

SUBSTITUTE FOR
SENATE BILL NO. 211

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 41301. (1) As used in this part:

2 (A) "COUNCIL" MEANS THE INVASIVE SPECIES ADVISORY COUNCIL
3 CREATED IN SECTION 41321.

4 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

5 (C) ~~—(a)—~~ "Genetically engineered" refers to ~~—a fish—~~ AN
6 ORGANISM whose genome, chromosomal or extrachromosomal, is modified
7 permanently and heritably, using recombinant nucleic acid
8 techniques, or the progeny thereof.

9 (D) "INTRODUCE", WITH REFERENCE TO AN ORGANISM, MEANS TO

1 KNOWINGLY AND WILLFULLY STOCK, PLACE, PLANT, RELEASE, OR ALLOW THE
2 RELEASE OF THE ORGANISM IN THIS STATE AT ANY SPECIFIC LOCATION
3 WHERE THE ORGANISM IS NOT ALREADY NATURALIZED.

4 (E) "PROHIBITED AQUATIC PLANT SPECIES" MEANS ANY OF THE
5 FOLLOWING OR FRAGMENTS OR SEEDS THEREOF:

6 (i) AFRICAN OXYGEN WEED (LAGAROSIPHON MAJOR) OR A HYBRID OR
7 GENETICALLY ENGINEERED VARIANT THEREOF.

8 (ii) BRAZILIAN ELODEA (EGERIA Densa) OR A HYBRID OR GENETICALLY
9 ENGINEERED VARIANT THEREOF.

10 (iii) EUROPEAN FROGBIT (HYDROCHARIS MORSUS-RANAE) OR A HYBRID OR
11 GENETICALLY ENGINEERED VARIANT THEREOF.

12 (iv) GIANT HOGWEED (HERACLEUM MANTEGAZZIANUM) OR A HYBRID OR
13 GENETICALLY ENGINEERED VARIANT THEREOF.

14 (v) GIANT SALVINIA (SALVINIA MOLESTA, AURICULATA, BILOBA, OR
15 HERZOGII) OR A HYBRID OR GENETICALLY ENGINEERED VARIANT THEREOF.

16 (vi) HYDRILLA (HYDRILLA VERTICILLATA) OR A HYBRID OR
17 GENETICALLY ENGINEERED VARIANT THEREOF.

18 (vii) JAPANESE KNOTWEED (FALLOPIA JAPONICA) OR A HYBRID OR
19 GENETICALLY ENGINEERED VARIANT THEREOF.

20 (viii) PARROT'S FEATHER (MYRIOPHYLLUM AQUATICUM) OR A HYBRID OR
21 GENETICALLY ENGINEERED VARIANT THEREOF.

22 (ix) WATER CHESTNUT (TRAPA NATANS) OR A HYBRID OR GENETICALLY
23 ENGINEERED VARIANT THEREOF.

24 (x) YELLOW FLAG IRIS (IRIS PSEUDACORUS) OR A HYBRID OR
25 GENETICALLY ENGINEERED VARIANT THEREOF.

26 (xi) YELLOW FLOATING HEART (NYMPHOIDES PELTATA) OR A HYBRID OR
27 GENETICALLY ENGINEERED VARIANT THEREOF.

1 (F) ~~—(b)—~~ "Prohibited **FISH** species" means any of the following
2 or the eggs thereof:

3 (i) Bighead carp (*Hypophthalmichthys nobilis*) or a hybrid or
4 genetically engineered variant thereof.

5 (ii) Bitterling (*Rhodeus sericeus*) or a hybrid or genetically
6 engineered variant thereof.

7 (iii) Black carp (*Mylopharyngodon piceus*) or a hybrid or
8 genetically engineered variant thereof.

9 (iv) Grass carp (*Ctenopharyngodon idellus*) or a hybrid or
10 genetically engineered variant thereof.

11 (v) Ide (*Leuciscus idus*) or a hybrid or genetically engineered
12 variant thereof.

13 (vi) Japanese weatherfish (*Misgurnus anguillicaudatus*) or a
14 hybrid or genetically engineered variant thereof.

15 (vii) Rudd (*Scardinius erythrophthalmus*) or a hybrid or
16 genetically engineered variant thereof.

17 (viii) Silver carp (*Hypophthalmichthys molitrix*) or a hybrid or
18 genetically engineered variant thereof.

19 (ix) A fish of the snakehead family (family Channidae) or **A**
20 genetically engineered variant **THEREOF**.

21 (x) Tench (*Tinca tinca*) or a hybrid or genetically engineered
22 variant thereof.

23 (G) "PROHIBITED INSECT SPECIES" MEANS ANY OF THE FOLLOWING OR
24 THE EGGS THEREOF:

25 (i) ASIAN LONGHORNED BEETLE (*ANOPLOPHORA GLABRIPENNIS*) OR A
26 HYBRID OR GENETICALLY ENGINEERED VARIANT THEREOF.

27 (ii) EMERALD ASH BORER (*AGRILUS PLANIPENNIS*) OR A HYBRID OR

1 GENETICALLY ENGINEERED VARIANT THEREOF.

2 (H) "PROHIBITED SPECIES" MEANS ANY OF THE FOLLOWING:

3 (i) A PROHIBITED AQUATIC PLANT SPECIES.

4 (ii) A PROHIBITED FISH SPECIES.

5 (iii) A PROHIBITED INSECT SPECIES.

6 (I) ~~—(e)—~~ "Recombinant nucleic acid techniques" means
7 laboratory techniques through which genetic material is isolated
8 and manipulated in vitro and then inserted into an organism.

9 (J) "RESTRICTED AQUATIC PLANT SPECIES" MEANS ANY OF THE
10 FOLLOWING OR FRAGMENTS OR SEEDS THEREOF:

11 (i) CURLY LEAF PONDWEED (POTAMOGETON CRISPUS) OR A HYBRID OR
12 GENETICALLY ENGINEERED VARIANT THEREOF.

13 (ii) EURASIAN WATERMILFOIL (MYRIOPHYLLUM SPICATUM) OR A HYBRID
14 OR GENETICALLY ENGINEERED VARIANT THEREOF.

15 (iii) FLOWERING RUSH (BUTOMUS UMBELLATUS) OR A HYBRID OR
16 GENETICALLY ENGINEERED VARIANT THEREOF.

17 (iv) PHRAGMITES OR COMMON REED (PHRAGMITES AUSTRALIS) OR A
18 HYBRID OR GENETICALLY ENGINEERED VARIANT THEREOF.

19 (v) PURPLE LOOSESTRIFE (LYTHRUM SALICARIA) OR A HYBRID OR
20 GENETICALLY ENGINEERED VARIANT THEREOF, EXCEPT FOR CULTIVARS
21 DEVELOPED AND RECOGNIZED TO BE STERILE AND APPROVED BY THE DIRECTOR
22 OF AGRICULTURE UNDER SECTION 16A OF THE INSECT PEST AND PLANT
23 DISEASE ACT, 1931 PA 189, MCL 286.216A.

24 (K) "RESTRICTED SPECIES" MEANS A RESTRICTED AQUATIC PLANT
25 SPECIES.

26 (2) FOR THE PURPOSES OF THIS PART:

27 (A) A PERSON IS NOT CONSIDERED TO POSSESS A LIVE ORGANISM

1 SIMPLY BECAUSE THE ORGANISM IS PRESENT ON LAND OR IN WATERS OWNED
2 BY THAT PERSON UNLESS THE PERSON HAS KNOWINGLY INTRODUCED THAT LIVE
3 ORGANISM ON THAT LAND OR IN THOSE WATERS.

4 (B) A PERSON IS NOT CONSIDERED TO POSSESS A LIVE ORGANISM IF
5 THE ORGANISM WAS OBTAINED FROM THE ENVIRONMENT AND THE PERSON ONLY
6 POSSESSES THE ORGANISM AT THE SPECIFIC LOCATION AT WHICH IT WAS
7 OBTAINED FROM THE ENVIRONMENT.

8 (C) A PERSON IS NOT CONSIDERED TO POSSESS A LIVE ORGANISM IF
9 THE POSSESSION IS FOR THE PURPOSE OF PROMPTLY DESTROYING THE
10 ORGANISM.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 93rd Legislature are
13 enacted into law:

- 14 (a) Senate Bill No. 212.
- 15 (b) Senate Bill No. 213.
- 16 (c) Senate Bill No. 214.
- 17 (d) Senate Bill No. 215.
- 18 (e) Senate Bill No. 216.
- 19 (f) Senate Bill No. 217.