

MICHIGAN COMMERCIAL FEED LAW (EXCERPT)
Act 120 of 1975

***** 287.523.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2015 *****

287.523.amended 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.