

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4562

A bill to amend 1931 PA 189, entitled
"The insect pest and plant disease act,"
(MCL 286.201 to 286.226) by amending the title, as amended by 1984
PA 88, and by adding section 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to regulate the sale and distribution of nursery stock,
plants, and plant products; to prevent the introduction into and
the dissemination within this state of insect pests and plant
diseases; to provide for the destruction and control of insect
pests and plant diseases; to provide for the destruction **OR**
TREATMENT of certain plants ~~by owners of certain fruit trees~~ **OR**
PLANT PRODUCTS; to provide for license and to provide for

1 inspection; and imposing certain powers and duties on the director
2 of agriculture; to provide for the promulgation of rules; ~~and~~ to
3 prescribe penalties **AND CIVIL SANCTIONS; AND TO PROVIDE REMEDIES.**

4 **SEC. 28. (1) A PERSON, OTHER THAN A PERSON WHO IS REQUIRED TO**
5 **BE LICENSED UNDER THIS ACT, WHO VIOLATES SECTION 20 OR AN ORDER**
6 **ISSUED UNDER SECTION 20 IS RESPONSIBLE FOR A STATE CIVIL INFRACTION**
7 **AND SHALL BE FINED NOT MORE THAN \$1,000.00 PLUS EXPENSES INCURRED**
8 **BY THE DEPARTMENT IN ABATING THE NUISANCE.**

9 **(2) IF A PERSON WHO IS REQUIRED TO BE LICENSED UNDER THIS ACT**
10 **VIOLATES SECTION 20 OR AN ORDER ISSUED UNDER THIS SECTION 20, THE**
11 **DIRECTOR SHALL IMPOSE ON THE PERSON AN ADMINISTRATIVE FINE OF NOT**
12 **MORE THAN \$1,000.00 PLUS EXPENSES INCURRED BY THE DEPARTMENT IN**
13 **ABATING THE NUISANCE.**

14 **(3) A PERSON, OTHER THAN A PERSON WHO IS REQUIRED TO BE**
15 **LICENSED UNDER THIS ACT, WHO VIOLATES SECTION 23 OR A RULE**
16 **PROMULGATED OR REGULATION ISSUED UNDER SECTION 23, OR WHO VIOLATES**
17 **SECTION 18(B) OR A PERMIT ISSUED UNDER SECTION 18(B) WITH RESPECT**
18 **TO AN INSECT PEST OR PLANT DISEASE THAT IS THE BASIS OF A**
19 **QUARANTINE IMPOSED BY THE DIRECTOR OR THE UNITED STATES DEPARTMENT**
20 **OF AGRICULTURE, IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND**
21 **SHALL BE FINED NOT LESS THAN \$1,000.00 OR MORE THAN \$10,000.00.**
22 **HOWEVER, IF THE PERSON VOLUNTARILY REPORTED THE VIOLATION TO THE**
23 **DEPARTMENT BEFORE IT WAS OTHERWISE KNOWN TO THE DEPARTMENT OR THE**
24 **PERSON HAD REASON TO BELIEVE THE VIOLATION WAS ABOUT TO BECOME**
25 **KNOWN TO THE DEPARTMENT, THE PERSON SHALL BE FINED NOT MORE THAN**
26 **\$500.00.**

27 **(4) IF A PERSON WHO IS REQUIRED TO BE LICENSED UNDER THIS ACT**

1 VIOLATES SECTION 23 OR A RULE PROMULGATED OR REGULATION ISSUED
2 UNDER SECTION 23, OR VIOLATES SECTION 18(B) OR A PERMIT ISSUED
3 UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR PLANT DISEASE
4 THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE DIRECTOR OR THE
5 UNITED STATES DEPARTMENT OF AGRICULTURE, THE DIRECTOR SHALL IMPOSE
6 ON THE PERSON AN ADMINISTRATIVE FINE OF NOT LESS THAN \$1,000.00 OR
7 MORE THAN \$10,000.00. HOWEVER, IF THE PERSON VOLUNTARILY REPORTED
8 THE VIOLATION TO THE DEPARTMENT BEFORE IT WAS OTHERWISE KNOWN TO
9 THE DEPARTMENT OR THE PERSON HAD REASON TO BELIEVE THE VIOLATION
10 WAS ABOUT TO BECOME KNOWN TO THE DEPARTMENT, THE DIRECTOR SHALL
11 IMPOSE ON THE PERSON AN ADMINISTRATIVE FINE OF NOT MORE THAN
12 \$500.00.

13 (5) BEGINNING SEPTEMBER 1, 2005, A PERSON WHO KNOWINGLY
14 VIOLATES SECTION 23 OR AN ORDER ISSUED OR RULE PROMULGATED UNDER
15 SECTION 23, OR WHO KNOWINGLY VIOLATES SECTION 18(B) OR A PERMIT
16 ISSUED UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR PLANT
17 DISEASE THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE DIRECTOR
18 OR THE UNITED STATES DEPARTMENT OF AGRICULTURE, IS GUILTY OF A
19 MISDEMEANOR AND MAY BE IMPRISONED FOR NOT MORE THAN 1 YEAR AND
20 SHALL BE FINED NOT LESS THAN \$1,000.00 OR MORE THAN \$10,000.00.

21 (6) BEGINNING SEPTEMBER 1, 2005, A PERSON WHO INTENTIONALLY
22 VIOLATES SECTION 23 OR AN ORDER ISSUED OR RULE PROMULGATED UNDER
23 SECTION 23, OR WHO INTENTIONALLY VIOLATES SECTION 18(B) OR A PERMIT
24 ISSUED UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR PLANT
25 DISEASE THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE DIRECTOR
26 OR THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOR THE PURPOSE OF
27 CAUSING DAMAGE TO PLANTS, PLANT PRODUCTS, NATURAL RESOURCES, OR

1 AGRICULTURAL, SILVICULTURAL, OR HORTICULTURAL PRODUCTS OR
2 RESOURCES, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
3 MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH.

4 (7) A PERSON WHO VIOLATES SECTION 23 OR A RULE PROMULGATED OR
5 ORDER ISSUED UNDER SECTION 23, OR WHO VIOLATES SECTION 18(B) OR A
6 PERMIT ISSUED UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR
7 PLANT DISEASE THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE
8 DIRECTOR OR THE UNITED STATES DEPARTMENT OF AGRICULTURE, IS LIABLE
9 FOR ANY DAMAGES TO PLANTS, PLANT PRODUCTS, NATURAL RESOURCES, OR
10 AGRICULTURAL, SILVICULTURAL, OR HORTICULTURAL PRODUCTS OR RESOURCES
11 RESULTING FROM THE VIOLATION, INCLUDING, BUT NOT LIMITED TO, COSTS
12 INCURRED TO INVESTIGATE, MONITOR, PREVENT, OR MINIMIZE SUCH
13 DAMAGES.

14 (8) AS USED IN THIS SECTION, "PERSON" MEANS THAT TERM AS
15 DEFINED IN SECTION 16A.

16 (9) BEGINNING SEPTEMBER 1, 2005, VIOLATIONS DESCRIBED IN
17 THIS SECTION ARE NOT SUBJECT TO SECTION 24 OR 26.