



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4562 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Gary Newell
House Committee: Agriculture
Senate Committee: Agriculture, Forestry and Tourism

CONTENT

The bill would amend the Insect Pest and Plant Disease Act to establish State civil infraction, administrative, and criminal penalties related to the violation of quarantines and other violations involving plant infestations and diseases.

Under the bill, a person, not required to be licensed under the Act, who violated an eradication program implemented by the Director of the Michigan Department of Agriculture or order issued under the program would be responsible for a State civil infraction and a fine of up to \$1,000 plus expenses incurred in abating the nuisance. If a person were required to be licensed under the Act, the Director would have to impose an administrative fine of up to \$1,000 plus abatement expenses.

A person, not required to be licensed under the Act, who violated Section 23 or a rule promulgated or regulation issued under Section 23, or who violated Section 18(b) or a permit issued under Section 18(b) with respect to an insect pest or plant disease that was the basis of a quarantine imposed by the Director or the United States Department of Agriculture (USDA) would be responsible for a State civil infraction and would have to be fined not less than \$1,000 or more than \$10,000. If the person were required to be licensed, the Director would have to impose an administrative fine of that amount. In either case, if the person voluntarily reported the violation, the maximum fine would be \$500.

(Section 23 allows the Director to impose a quarantine on articles capable of carrying a dangerous plant disease or insect infestation. Section 18(b) requires a permit to sell or transport living insects or parasitic organisms.)

Beginning September 1, 2005, a person who knowingly violated Section 23 or an order issued or rule promulgated under it, or knowingly violated Section 18(b) or a permit issued under it with respect to an insect pest or plant disease that was the basis of a quarantine, would be guilty of a misdemeanor punishable by imprisonment for up to one year and a fine of not less than \$1,000 or more than \$10,000. Beginning September 1, 2005, an intentional violation for the purpose of causing damage would be a felony punishable by imprisonment for up to five years and/or a maximum fine of \$250,000.

MCL 286.228 & 286.229

Legislative Analyst: J.P. Finet

FISCAL IMPACT

Please see the **FISCAL IMPACT** on House Bill 4560.

Date Completed: 6-8-05

Fiscal Analyst: Bethany Wicksall