in cervidae livestock operations, applicants, and registered cervidae livestock facilities with this act and investigation of violations of this act.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.961 Killing cervidae species; permit; reimbursement.

Sec. 11. After flushing cervidae species in an approved manner, any cervidae species remaining in the cervidae livestock facility must be killed by or under the authority of the registrant pursuant to an appropriate permit issued by the department. A person shall reimburse the state of Michigan \$250.00 per individual cervid that must be killed under the appropriately issued permit to meet the requirements of this section.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.962 Inspection of facility by department.

Sec. 12. (1) The department or its duly authorized agent shall have access at all reasonable hours to any cervidae livestock facility to inspect and to determine if this act is being violated and to secure samples or specimens of any cervidae species. An inspection shall be conducted under practices designed not to jeopardize the health of the cervidae species.

(2) The director may periodically inspect a registered cervidae livestock facility for confirmation that there are in place procedures or barriers designed to prevent the escape of cervidae species, for confirmation that all specimens are accounted for, and for confirmation of compliance with other requirements as set forth in this

act or as required by law.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.963 Prohibited conduct.

Sec. 13. A person shall not knowingly provide false information in a matter pertaining to this act and shall not resist, impede, or hinder the director in the discharge of his or her duties under this act.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.964 Noncompliance with act, standards, or orders; denial, suspension, or revocation of registration; determination of unreasonable or adverse effect; hearing.

Sec. 14. (1) After an opportunity for an administrative hearing, the department may deny, suspend, revoke, or limit a registration if the applicant or registrant fails to comply with this act, standards adopted or established under this act, or orders issued by the director as a result of an administrative action or informal departmental review conducted under this act.

(2) In addition to the provisions contained in subsection (1), the department may deny the issuance of a registration, modification, or an application for decommission or may suspend or revoke a registration if the department, in consultation with the department of agriculture or the department of environmental quality, or both, determines that based upon substantial scientific evidence, the issuance of a registration or approval of decommission will cause, or is likely to cause, an unreasonable or adverse effect upon the environment or upon wildlife which cannot be remedied by, or is not addressed by, the existing standards under this act.

(3) Except in the case of an informal departmental review, the department shall conduct an administrative proceeding under this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.965 Repealed. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: The repealed section pertained to rules.

287.966 Violation as misdemeanor; penalty.

Sec. 16. Except as otherwise provided in section 17, a person who violates this act or the operational standards incorporated by reference under this act is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or more than \$1,000.00 or imprisonment for not less than 30 days or more than 90 days, or both.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.967 Prohibited conduct; violation; penalty.

Sec. 17. (1) A person shall not release or allow the release of any cervidae species from a cervidae livestock facility. This section does not prohibit the sale, breeding, marketing, exhibition, or other approved uses of cervidae species in the manner provided for by law. An animal that escapes from a facility is considered to be public property if the operator of a cervidae livestock facility does not notify the department in compliance with the standards established under this act.

(2) An owner shall not abandon a registered cervidae livestock facility without first notifying the department and the Michigan department of agriculture in compliance with the standards established under this act.

(3) A person shall not intentionally or knowingly do either or both of the following:

- (a) Cause the ingress of free-ranging cervidae species into a registered cervidae livestock facility.
- (b) Release or allow the release of any cervidae species from a cervidae livestock facility.

(4) A person violating subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$300.00 or imprisonment of not more than 90 days, or both, for a first offense and is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both, for a second or subsequent offense.

(5) A person intentionally or knowingly violating subsection (3) or violating subsection (2) is guilty of a

felony.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.968 Conviction; costs and attorney fees; findings of violations; remedies.

Sec. 18. (1) A court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of section 16 or 17.

(2) The director, upon finding that a person has violated any provisions of this act or an order issued by the director as a result of an informal or administrative hearing may do any of the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than \$1,000.00, plus the costs of investigation, for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request 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.

(3) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.

(4) Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:

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

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

(5) The remedies under this act are cumulative and use of 1 remedy does not bar the use of another unless otherwise prohibited by law.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.969 Effective date.

Sec. 19. This act takes effect June 1, 2001.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2004-2

287.981 Transfer of powers and duties of the department of agriculture under the Cervidae act to the department of natural resources by type II transfer.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, facilities and operations for captive cervidae including deer, elk, moose, and reindeer, can have serious impacts on the state's wildlife population and the agricultural industry;

WHEREAS, unlike domestic livestock species, when deer and elk escape from privately-owned cervidae livestock facilities and operations, they are indistinguishable from free-ranging deer and elk, and also pose a potential risk to native animals, such as the transmission of parasites and disease;

WHEREAS, deer and other cervidae are migratory animals often moving substantial distances seasonally, magnifying potential impacts on Michigan's wildlife population;

WHEREAS, Chronic Wasting Disease is an incurable neurological disease of deer and elk that can be spread directly from animal to animal, or indirectly from soil or surface to animal;

WHEREAS, Chronic Wasting Disease was once considered to be a disease limited to small endemic areas of Western United States, but has recently been discovered in more than 15 states and in Canada.

WHEREAS, while the disease has the potential to devastate Michigan's deer and elk population, with state action, and the cooperation of private industry, Michigan can work to prevent Chronic Wasting Disease and other potential problems to maintain a healthy and safe future for Michigan wildlife;

WHEREAS, it is imperative that Michigan remain vigilant and act decisively in adopting measures to protect native deer and elk from Chronic Wasting Disease and reduce vulnerabilities to the spread of the disease;

WHEREAS, in light of the potential impact on Michigan's wildlife population, the Governor's Chronic Wasting Disease Task Force, chaired by Dr. Howard Tanner, has recommended that the licensing, application, registration, and inspection functions for privately-owned cervidae livestock facilities and operations be transferred to the Department of Natural Resources;

WHEREAS, the Governor's Chronic Wasting Disease Task Force has also recommended a complete audit of Michigan's privately-owned cervidae livestock facilities and operations, which under current budgetary conditions can most effectively be performed by the Department of Natural Resources;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the executive branch of state government;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Biosecurity" means measures, actions, or precautions taken to prevent the transmission of disease in, among, or between free-ranging and privately-owned cervidae species.

2. "Cervidae" means members of the cervidae family, including, but not limited to, deer, elk, moose, reindeer, and caribou.

3. "Cervidae Act" means the Privately Owned Cervidae Producers Marketing Act, 2000 PA 190, MCL 287.951 to 287.969.

4. "Cervidae livestock facility" means a privately-owned cervidae livestock operation on privately-controlled lands capable of holding cervidae.

5. "Cervidae livestock operation" means an operation that contains 1 or more privately-owned cervidae involving the producing, growing, propagation, using, harvesting, transporting, exporting, importing, or marketing of cervidae or cervidae products.

6. "Cervidae products" means any products, co-products, or by-products of cervidae, including antler, antler velvet, meat, or any part of the animal.

7. "Commission on Agriculture" means the commission created under Section 1 of 1921 PA 13, MCL 285.1 and designated as the head of the Department of Agriculture under Section 176 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.276.

8. "Department of Agriculture" means the principal department of state government created under Section

1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

9. "Department of Natural Resources" means the principal department of state government created under Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

10. "Type II Transfer" means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

II. TRANSFER OF RESPONSIBILITIES FOR REGULATUION AND BIOSECURITY OF CERVIDAE LIVESTOCK FACILITIES AND OPERATIONS

A. All of the following authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Agriculture under the Cervidae Act are transferred by Type II Transfer to the Department of Natural Resources:

1. The administration of the Cervidae Act as authorized under Subsection (1) of Section 3 of the Cervidae Act, MCL 287.953, consistent with the provisions of this Order.

2. Enforcement of Subsection (5) of Section 4 of the Cervidae Act, MCL 287.954, regarding the movement, importing, or exporting of cervidae or cervidae products.

3. Processing of applications for registration, issuance of registrations, provision for registration classes, determination of standards, and charging fees for initial and renewal applications under the Cervidae Act.

4. Receipt of applications for registration and adoption of standards under Subsection (1) of Section 6 of the Cervidae Act, MCL 287.956.

5. Receipt of business plans and requests for additional information considered necessary by the department under Subsection (2) of Section 6 of the Cervidae Act, MCL 287.956.

6. Transmission of notices to local units of government, receipt of responses, and determinations related to notices under Subsection (3) of Section 6 of the Cervidae Act, MCL 287.956.

7. Provision of informal departmental reviews of applications under Subsection (5) of Section 6 of the Cervidae Act, MCL 287.956.

8. Receipt of notices, extension of time periods, and verification of removals of wild cervidae under Subsection (1) of Section 7 of the Cervidae Act, MCL 287.957.

9. Transmission of notices under Subsection (2) of Section 7 of the Cervidae Act, MCL 287.957.

10. Provision of informal departmental reviews of applications under Subsection (4) of Section 7 of the Cervidae Act, MCL 287.957.

11. Conduct of any hearings or administrative proceedings under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, authorized by the Cervidae Act.

12. Return of any registration fees under the Cervidae Act.

13. Receipt of notices under Subsection (7) of Section 8 of the Cervidae Act, MCL 287.958.

14. Inspections and determinations under Section 12 of the Cervidae Act, MCL 287.962.

15. Denials, suspensions, revocations or limitations of or on registrations under Section 14 of the Cervidae Act, MCL 287.964.

16. Receipt of notices under Subsection (2) of Section 17 of the Cervidae Act, MCL 287.967.

17. Recovery of reasonable costs and attorney fees under Section 18 of the Cervidae Act, MCL 287.968.

B. All of the authority, powers, duties, functions, responsibilities, and rule-making authority of the Commission of Agriculture under Section 6 of the Cervidae Act, MCL 287.956 are transferred by Type II Transfer to the Department of Natural Resources.

C. All of the following authority, powers, duties, functions, responsibilities, and rule-making authority of the Director of the Department of Agriculture, or his or her designee, under the Cervidae Act are transferred by Type II Transfer to the Department of Natural Resources:

1. Demands for documentation under Subsection (2) of Section 5 of the Cervidae Act, MCL 287.955.

2. Forwarding copies of applications to state departments under Subsection (3) of Section 6 of the Cervidae Act, MCL 287.956.

3. Inspections, determinations regarding standards and requirements, issuance of registrations, and affirmation of denials under Subsections (4) and (5) of Section 6 of the Cervidae Act, MCL 287.956.

4. Inspections, determinations regarding standards and requirements, issuance of registrations, and affirmation of denials under Subsection (1) of Section 7 of the Cervidae Act, MCL 287.957.

5. Determinations and denials under Subsection (2) of Section 7 the Cervidae Act, MCL 287.957.

6. Determinations regarding standards and requirements, issuance of registrations, and affirmation of denials under Subsection (4) of Section 7 of the Cervidae Act, MCL 287.957.

7. Activities related to the memorandum of understanding under Section 10 of the Cervidae Act, MCL 287.960.

8. Inspections under Section 12 of the Cervidae Act, MCL 287.962.

9. Activities described under Section 13 of the Cervidae Act, MCL 287.963.

10. Issuance of orders as authorized under Cervidae Act.

11. Promulgation of rules necessary to implement and enforce the Cervidae Act.

12. Actions relating to enforcement authorized under Section 18 of the Cervidae Act, MCL 287.968.

D. All of the following authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Natural Resources under the Cervidae Act are transferred by Type II Transfer to the Department of Agriculture:

1. Consultation regarding the administration of the Cervidae Act as authorized under Subsection (1) of Section 3 of the Cervidae Act, MCL 287.953.

2. Consultation regarding the amendment updating or supplementing of standards under Subsection (1) of Section 6 of the Cervidae Act, MCL 287.956.

3. Receipt of copies of applications under Subsection (3) of Section 6 of the Cervidae Act, MCL 287.956.

4. Participation in informal departmental reviews under Subsection (5) of Section 6 of the Cervidae Act, MCL 287.956, as applicable.

5. Participation in informal departmental reviews under Subsection (4) of Section 7 of the Cervidae Act, MCL 287.957, as applicable.

6. Consultation with other state departments under Subsection (2) of Section 14 of the Cervidae Act, MCL 287.964.

III. IMPLEMENTATION

A. The Department of Agriculture shall assist the Department of Natural Resources in the exercise of authority, powers, duties, functions, and responsibilities transferred to the Department of Natural Resources under this Order. The Department of Agriculture shall share with the Department of Natural Resources information in the possession of the Department of Agriculture regarding privately-owned cervidae livestock facilities and operations, including information obtained under the Animal Industry Act, 1988 PA 466, MCL 287.701 to 287.745, and information necessary for the Department of Natural Resources to conduct an audit of the privately-owned cervidae livestock facilities and operations.

B. The Director of the Department of Agriculture and the Director of the Department of Natural Resources shall immediately initiate coordination to facilitate the implementation of the transfers under this Order.

C. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of all transfers to the Department of Natural Resources under this Order. The functions transferred to the Department of Natural Resources under this Order shall be administered under the direction and supervision of the Director of the Department of Natural Resources, including but not limited to, any prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

D. The Director of the Department of Agriculture shall provide executive direction and supervision for the implementation of all transfers to the Department of Agriculture under this Order. The functions transferred to the Department of Agriculture under this Order shall be administered under the direction and supervision of the Director of the Department of Agriculture, including but not limited to, any prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

E. All records, personnel, property, and funds used, held, employed, or to be made available to the Department of Agriculture for the activities transferred to the Department of Natural Resources under this Order are transferred to the Department of Natural Resources.

F. All records, personnel, property, and funds used, held, employed, or to be made available to the Department of Natural Resources for the activities transferred to the Department of Agriculture under this Order are transferred to the Department of Agriculture.

G. The Director of the Department of Agriculture and the Director of the Department of Natural Resources shall develop memoranda of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the Department of Agriculture.

H. The Director of the Department of Natural Resources and the Director of the Department of Agriculture shall develop memoranda of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the Department of Natural Resources.

I. Any authority, duties, powers, functions, and responsibilities transferred to the Department of Natural Resources in this Order and not mandated otherwise statutorily may in the future be reorganized to promote

efficient administration by the Director of the Department of Natural Resources.

J. Any authority, duties, powers, functions, and responsibilities transferred to the Department of Agriculture in this Order and not mandated otherwise statutorily may in the future be reorganized to promote efficient administration by the Director of the Department of Agriculture.

K. The Director of the Department of Natural Resources may perform a duty or exercise a power conferred by law or executive order upon the Director of the Department of Natural Resources at the time and to the extent the duty or power is delegated to the Director of the Department of Natural Resources by law or order.

L. The Director of the Department of Agriculture may perform a duty or exercise a power conferred by law or executive order upon the Director of the Department of Agriculture at the time and to the extent the duty or power is delegated to the Director of the Department of Agriculture by law or order.

M. The Director of the Department of Natural Resources may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Natural Resources.

N. The Director of the Department of Agriculture may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Agriculture.

O. The Director of the Department of Natural Resources shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

P. The Director of the Department of Agriculture shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

IV. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

History: 2004, E.R.O. No. 2004-2, Eff. June 14, 2004.

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.

ANIMAL WELFARE FUND ACT
Act 132 of 2007

AN ACT to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

The People of the State of Michigan enact:

287.991 Short title.

Sec. 1. This act shall be known and may be cited as the "animal welfare fund act".

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.992 Definitions.

Sec. 2. As used in this act:

(a) "Animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331.

(b) "Department" means the department of agriculture.

(c) "Fund" means the animal welfare fund created in section 3.

(d) "Qualified veterinarian" means a person licensed or otherwise authorized to engage in the practice of veterinary medicine under part 188 of article 15 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838, and who practices veterinary medicine in this state.

(e) "State animal anticruelty laws" means the laws and standards provided for the adequate care of animals in chapter IX of the Michigan penal code, 1931 PA 328, MCL 750.49 to 750.70, including the provisions of section 50(8) of the Michigan penal code, 1931 PA 328, MCL 750.50.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.993 Animal welfare fund; creation; purpose; credit; fund consisting of money, interest and earnings, and other value; investment; money remaining in fund.

Sec. 3. (1) The animal welfare fund is created in the department to provide funds to promote sterilization and adoption of dogs and cats, to improve knowledge of the proper care of animals pursuant to state animal anticruelty laws by educating the public and training personnel authorized by law to enforce state animal anticruelty laws, to support and enhance programs that provide for the care and protection of animals pursuant to state anticruelty laws, and to allow the purchase of equipment and supplies for programs that receive grants under this act.

(2) The state treasurer shall credit to the fund all amounts appropriated for this purpose under section 435 of the income tax act of 1967, 1967 PA 281, MCL 206.435.

(3) The fund shall consist of the money credited to the fund pursuant to section 435 of the income tax act of 1967, 1967 PA 281, MCL 206.435, any interest and earnings accruing from the saving and investment of that money, and other appropriations, money, or other things of value received by the fund.

(4) The state treasurer shall direct the investment of the fund.

(5) Money in the fund at the close of the year shall remain in the fund and shall not lapse to the general fund.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.994 Expenditures; money received as gift or donation; administrative costs.

Sec. 4. (1) The money, interest, and earnings of the fund shall be expended solely for the purposes described in this act.

(2) Money granted or received as a gift or donation to the fund is available for distribution upon appropriation.

(3) Money in the fund may be expended by the department for actual administrative costs related to the administration of programs or activities authorized under this act.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.995 Grants proposals; solicitation; entities receiving grants; purposes; limitations.

Sec. 5. (1) The department shall solicit proposals for grants under this act.

(2) The department shall approve proposals for funding under this act. Only the following entities shall

receive grants from the fund:

(a) An animal control shelter or animal protection shelter.

(b) An organization exempt from taxation under section 501(c)(3) of the internal revenue code that is based in this state and whose primary purpose is to increase the number of dogs and cats that are sterilized and adopted.

(3) The department shall make grants to animal control shelters or animal protection shelters for only 1 or more of the following purposes:

(a) Increase the number of dogs and cats that are sterilized and adopted.

(b) Provide information to the public about the value of sterilization and adoption of dogs and cats.

(c) Improve knowledge of the proper care of animals pursuant to state animal anticruelty laws by educating the public and training personnel authorized by law to enforce state animal anticruelty laws.

(d) Support and enhance programs that provide for the care and protection of animals pursuant to state anticruelty laws.

(e) Purchase equipment and supplies for programs that receive grants under this act.

(4) The department shall make grants to organizations described in subsection (2)(b) only for 1 or both of the following purposes:

(a) To increase the number of dogs and cats that are sterilized and adopted.

(b) To provide information to the public about the value of sterilization and adoption of dogs and cats.

(5) The department shall not approve a grant under this act to an organization described in subsection (2)(b) unless the organization has complied with section 9a of 1969 PA 287, MCL 287.339a.

(6) A grant received under this act shall not be used to replace funds otherwise designated by a grantee to support similar programs or projects if existing funds for those programs or projects are included in the grantee's budget before receiving a grant under this act.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.996 Annual report; form.

Sec. 6. An organization that receives a grant under this act shall provide a written report of activities funded by the grant to the department annually on a form prescribed by the department.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

287.997 Noncompliance with act or grant provisions; ineligibility for future grants; repayment.

Sec. 7. (1) An organization that receives a grant under this act that does not comply with the provisions of this act or the terms of the grant as determined by the department is not eligible for any future grant under this act.

(2) An organization that receives a grant under this act that does not comply with the provisions of this act or the terms of the grant shall be required to repay to the department the amount of the grant, or a portion of the grant, as determined by the department.

History: 2007, Act 132, Imd. Eff. Nov. 1, 2007.

WOLF-DOG CROSS ACT
Act 246 of 2000

AN ACT to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to prohibit the false advertising of certain canids as wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

The People of the State of Michigan enact:

287.1001 Short title.

Sec. 1. This act shall be known and may be cited as the "wolf-dog cross act" and is enacted in memory of Angie Nickerson.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1002 Definitions.

Sec. 2. As used in this act:

(a) "Animal control officer" means a county animal control officer as described in sections 29a and 29b of the dog law of 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village, or township animal control officer as described in section 29c of the dog law of 1919, 1919 PA 339, MCL 287.289c.

(b) "Animal control shelter" or "animal protection shelter" means an animal control shelter or animal protection shelter, respectively, registered with the department as prescribed under section 6 of 1969 PA 287, MCL 287.336.

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

(d) "Dog" means an animal of the species *Canis familiaris* or *Canis lupus familiaris*.

(e) "Expert on wolf-dog cross identification" means an individual who has, cumulatively, no fewer than 10 years of training and field experience in wolf and wolf-dog cross behavioral and morphological characteristics and who is recognized as an expert at the state and national levels by others in the same field.

(f) "Facility" means an indoor or outdoor cage, pen, or similar enclosure where a wolf-dog cross is kept.

(g) "Law enforcement officer" means:

(i) A sheriff or sheriff's deputy.

(ii) A village or township marshal.

(iii) An officer of the police department of a city, village, or township.

(iv) An officer of the Michigan state police.

(v) A peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(vi) A conservation officer appointed by the department of natural resources.

(vii) An animal control officer.

(viii) A law enforcement officer of the federal government authorized to enforce any federal law regulating animals.

(h) "Livestock" means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

(i) "Local unit" means a city, village, township, or county.

(j) "Permit" means a permit issued under section 4.

(k) "Permitting agency" means the agency of a local unit that issues permits under section 4.

(l) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(m) "Pet shop" means a pet shop licensed by the department as prescribed under section 3 of 1969 PA 287, MCL 287.333.

(n) "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.

(o) "Wolf" means an animal of the species *Canis rufus* or *Canis lupus*, but does not include an animal of the species *Canis lupus familiaris*.

(p) "Wolf-dog cross" means a canid resulting from the breeding of any of the following:

(i) A wolf with a dog.

(ii) A wolf-dog cross with a wolf.

(iii) A wolf-dog cross with a dog.

(iv) A wolf-dog cross with a wolf-dog cross.

History: 2000, Act 246, Imd. Eff. June 29, 2000;—Am. 2016, Act 299, Eff. Jan. 2, 2017.

287.1003 Prohibited conduct; exception; rebuttable presumption in civil forfeiture proceeding; method of representation.

Sec. 3. (1) A person shall not do any of the following:

(a) Possess a wolf-dog cross except in compliance with this act.

(b) Breed a wolf-dog cross.

(c) Subject to subsection (2), transfer ownership or possession of or receive a transfer of ownership or possession of a wolf-dog cross, with or without remuneration.

(d) Subject to subsection (2), transfer ownership or possession of a canid, with or without remuneration, if the person has represented to the transferee that the canid is a wolf-dog cross or offer or advertise to transfer ownership or possession of a canid, with or without remuneration, representing the canid to be a wolf-dog cross.

(e) Subject to subsection (2), receive a transfer or offer to receive a transfer of ownership or possession of a canid, with or without remuneration, if the owner of the canid has represented to the person that the canid is a wolf-dog cross.

(2) Subsection (1)(c), (d), and (e) do not apply to the temporary transfer of possession of a wolf-dog cross under section 4(1)(a) or any other transfer of possession or ownership of a wolf-dog cross expressly authorized or required by this act.

(3) In a civil forfeiture proceeding under this act, there is a rebuttable presumption that a canid is a wolf-dog cross if the current owner represents or has represented that the canid is a wolf-dog cross or if a previous owner transferred ownership or possession of the canid to the current owner, with or without remuneration, representing it to be a wolf-dog cross.

(4) For the purposes of this section, a representation may be by advertisement, registration paper, or any other method.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1004 Possession of wolf-dog crosses; conditions; permit requirements.

Sec. 4. (1) A person shall not possess 1 or more wolf-dog crosses unless all of the following apply:

(a) The person owns the wolf-dog crosses or has temporarily been given possession of the wolf-dog crosses by the owner.

(b) The owner was in possession of those individual wolf-dog crosses on the effective date of this act.

(c) The owner applies for a permit for those wolf-dog crosses within 4 months after the effective date of this act, and obtains a permit for those wolf-dog crosses. The permit applies only to those individual wolf-dog crosses. The permit is not transferable to another person except through testate or intestate succession. The permit is valid in any local unit in which the possession of the wolf-dog cross is not prohibited by ordinance.

(2) A person shall file an application for a permit with the person specified by the first of the following subdivisions that applies:

(a) If the wolf-dog crosses are kept in a city or village and the city or village employs an animal control officer, with the city or village agency to which the animal control officer is assigned.

(b) If the wolf-dog crosses are kept in a township and the township employs an animal control officer, with the township agency to which the animal control officer is assigned.

(c) If the county in which the wolf-dog crosses are kept employs an animal control officer, with the county agency to which the animal control officer is assigned.

(d) If subdivisions (a), (b), and (c) do not apply, with the county sheriff of the county where the wolf-dog crosses are kept.

(3) An applicant for a permit shall include with the application all of the following:

(a) An annual permit fee. The annual permit fee shall be established by the governing body of the local unit whose agency issues the permit under subsection (2) and shall be not less than the greater of the following 2 amounts:

(i) Twenty-five dollars, or at the option of the local unit if the applicant keeps more than 1 wolf-dog cross in that local unit, \$25.00 for each wolf-dog cross.

(ii) An amount necessary to cover the local unit's actual, reasonable costs of enforcing this act.

(b) A written statement that does all of the following:

(i) Specifies the number of wolf-dog crosses owned by the applicant.

(ii) Describes in detail each wolf-dog cross owned by the applicant, including, but not limited to, its identification number required under section 5.

(iii) Specifies the name, address, and telephone number of the person from whom the owner obtained the wolf-dog cross, if known.

(c) A certificate signed by a veterinarian that the wolf-dog cross has been sexually sterilized.

(4) A local unit shall not issue a permit unless it finds that all of the following apply:

(a) The requirements of subsections (1), (2), and (3) are met.

(b) The applicant is 21 years of age or older.

(c) The applicant has not been convicted of or found responsible for violating a local ordinance or state law prohibiting neglect or mistreatment of an animal and has not within the past 10 years been convicted of a felony.

(d) The applicant is not subject to a court order requiring the forfeiture of a wolf-dog cross or prohibiting the ownership or possession of a wolf-dog cross.

(e) The facility and the conditions in which each wolf-dog cross will be kept comply with this act.

(f) The applicant is knowledgeable about the wolf-dog cross's disposition and care requirements.

(5) A permit shall set forth all of the following:

(a) The name and address of the permit holder and the address where each wolf-dog cross will be kept, if different from that of the permit holder.

(b) The number of wolf-dog crosses owned by the permit holder.

(c) The identification number of each wolf-dog cross required under section 5.

(d) The name, address, and signature of the veterinarian who is expected to provide veterinary care to the wolf-dog cross.

(e) Any other reasonable information as determined by the local unit, which may include, but need not be limited to, a designation of permits required by a local unit, the department, the department of community health, the department of natural resources, the United States department of agriculture, or the fish and wildlife service of the United States department of the interior.

(6) A local unit that issues a permit shall notify the department of the name and address of the permit holder and the number of wolf-dog crosses owned by the permit holder.

(7) The owner of a wolf-dog cross shall annually pay the local unit the annual permit fee established under subsection (3)(a).

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1005 Placement of identification number via subcutaneous microchip.

Sec. 5. The owner of a wolf-dog cross shall have an identification number placed in the wolf-dog cross via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1006 Keeping wolf-dog cross in facility; requirements; exceptions.

Sec. 6. (1) A wolf-dog cross shall not be tethered outdoors, such as on a leash or chain, or allowed to run at-large. Except as otherwise provided in this section or section 7, a wolf-dog cross shall be constantly kept in a facility that meets all of the following requirements:

(a) Is sufficiently secure to prevent the wolf-dog cross's escape and protect the wolf-dog cross from injury.

(b) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the wolf-dog cross's escape and to protect the wolf-dog cross from injury.

(c) Has an entrance with a lock that is kept locked at all times when the wolf-dog cross is kept in the facility.

(d) Is well-braced and securely anchored at ground level or, if the facility is located in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of a strength sufficient for cage construction for the wolf-dog cross.

(e) Is enclosed within a secondary fence that is located at least 3 feet outside of the walls of the facility and is adequate to prevent a human from coming into contact with the wolf-dog cross.

(f) Has a floor area of at least 900 square feet, plus an additional 450 square feet for each wolf-dog cross in excess of 1 kept in the facility. A permitting agency may grant a variance allowing a reduced floor area upon a showing that the requirements of this subdivision impose a practical difficulty on the owner and that the reduced floor area is sufficient to maintain the wolf-dog cross in a good state of health.

(2) The owner or person temporarily in possession of a wolf-dog cross may keep the wolf-dog cross in the person's dwelling and not in a facility if the wolf-dog cross is under the supervision of a person 21 years of age or older.

(3) The owner or person temporarily in possession of a wolf-dog cross may take the wolf-dog cross

outdoors if 1 of the following applies:

(a) The wolf-dog cross is being used to pull a sled and the person has the wolf-dog cross under control on a secure harness.

(b) The wolf-dog cross is being exercised by the person, and the person holds the wolf-dog cross under control on a secure leash that is not more than 6 feet long.

(c) The wolf-dog cross is being allowed to exercise in a fenced area on private property with the permission of the property owner and the owner of the wolf-dog cross or the person temporarily in possession of the wolf-dog cross is present.

(d) The person holds the wolf-dog cross under control on a secure leash that is not more than 6 feet long and the wolf-dog cross is being moved between any 2 of the following:

(i) A facility.

(ii) The dwelling of the person, pursuant to subsection (2).

(iii) A shift cage, pursuant to subsection (4).

(iv) A vehicle, pursuant to section 7.

(v) A veterinarian's office or veterinary hospital.

(4) A wolf-dog cross may be kept in a shift cage while the wolf-dog cross's facility is being cleaned. The shift cage shall be of a size appropriate for the wolf-dog cross and of a construction adequate to safely contain the wolf-dog cross.

(5) The owner or, except with respect to subdivisions (a) and (b), the person temporarily in possession of a wolf-dog cross shall do all of the following:

(a) Present a permit for the wolf-dog cross upon the request of a law enforcement officer.

(b) Post and maintain signs on property on which the wolf-dog cross is kept stating "A potentially dangerous wolf-dog cross is kept on this property.". Each sign shall utilize block letters at least 1/2 inch high. A sign shall be posted as follows:

(i) At each fence gate providing access to a residence on the property, providing access to a building in which the wolf-dog cross's facility is located, or providing access to the facility.

(ii) On the outside of each door providing access to a residence on the property or providing access to any building in which the wolf-dog cross's facility is located.

(iii) On each side of the wolf-dog cross's facility, unless the facility is located in a residence or other building.

(c) Not place the wolf-dog cross under the supervision of a person less than 21 years of age.

(d) Not mistreat or neglect the wolf-dog cross or permit it to be mistreated or neglected.

(e) Ensure that the conditions in which the wolf-dog cross is kept, including, but not limited to, the following, are safe and conducive to the wolf-dog cross's physical health and comfort and promote normal behavior:

(i) Temperature.

(ii) Ventilation.

(iii) Humidity.

(f) Provide the wolf-dog cross with sufficient food, water, shelter, sanitary conditions, and exercise to maintain the wolf-dog cross in a state of good health.

(g) Ensure that the wolf-dog cross receives from a veterinarian, at the owner's expense, an annual checkup, including vaccinations, and other necessary medical care. The owner of a wolf-dog cross shall maintain copies of the wolf-dog cross's veterinary records and present the records upon request of a law enforcement officer.

(h) When the wolf-dog cross dies, arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency. The veterinarian, law enforcement officer, or permitting agency shall submit the certification to the department within 20 business days after the death.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1007 Transportation.

Sec. 7. A person transporting a wolf-dog cross in a vehicle shall comply with the standards in International Air Transport Ass'n., Live Animal Regulations (26th ed., 1999) applicable to a dog. In addition, a person transporting a wolf-dog cross in a vehicle shall comply with all of the following requirements:

(a) The wolf-dog cross shall be individually and securely caged, even while inside a passenger vehicle or in the bed of a truck. However, a female wolf-dog cross and each of her unweaned pups, if any, shall be transported in the same cage.

(b) The vehicle shall provide fresh air without injurious drafts and provide adequate protection from the elements to the wolf-dog cross.

- (c) The wolf-dog cross's cargo area shall be as free as possible of engine exhaust fumes.
- (d) Fecal and food wastes shall be removed from the wolf-dog cross's transport cage on at least a daily basis.
- (e) The temperature within the wolf-dog cross's cage shall not be harmful to the wolf-dog cross's health.
- (f) The wolf-dog cross's cage shall be large enough to ensure that the wolf-dog cross has sufficient space to stand erect, turn around, and lie naturally.
- (g) The wolf-dog cross shall not be placed in an enclosure over or next to another animal unless each enclosure has a fitted floor or lateral partition that prevents excreta from entering lower or adjacent enclosures.
- (h) The wolf-dog cross shall be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a veterinarian.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1008 Exportation.

Sec. 8. A person shall not export or attempt to export a wolf-dog cross to another state or country unless all of the following requirements are met:

- (a) The import and possession of the wolf-dog cross are lawful in the other state or country.
- (b) The destination and proposed new owner of the wolf-dog cross have been approved by the regulatory agency in the other state or country having authority to do so, if any.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1009 Rabies vaccination.

Sec. 9. If a rabies vaccination becomes approved by the federal government for use on a wolf-dog cross, the owner of a wolf-dog cross shall have the wolf-dog cross vaccinated for rabies by a veterinarian and shall keep the vaccination current.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1010 Exposure to rabies.

Sec. 10. (1) If a wolf-dog cross potentially exposes a human to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner or person temporarily in possession of the wolf-dog cross shall report the potential exposure to the local health department within 24 hours.

(2) If a wolf-dog cross potentially exposes livestock or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner or person temporarily in possession of the wolf-dog cross shall report the potential exposure to the permitting agency within 24 hours.

(3) Except as provided in subsection (4), if a wolf-dog cross potentially exposes a human, livestock, or mammalian pet to rabies by any means identified in this section, the wolf-dog cross shall be humanely euthanized by a veterinarian. The wolf-dog cross shall be immediately examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

(4) If a wolf-dog cross potentially exposes a human, livestock, or a mammalian pet to rabies by any means identified in this section and, at the time of exposure, the owner or person temporarily in possession of the wolf-dog cross provides a valid certificate from a veterinarian indicating that the wolf-dog cross, at least 30 days before the exposure, was vaccinated with a rabies vaccine approved by the United States department of agriculture, the owner or person temporarily in possession of the wolf-dog cross may elect to have the wolf-dog cross quarantined for a period of 10 days from the date of exposure. If the wolf-dog cross dies, or develops any symptoms of rabies during the quarantine period, as determined by a veterinarian, the wolf-dog cross shall be humanely euthanized and examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1011 Killing of wolf-dog cross by law enforcement officer or other person; conditions; liability.

Sec. 11. (1) A law enforcement officer or other person may kill a wolf-dog cross if the person sees the wolf-dog cross attacking, injuring, or killing either of the following:

- (a) A human.

(b) Livestock or poultry.

(2) A law enforcement officer may kill a wolf-dog cross if the law enforcement officer sees the wolf-dog cross attacking, injuring, or killing wildlife.

(3) A person is not liable in damages or otherwise for killing or attempting to kill a wolf-dog cross under subsection (1) or (2).

(4) This act does not prohibit the owner of a wolf-dog cross, for which a permit has been issued if required under this act, from recovering by legal action against a law enforcement officer or other person the value of a wolf-dog cross illegally killed by that law enforcement officer or other person.

(5) A wolf-dog cross's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the owner or person temporarily in possession of the wolf-dog cross is liable in damages.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1012 Liability of owner or possessor of wolf-dog cross.

Sec. 12. (1) The owner or person temporarily in possession of a wolf-dog cross is liable in a civil action for the death or injury of a human and for property damage, including, but not limited to, the death or injury of another animal, caused by the wolf-dog cross. This act does not limit the common law liability of the owner or person temporarily in possession of a wolf-dog cross for the death or injury of a human or for property damage caused by the wolf-dog cross.

(2) If a wolf-dog cross bites an individual without provocation while the individual is on public property or lawfully on private property, including the property of the owner or person temporarily in possession of the wolf-dog cross, the owner or person temporarily in possession of the wolf-dog cross is liable for any damages suffered by the individual bitten, regardless of the former viciousness of the wolf-dog cross or the owner's or person temporarily in possession's knowledge of such viciousness. For the purposes of this subsection, an individual is lawfully on the private property of the owner or person temporarily in possession of the wolf-dog cross if the individual is on that property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or if the individual is on that property as an invitee or licensee of the person lawfully in possession of the property, unless the individual has gained lawful entry upon the property for the purpose of an unlawful or criminal act.

(3) If a wolf-dog cross escapes or is released, intentionally or unintentionally, the owner or person temporarily in possession of the wolf-dog cross shall immediately contact a law enforcement officer of the local unit where the escape or release occurred to report the loss, escape, or release. The owner or person temporarily in possession of the wolf-dog cross is liable for all expenses associated with efforts to recapture the wolf-dog cross that is released or escapes.

(4) The owner or person temporarily in possession of the wolf-dog cross may bring against a person who is responsible in whole or part for the escape or release of the wolf-dog cross a civil action for damages, including, but not limited to, damages and expenses under subsection (1), (2), or (3).

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1013 Inspection of facility; violation; consultation with expert on wolf-dog cross identification.

Sec. 13. (1) A facility is subject to inspection at reasonable hours by a law enforcement officer to ensure compliance with this act.

(2) Subject to subsection (3), if there is probable cause to believe that this act is being violated, a law enforcement officer shall do 1 of the following:

(a) Issue to the violator a notice of the violation under section 14.

(b) Arrest the violator or seek a warrant for his or her arrest, as appropriate under chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for a misdemeanor under section 15.

(c) File a sworn complaint under section 16(3).

(3) If a law enforcement officer believes that a canid is a wolf-dog cross but the owner of the canid is unable or unwilling to verify that the canid is a wolf-dog cross, the law enforcement officer, before enforcing this act, shall consult with an expert on wolf-dog cross identification. The expert on wolf-dog cross identification shall consider all relevant aspects of identification, such as behavioral characteristics, and morphological traits, including gait, and any necropsy results. Consultation with an expert on wolf-dog cross identification is not a prerequisite to enforcing this act for a violation of section 3(1)(d) or (e).

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1014 Notice of violation; correction; transfer of ownership and possession; inspection;

noncompliance; forfeiture.

Sec. 14. (1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the wolf-dog cross. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the wolf-dog cross shall transfer ownership and possession of the wolf-dog cross or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the wolf-dog cross shall transfer ownership and possession of the wolf-dog cross and notify the law enforcement officer of the action taken.

(4) A wolf-dog cross transferred under subsection (2) or (3) shall be transferred to a person described in section 22(1)(a), (b), (c), or (d). Notice that the wolf-dog cross was transferred under this subsection shall include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the wolf-dog cross notifies the law enforcement officer that the wolf-dog cross was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the wolf-dog cross shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the wolf-dog cross has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the wolf-dog cross under section 16.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1015 Violation as misdemeanor; penalty; additional punishment; exception.

Sec. 15. (1) Subject to subsection (2), a person who violates this act is guilty of a misdemeanor. The person shall be punished by a fine of not less than \$250.00 or more than \$1,000.00, plus costs of prosecution. However, a person who fails to obtain a permit as required by this act shall be punished by a fine, for each wolf-dog cross for which the permit was required, of not less than \$500.00 or more than \$2,000.00, plus costs of prosecution. In addition, a person who violates this act may be punished by 1 or more of the following:

- (a) Imprisonment for not more than 93 days.
- (b) Community service work for not more than 500 hours.
- (c) The loss of privileges to own or possess any animal.

(2) Subsection (1) does not apply to a law enforcement officer, veterinarian, or permitting agency with respect to the performance of the duties of a law enforcement officer, veterinarian, or permitting agency under this act.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1016 Violation; civil forfeiture.

Sec. 16. (1) If a person who owns or possesses a wolf-dog cross violates this act, that wolf-dog cross and any other wolf-dog crosses owned by that person are subject to civil forfeiture.

(2) The prosecuting attorney in an action under section 15 may file a petition requesting that the court issue an order for civil forfeiture of all of the wolf-dog crosses owned by the person violating this act.

(3) Any person may file with a court having jurisdiction a complaint alleging that a person is violating this act and requesting the court to order the civil forfeiture of all of the wolf-dog crosses owned by that person.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1017 Seizure order; circumstances; methods; return of wolf-dog cross to victim.

Sec. 17. (1) A law enforcement officer shall seize a wolf-dog cross pursuant to an order of seizure issued by the court having jurisdiction over the wolf-dog cross upon a showing of probable cause that the wolf-dog cross is subject to forfeiture under section 16(1).

(2) A wolf-dog cross subject to forfeiture under section 16(1) may be seized under any of the following circumstances:

- (a) The seizure is incident to a lawful arrest for a violation of this act.
- (b) The seizure is pursuant to a valid search warrant.
- (c) The seizure is pursuant to an inspection under a valid administrative inspection warrant.

(d) There is probable cause to believe that the conditions under which the wolf-dog cross or any other wolf-dog cross owned by the same person is kept are directly or indirectly dangerous to human or animal health or safety.

(e) Exigent circumstances exist that preclude obtaining a court order, and there is probable cause to believe

that this act has been violated.

(f) The wolf-dog cross or any other wolf-dog cross owned by the same person is the subject of a prior judgment in favor of this state in a forfeiture proceeding.

(3) If a seizure is to be accomplished by capture, tranquilization or other humane methods shall be used for the capture.

(4) A wolf-dog cross seized under this act is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency subject only to subsection (5) and sections 18 and 19, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a wolf-dog cross is seized under this act, the law enforcement officer may remove the wolf-dog cross to a place designated by the court.

(5) A wolf-dog cross that belongs to the victim of a crime shall promptly be returned to the victim, except in the following circumstances:

(a) When the crime victim last possessed the wolf-dog cross, he or she was in violation of section 4.

(b) If the ownership of the wolf-dog cross is disputed, until the dispute is resolved.

(c) If the property is required to be retained as evidence pursuant to section 4(4) of the crime victim's rights act, 1985 PA 87, MCL 780.754.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1018 Seizure of wolf-dog cross; return to owner; notice of seizure.

Sec. 18. (1) A law enforcement officer may return a seized wolf-dog cross to the owner of the wolf-dog cross if the law enforcement officer is satisfied that the conditions resulting in the seizure have been corrected. If the wolf-dog cross was seized pursuant to process issued by a court, the law enforcement officer shall obtain approval of the court before returning the wolf-dog cross.

(2) Unless the wolf-dog cross has been returned, the law enforcement officer shall, within 10 days after the wolf-dog cross is seized, give written notice of the seizure and intent to forfeit the wolf-dog cross to each of the following persons:

(a) The owner of the wolf-dog cross.

(b) Each person with a known ownership interest in the wolf-dog cross.

(c) Any person who was injured or whose property was damaged by the wolf-dog cross.

(3) The notice required under subsection (2) shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the wolf-dog cross was seized for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture.

(4) The law enforcement officer shall immediately after seizure of the wolf-dog cross notify the prosecuting attorney for the county in which the wolf-dog cross was seized or, if the attorney general is actively handling a case involving or relating to the wolf-dog cross, the attorney general of the seizure of the wolf-dog cross and any intent to forfeit the wolf-dog cross under this act.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1019 Motion to return wolf-dog cross; filing; grounds; hearing; failure to sustain burden of proof; order; admissibility of testimony in criminal prosecution.

Sec. 19. (1) The owner of a wolf-dog cross may file a motion with the court having jurisdiction to return the wolf-dog cross on the grounds that the wolf-dog cross was illegally seized or that the wolf-dog cross is not subject to forfeiture under this act. The court shall hear the motion within 30 days after the motion is filed.

(2) At the hearing on the motion filed under subsection (1), the attorney general, or the attorney for the local unit in which the wolf-dog cross was seized, shall establish probable cause to believe that the wolf-dog cross is subject to forfeiture under this act and, if the owner claims the wolf-dog cross was illegally seized, that the wolf-dog cross was properly seized.

(3) If the attorney general or the attorney for the local unit in which the wolf-dog cross was seized fails to sustain his or her burden of proof under subsection (2), the court shall order the return of the wolf-dog cross.

(4) The testimony of a person at a hearing held under this section is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this section does not waive the person's constitutional right against self-incrimination.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1020 Return of seized wolf-dog cross; conditions; notice; order of forfeiture; liability for costs.

Sec. 20. (1) A law enforcement officer shall return a seized wolf-dog cross to the owner of the wolf-dog cross within 7 days after the occurrence of any of the following:

(a) The failure to issue a warrant against the owner or person temporarily in possession of the wolf-dog cross for committing a misdemeanor under section 15 or to file a complaint under section 16(3) within 10 days after the wolf-dog cross is seized.

(b) The dismissal of charges against the owner or person temporarily in possession of the wolf-dog cross under section 15 or of a complaint under section 16(3), as applicable.

(c) The court's determination that an order for the wolf-dog cross to be forfeited shall not be entered.

(d) The acquittal of the owner or person temporarily in possession of the wolf-dog cross of any charges under section 15.

(e) Entry of a court order under this act for the return of the wolf-dog cross.

(2) If a wolf-dog cross is returned under subsection (1), the law enforcement officer shall give written notice to the persons who received notice under section 18 that the wolf-dog cross has been returned. The notice under this subsection shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the wolf-dog cross was seized for 10 successive publishing days.

(3) If the court orders a wolf-dog cross to be forfeited, the order of forfeiture shall direct that each wolf-dog cross be transferred to a wildlife sanctuary approved by the association of sanctuaries, an animal protection shelter, or a zoo accredited by the American zoo and aquarium association, where the wolf-dog cross will be safely and humanely cared for as provided by this act. However, subject to section 10, if the wolf-dog cross killed or injured a human or an animal, the order of forfeiture may direct that the wolf-dog cross be humanely euthanized by a veterinarian. An order of forfeiture shall also revoke any permit that may have been issued for the wolf-dog cross under section 4 and order payment of costs under subsection (4). The forfeiture is a civil forfeiture.

(4) If a wolf-dog cross is seized, the owner of the wolf-dog cross is liable for the costs of placement and care for the wolf-dog cross from the time of seizure until the time of return or forfeiture and, if a wolf-dog cross is ordered to be forfeited and euthanized, for the costs of humanely euthanizing and disposing of the wolf-dog cross. This subsection does not apply if the wolf-dog cross is returned under subsection (1) or section 19.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1021 Local ordinances; effect; additional requirements.

Sec. 21. (1) A local unit may adopt an ordinance governing wolf-dog crosses that is more restrictive than this act.

(2) The requirements of this act are in addition to any other requirements governing a wolf-dog cross under state and federal law.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1022 Applicability of MCL 287.1004, 287.1005, 287.1006, 287.1008, and 287.1014.

Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of the following:

(a) An animal control shelter or animal protection shelter.

(b) A person licensed or approved by the department of natural resources of this state or by the United States fish and wildlife service of the United States department of the interior.

(c) A zoological park approved or accredited by the American zoo and aquarium association.

(d) A person approved by the association of sanctuaries.

(e) A law enforcement officer acting under the authority of this act.

(f) A veterinarian temporarily in possession of a wolf-dog cross to provide veterinary care for or humanely euthanize the wolf-dog cross.

(2) Sections 4, 5, 6(1)(d) to (5)(b), 8, and 14(3) do not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

287.1023 Providing information to pet shops and animal shelters.

Sec. 23. The department shall provide each pet shop, animal control shelter, and animal protection shelter with information on the requirements of this act.

History: 2000, Act 246, Imd. Eff. June 29, 2000.

LARGE CARNIVORE ACT
Act 274 of 2000

AN ACT to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

The People of the State of Michigan enact:

287.1101 Short title.

Sec. 1. This act shall be known and may be cited as the "large carnivore act".

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1102 Definitions.

Sec. 2. As used in this act:

(a) "Animal control officer" means a county animal control officer as described in sections 29a and 29b of the dog law of 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village, or township animal control officer as described in section 29c of the dog law of 1919, 1919 PA 339, MCL 287.289c.

(b) "Animal control shelter" or "animal protection shelter" means an animal control shelter or animal protection shelter, respectively, registered with the department under section 6 of 1969 PA 287, MCL 287.336.

(c) "Circus" means an incorporated, class C licensee that is licensed under 9 CFR chapter I that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment. Circus does not include a person, whether or not a class C licensee, who presents a large carnivore to the public as part of a carnival or for any of the following purposes:

(i) Exhibition.

(ii) Education.

(iii) Entertainment that includes wrestling, a photography opportunity with a patron, or an activity in which the large carnivore and a patron are in close contact with each other.

(d) "Department" means the department of agriculture and rural development.

(e) "Facility" means an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept.

(f) "Large carnivore" means either of the following:

(i) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:

(A) A lion.

(B) A leopard, including, but not limited to, a snow leopard or clouded leopard.

(C) A jaguar.

(D) A tiger.

(E) A cougar.

(F) A panther.

(G) A cheetah.

(ii) A bear of a species that is native or nonnative to this state, whether wild or captive bred.

(g) "Law enforcement officer" means:

(i) A sheriff or sheriff's deputy.

(ii) A village or township marshal.

(iii) An officer of the police department of a city, village, or township.

(iv) An officer of the Michigan state police.

(v) A peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(vi) A conservation officer appointed by the department of natural resources.

(vii) An animal control officer.

(viii) A law enforcement officer of the federal government authorized to enforce any federal law regulating animals.

(h) "Livestock" means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

(i) "Local unit" means a city, village, township, or county.

- (j) "Permit" means a permit issued under section 4.
- (k) "Permitting agency" means the agency of a local unit that issues permits under section 4.
- (l) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (m) "Pet shop" means a pet shop licensed by the department under section 3 of 1969 PA 287, MCL 287.333.
- (n) "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.

History: 2000, Act 274, Imd. Eff. July 7, 2000;—Am. 2013, Act 8, Imd. Eff. Mar. 26, 2013;—Am. 2016, Act 305, Eff. Jan. 2, 2017.

287.1103 Prohibited conduct.

Sec. 3. A person shall not do any of the following:

- (a) Own or possess a large carnivore except in compliance with this act.
- (b) Breed a large carnivore.
- (c) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration. This subdivision does not apply to a transfer of ownership or possession of a large carnivore expressly authorized or required by this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1104 Possession of large carnivores; conditions; permit application; conditions for issuance; permit contents; notification to department by local unit of government; permit fee.

Sec. 4. (1) A person shall not possess 1 or more large carnivores unless all of the following apply:

- (a) The person owns the large carnivores.
 - (b) The person was in possession of those individual large carnivores on the effective date of this act.
 - (c) The person applies for a permit for those large carnivores within 90 days after the effective date of this act and obtains a permit for those large carnivores. The permit applies only to those individual large carnivores. The permit is not transferable to another person except through testate or intestate succession. The permit is valid in any local unit in which the possession of the large carnivores is not prohibited by ordinance.
- (2) A person shall file an application for a permit with the person specified by the first of the following subdivisions that applies:

- (a) If the large carnivores are kept in a city or village and the city or village employs an animal control officer, with the city or village agency to which the animal control officer is assigned.
- (b) If the large carnivores are kept in a township and the township employs an animal control officer, with the township agency to which the animal control officer is assigned.
- (c) If the county in which the large carnivores are kept employs an animal control officer, with the county agency to which the animal control officer is assigned.
- (d) If subdivisions (a), (b), and (c) do not apply, with the county sheriff of the county where the large carnivores are kept.

(3) An applicant for a permit shall include with the application both of the following:

- (a) An annual permit fee. The annual permit fee shall be established by the governing body of the local unit whose agency issues the permit under subsection (2) and shall be not less than the greater of the following:
 - (i) Twenty-five dollars, or at the option of the local unit if the applicant keeps more than 1 large carnivore in that local unit, \$25.00 for each large carnivore.
 - (ii) An amount necessary to cover the local unit's actual, reasonable costs of enforcing this act.
- (b) A written statement that does all of the following:
 - (i) Specifies the number of large carnivores owned by the applicant.
 - (ii) Describes in detail each large carnivore owned by the applicant, including, but not limited to, its identification number required under section 5.
 - (iii) Specifies the name, address, and telephone number of the person from whom the owner obtained the large carnivore, if known.

(c) A written statement giving the name and address of the veterinarian who is expected to provide veterinary care to the large carnivore, signed by the veterinarian.

(4) A local unit shall not issue a permit unless it finds that all of the following apply:

- (a) The requirements of subsections (1), (2), and (3) are met.
- (b) The applicant is 21 years of age or older.
- (c) The applicant has not been convicted of or found responsible for violating a local ordinance or state law prohibiting neglect or mistreatment of an animal and has not within the past 10 years been convicted of a

felony.

(d) The applicant is not subject to a court order requiring the forfeiture of a large carnivore or prohibiting the ownership or possession of a large carnivore.

(e) The facility and the conditions in which each large carnivore will be kept comply with this act.

(f) The applicant is knowledgeable about the large carnivore's disposition and care requirements.

(5) A permit shall set forth all of the following:

(a) The name and address of the permit holder and the address where each large carnivore will be kept, if different from that of the permit holder.

(b) The number of large carnivores owned by the permit holder.

(c) The identification number of each large carnivore required under section 5.

(d) The name and address of the veterinarian who is expected to provide veterinary care to the large carnivore.

(e) Any other reasonable information as determined by the local unit, which may include, but need not be limited to, a designation of permits required by a local unit, the department, the department of community health, the department of natural resources, the United States department of agriculture, or the fish and wildlife service of the United States department of the interior.

(6) A local unit that issues a permit shall notify the department of the name and address of the permit holder and the number of large carnivores owned by the permit holder.

(7) The owner of a large carnivore shall annually pay the local unit the annual permit fee established under subsection (3)(a).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1105 Placement of identification number via subcutaneous microchip.

Sec. 5. The owner of a large carnivore shall have an identification number placed in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1106 Confinement and control of large carnivore; requirements; duties of owner.

Sec. 6. (1) A large carnivore shall not be tethered outdoors, such as on a leash or chain, or allowed to run at-large. Except as provided in this section or section 7, a large carnivore shall be constantly kept in a facility that meets all of the following requirements:

(a) Is sufficiently secure to prevent the large carnivore's escape and protect the large carnivore from injury.

(b) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the large carnivore's escape and to protect the large carnivore from injury.

(c) Has an entrance with a lock that is kept locked at all times when the large carnivore is kept in the facility.

(d) Is well-braced and securely anchored at ground level or, if the facility is located in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of a strength sufficient for cage construction for that species of large carnivore.

(e) Is enclosed within a secondary fence that is located at least 3 feet outside of the walls of the facility and is adequate to prevent a human from coming into contact with the large carnivore.

(f) Has a floor area that meets or exceeds the minimum standards for housing as prescribed under the animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149 and 2151 to 2159, and regulations promulgated under that act.

(2) The owner of a large carnivore may, on a permanent or temporary basis, keep the large carnivore in the person's dwelling and not in a facility if the large carnivore is under the supervision of a person 21 years of age or older.

(3) The owner of a large carnivore may take the large carnivore outdoors if the owner of the large carnivore holds the large carnivore under control on a secure leash that is not more than 6 feet long and either or both of the following apply:

(a) The large carnivore is within a securely fenced area.

(b) The large carnivore is being moved between any 2 of the following:

(i) The large carnivore's facility.

(ii) The dwelling of the owner of the large carnivore, pursuant to subsection (2).

(iii) A shift cage, pursuant to subsection (4).

(iv) A vehicle, pursuant to section 7.

(v) A veterinarian's office or veterinary hospital.

(4) A large carnivore may be kept in a shift cage while the large carnivore's facility is being cleaned. The shift cage shall be of a size appropriate for the large carnivore and of a construction adequate to safely contain the large carnivore.

(5) The owner of a large carnivore shall do all of the following:

(a) Present a permit for the large carnivore upon the request of a law enforcement officer.

(b) Post and maintain signs on property on which a large carnivore is kept stating "A potentially dangerous large carnivore is kept on this property." Each sign shall utilize block letters at least 1/2 inch high. A sign shall be posted as follows:

(i) At each fence gate providing access to a residence on the property, providing access to a building in which the large carnivore's facility is located, or providing access to the facility.

(ii) On the outside of each door providing access to a residence on the property or providing access to any building in which the large carnivore's facility is located.

(iii) On each side of the large carnivore's facility, unless the facility is located in a residence or other building.

(c) Clean any swimming or wading pools for the large carnivore as needed to ensure sufficiently sanitary water quality.

(d) Provide adequate drainage of surface water from the facility.

(e) Not place the large carnivore under the supervision of a person less than 21 years of age.

(f) Not mistreat or neglect the large carnivore or permit it to be mistreated or neglected.

(g) Ensure that the conditions in which the large carnivore is kept, including, but not limited to, the following, are safe and conducive to the large carnivore's physical health and comfort and promote normal behavior:

(i) Temperature.

(ii) Ventilation.

(iii) Humidity.

(iv) Drainage.

(v) Sanitation.

(vi) Diet.

(vii) Exercise.

(h) Provide the large carnivore with potable drinking water at least twice daily in a clean, accessible container, unless otherwise directed by a veterinarian.

(i) Provide the large carnivore with food that meets all of the following requirements:

(i) Is nutritious.

(ii) Is of sufficient quantity to maintain or restore health and normal body weight.

(iii) Is not spoiled or contaminated with insects, fecal material, or any other substance that may cause the food to be unpalatable, that may decrease the nutritiousness of the food, or that may pose a health risk to the large carnivore.

(j) Remove fecal and food wastes from the facility daily and store or dispose of the wastes in a manner that prevents noxious odors, insect pests, or risks to human or animal health or the environment. Hard floors shall be scrubbed and disinfected weekly. Large facilities with dirt floors shall be raked every day and the raked waste removed every day.

(k) Ensure that the large carnivore receives from a veterinarian, at the owner's expense, an annual checkup, including scheduled vaccinations, and other necessary medical care. The owner of a large carnivore shall maintain copies of the large carnivore's veterinary records and present the records upon request of a law enforcement officer.

(l) When the large carnivore dies, arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency. The veterinarian, law enforcement officer, or permitting agency shall submit the certification to the department within 20 business days after the death.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1107 Transportation requirements.

Sec. 7. A person lawfully in possession of a large carnivore under this act may transport the large carnivore in a vehicle. A person transporting a large carnivore in a vehicle shall comply with the standards in International Air Transport Ass'n., Live Animal Regulations (26th ed., 1999) applicable to the large carnivore species. In addition, a person transporting a large carnivore in a vehicle shall comply with all of the following requirements:

(a) The large carnivore shall be individually and securely caged, even while inside a passenger vehicle or in the bed of a truck. However, a female large carnivore and each of her unweaned offspring, if any, shall be

transported in the same cage.

(b) The vehicle shall provide fresh air without injurious drafts and provide adequate protection from the elements to the large carnivore.

(c) The large carnivore's cargo area shall be as free as possible of engine exhaust fumes.

(d) Fecal and food wastes shall be removed from the large carnivore's transport cage on at least a daily basis.

(e) The temperature within the large carnivore's cage shall not be harmful to the large carnivore's health.

(f) The large carnivore's cage shall be large enough to ensure that the large carnivore has sufficient space to stand erect, turn around, and lie naturally.

(g) The large carnivore shall not be placed in a cage over or next to another animal unless each enclosure has a fitted floor or lateral partition that prevents excreta from entering lower or adjacent enclosures.

(h) The large carnivore shall be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a veterinarian.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1108 Exportation requirements.

Sec. 8. A person shall not export or attempt to export a large carnivore to another state or country unless all of the following requirements are met:

(a) The import and possession of the large carnivore are lawful in the other state or country.

(b) The destination and proposed new owner of the large carnivore have been approved by the regulatory agency in the other state or country having authority to do so, if any.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1109 Exposure of human, livestock, or mammalian pet to rabies.

Sec. 9. (1) If a large carnivore potentially exposes a human to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner of the large carnivore shall report the potential exposure to the local health department within 24 hours.

(2) If a large carnivore potentially exposes livestock or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner of the large carnivore shall report the potential exposure to the permitting agency within 24 hours.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1110 Euthanasia of large carnivore exposing human, livestock, or mammalian pet to rabies; examination.

Sec. 10. If a large carnivore potentially exposes a human, livestock, or a mammalian pet to rabies by any means identified in this section, the large carnivore shall be humanely euthanized by a veterinarian. The large carnivore shall be immediately examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1111 Conditions permitting law enforcement officer or other person to kill large carnivore; liability; actions constituting trespass.

Sec. 11. (1) A law enforcement officer or other person may kill a large carnivore if the person sees the large carnivore chasing, attacking, injuring, or killing either of the following:

(a) A human.

(b) Livestock, poultry, or a mammalian pet.

(2) A law enforcement officer may kill a large carnivore if the law enforcement officer sees the large carnivore chasing, attacking, injuring, or killing wildlife.

(3) A person is not liable in damages or otherwise for killing or attempting to kill a large carnivore under subsection (1) or (2).

(4) This act does not prohibit the owner of a large carnivore, for which a permit has been issued if required under this act, from recovering by legal action against a law enforcement officer or other person the value of a large carnivore illegally killed by that law enforcement officer or other person.

(5) A large carnivore's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the owner of the large carnivore is liable in damages.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1112 Liability of owner for death or injury of human or for property damage; escape or release of large carnivore.

Sec. 12. (1) The owner of a large carnivore is liable in a civil action for the death or injury of a human and for property damage, including, but not limited to, the death or injury of another animal, caused by the large carnivore. This act does not limit the common law liability of the owner of a large carnivore for the death or injury of a human or for property damage caused by the large carnivore.

(2) If a large carnivore escapes or is released, intentionally or unintentionally, the owner of the large carnivore shall immediately contact a law enforcement officer of the local unit where the escape or release occurred to report the loss, escape, or release. The owner of the large carnivore is liable for all expenses associated with efforts to recapture the large carnivore that is released or escapes.

(3) The owner of the large carnivore may bring against a person who is responsible in whole or part for the escape or release of the large carnivore a civil action for damages, including, but not limited to, damages and expenses under subsections (1) and (2).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1113 Inspection of facility by law enforcement officer.

Sec. 13. (1) A facility is subject to inspection at reasonable hours by a law enforcement officer to ensure compliance with this act.

(2) If there is probable cause to believe that this act is being violated, a law enforcement officer shall do 1 of the following:

(a) Issue to the owner of the large carnivore a notice of the violation under section 14.

(b) Arrest the owner of the large carnivore or seek a warrant for his or her arrest, as appropriate under chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for a misdemeanor under section 15.

(c) File a sworn complaint under section 16(3).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1114 Notice of violation; transfer of ownership and possession; second inspection; fee; finding of noncompliance; forfeiture.

Sec. 14. (1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the large carnivore. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore and notify the law enforcement officer of the action taken.

(4) A large carnivore transferred under subsection (2) or (3) shall be transferred to a person described in section 22(1)(a), (b), (c), or (d). Notice that the large carnivore was transferred under this subsection shall include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the large carnivore notifies the law enforcement officer that the large carnivore was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the large carnivore shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the large carnivore has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the large carnivore under section 16.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1115 Violation as misdemeanor; fine; exception.

Sec. 15. (1) Subject to subsection (2), a person who violates this act is guilty of a misdemeanor. The person shall be punished by a fine of not less than \$250.00 or more than \$1,000.00, plus costs of prosecution. However, a person who fails to obtain a permit as required by this act shall be punished by a fine, for each large carnivore for which the permit was required, of not less than \$500.00 or more than \$2,000.00, plus costs of prosecution. In addition, a person who violates this act may be punished by 1 or more of the following:

(a) Imprisonment for not more than 93 days.

- (b) Community service work for not more than 500 hours.
- (c) The loss of privileges to own or possess any animal.
- (2) Subsection (1) does not apply to a law enforcement officer, veterinarian, or permitting agency with respect to the performance of the duties of a law enforcement officer, veterinarian, or permitting agency under this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1116 Violation; request for civil forfeiture; filing.

Sec. 16. (1) If a person who owns or possesses a large carnivore violates this act, that large carnivore and any other large carnivore owned by that person are subject to civil forfeiture.

(2) The prosecuting attorney in an action under section 15 may file a petition requesting that the court issue an order for civil forfeiture of all of the large carnivores owned by the person violating this act.

(3) Any person may file with a court having jurisdiction a complaint alleging that a person is violating this act and requesting the court to order the civil forfeiture of all of the large carnivores owned by that person.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1117 Seizure order; circumstances; method; placement; return to crime victim.

Sec. 17. (1) A law enforcement officer shall seize a large carnivore pursuant to an order of seizure issued by the court having jurisdiction over the large carnivore upon a showing of probable cause that the large carnivore is subject to forfeiture under section 16(1).

(2) A large carnivore subject to forfeiture under section 16(1) may be seized under any of the following circumstances:

- (a) The seizure is incident to a lawful arrest for a violation of this act.
- (b) The seizure is pursuant to a valid search warrant.
- (c) The seizure is pursuant to an inspection under a valid administrative inspection warrant.
- (d) There is probable cause to believe that the conditions under which the large carnivore or any other large carnivore owned by the same person is kept are directly or indirectly dangerous to human or animal health or safety.
- (e) Exigent circumstances exist that preclude obtaining a court order, and there is probable cause to believe that this act has been violated.

(f) The large carnivore or any other large carnivore owned by the same person is the subject of a prior judgment in favor of this state in a forfeiture proceeding.

(3) If a seizure is to be accomplished by capture, tranquilization or other humane methods shall be used for the capture.

(4) A large carnivore seized under this act is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency subject only to subsection (5) and sections 18 and 19, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a large carnivore is seized under this act, the law enforcement officer may remove the large carnivore to a place designated by the court.

(5) A large carnivore that belongs to the victim of a crime shall promptly be returned to the victim, except in the following circumstances:

- (a) When the crime victim last possessed the large carnivore, he or she was in violation of section 4.
- (b) If the ownership of the large carnivore is disputed, until the dispute is resolved.
- (c) If the property is required to be retained as evidence pursuant to section 4(4) of the crime victim's rights act, 1985 PA 87, MCL 780.754.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1118 Correction of conditions leading to seizure; return to owner; court approval; notice of seizure and intent to forfeit; delivery of notice; notice to prosecuting attorney or attorney general.

Sec. 18. (1) A law enforcement officer may return a seized large carnivore to the owner of the large carnivore if the law enforcement officer is satisfied that the conditions resulting in the seizure have been corrected. If the large carnivore was seized pursuant to process issued by a court, the law enforcement officer shall obtain approval of the court before returning the large carnivore.

(2) Unless the large carnivore has been returned, the law enforcement officer shall, within 10 days after the large carnivore is seized, give written notice of the seizure and intent to forfeit the large carnivore to each of the following persons:

- (a) The owner of the large carnivore.

(b) Any person who was injured or whose property was damaged by the large carnivore.

(3) The notice required under subsection (2) shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the large carnivore was seized for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture.

(4) The law enforcement officer shall immediately after seizure of the large carnivore notify the prosecuting attorney for the county in which the large carnivore was seized or, if the attorney general is actively handling a case involving or relating to the large carnivore, the attorney general of the seizure of the large carnivore and any intent to forfeit the large carnivore under this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1119 Motion by owner for return of large carnivore; hearing; establishment of probable cause; burden of proof; admissibility of testimony in criminal prosecution.

Sec. 19. (1) The owner of a large carnivore may file a motion with the court having jurisdiction to return the large carnivore on the grounds that the large carnivore was illegally seized or that the large carnivore is not subject to forfeiture under this act. The court shall hear the motion within 30 days after the motion is filed.

(2) At the hearing on the motion filed under subsection (1), the attorney general, or the attorney for the local unit in which the large carnivore was seized, shall establish probable cause to believe that the large carnivore is subject to forfeiture under this act and, if the owner claims the large carnivore was illegally seized, that the large carnivore was properly seized.

(3) If the attorney general or the attorney for the local unit in which the large carnivore was seized fails to sustain his or her burden of proof under subsection (2), the court shall order the return of the large carnivore.

(4) The testimony of a person at a hearing held under this section is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this section does not waive the person's constitutional right against self-incrimination.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1120 Return of seized large carnivore to owner; conditions; notice; order of forfeiture; liability for care and placement costs.

Sec. 20. (1) A law enforcement officer shall return a seized large carnivore to the owner of the large carnivore within 7 days after the occurrence of any of the following:

(a) The failure to issue a warrant against the owner of the large carnivore for committing a misdemeanor under section 15 or to file a complaint under section 16(3) within 10 days after the large carnivore is seized.

(b) The dismissal of charges against the owner of the large carnivore under section 15 or of a complaint under section 16(3), as applicable.

(c) The court's determination that an order for the large carnivore to be forfeited shall not be entered.

(d) The acquittal of the owner of the large carnivore of any charges under section 15.

(e) Entry of a court order under this act for the return of the large carnivore.

(2) If a large carnivore is returned under subsection (1), the law enforcement officer shall give written notice to the persons who received notice under section 18 that the large carnivore has been returned. The notice under this subsection shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the large carnivore was seized for 10 successive publishing days.

(3) If the court orders a large carnivore to be forfeited, the order of forfeiture shall direct that each large carnivore be transferred to a wildlife sanctuary approved by the association of sanctuaries, an animal protection shelter, or a zoo accredited by the American zoo and aquarium association, where the large carnivore will be safely and humanely cared for. However, subject to section 10, if the large carnivore killed or injured a human or an animal, the order of forfeiture may direct that the large carnivore be humanely euthanized by a veterinarian. An order of forfeiture shall also revoke any permit that may have been issued for the large carnivore under section 4 and order payment of costs under subsection (4). The forfeiture is a civil forfeiture.

(4) If a large carnivore is seized, the owner of the large carnivore is liable for the costs of placement and care for the large carnivore from the time of seizure until the time of return or forfeiture and, if a large carnivore is ordered to be forfeited and euthanized, for the costs of humanely euthanizing and disposing of the large carnivore. This subsection does not apply if the large carnivore is returned under subsection (1) or section 19.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1121 Local ordinance more restrictive than act; requirements as additional to other state and federal law.

Sec. 21. (1) A local unit may adopt an ordinance governing large carnivores that is more restrictive than this act.

(2) The requirements of this act are in addition to any other requirements governing a large carnivore under state and federal law.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1122 Exceptions.

Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of the following:

(a) An animal control shelter or animal protection shelter.

(b) A person licensed or approved by the department of natural resources of this state or by the United States fish and wildlife service of the United States department of the interior. This subdivision does not apply to a person in possession of 1 or more black bears under the authority of a permit to hold wildlife in captivity issued by the department of natural resources.

(c) A zoological park approved or accredited by the American zoo and aquarium association.

(d) A person approved by the association of sanctuaries or the American sanctuary association.

(e) A law enforcement officer acting under the authority of this act.

(f) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore.

(2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state.

(3) Subject to subsection (2), this act does not apply to a person who meets all of the following requirements:

(a) Is conducting a for-profit or nonprofit business, if the primary purpose of that business is the presentation of animals including large carnivores to the public for education or exhibition purposes.

(b) Is a class C licensee that possesses and maintains a class C license under 9 CFR parts 1 and 2.

(c) Meets or exceeds all standards, including but not limited to standards for training, housing, care, and transport of large carnivores, required of a class C licensee under 9 CFR parts 1 and 2.

(d) Except as provided in subsection (4), does not allow a patron to do any of the following:

(i) Come into direct contact with a large carnivore.

(ii) Come into close enough contact with a large carnivore over 20 weeks of age so as to place the patron in jeopardy of being harmed by the large carnivore.

(e) Does not sell large carnivores, except to another person that meets the requirements of this subsection.

(f) Does not breed large carnivores.

(4) This act does not apply to a person who allows a patron to come into contact with a large carnivore under subsection (3)(d)(i) or (ii) if the large carnivore is a bear less than 36 weeks of age or a bear weighing 90 pounds or less if the person otherwise meets the requirements of subsection (3) and satisfies 1 of the following:

(a) The person was in possession of a bear on the effective date of the 2013 amendatory act that amended this section.

(b) The person acquired a business described in subsection (3)(a) from a person who was in possession of a bear on the effective date of the 2013 amendatory act that amended this section.

(5) This act does not apply to a circus.

History: 2000, Act 274, Imd. Eff. July 7, 2000;—Am. 2013, Act 8, Imd. Eff. Mar. 26, 2013.

287.1123 Information provided to pet shop, animal control shelter, and animal protection shelter.

Sec. 23. The department shall provide each pet shop, animal control shelter, and animal protection shelter with information on the requirements of this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.