

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

\*\*\*\*\* 324.41302.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 21, 2009 \*\*\*\*\*

**324.41302.added Adding or deleting from list of prohibited species or restricted species; consultation; procedure; determination.**

Sec. 41302. (1) The commission of natural resources may by order add to or delete from the list of prohibited species or restricted species under section 41301 any species other than an insect or plant species. Before issuing an order under this subsection, the commission of natural resources shall consult with the department of agriculture. After the consultation, and at least 30 days before the commission of natural resources issues the order, the department of natural resources shall post a copy of the proposed order on the department of natural resources' website and shall submit a copy of the proposed order to all of the following:

(a) The legislature.

(b) The standing committees of the senate and house of representatives with primary responsibility for any of the following:

(i) Agricultural issues.

(ii) Environmental issues.

(iii) Natural resources issues.

(2) The commission of agriculture may by order add to or delete from the list of prohibited species or restricted species under section 41301 any insect or plant species. Before issuing an order under this subsection, the commission of agriculture shall consult with the department of natural resources. After the consultation, and at least 30 days before the commission of agriculture issues the order, the department of agriculture shall post a copy of the proposed order on the department of agriculture's website and shall submit a copy of the proposed order to all of the following:

(a) The legislature.

(b) The standing committees of the senate and house of representatives with primary responsibility for any of the following:

(i) Agricultural issues.

(ii) Environmental issues.

(iii) Natural resources issues.

(3) The commission of natural resources or the commission of agriculture, as applicable, shall list a species as a prohibited species or restricted species if the commission of natural resources or commission of agriculture, respectively, determines the following:

(a) For a prohibited species, all of the following requirements are met:

(i) The organism is not native to this state.

(ii) The organism is not naturalized in this state or, if naturalized, is not widely distributed in this state.

(iii) One or more of the following apply:

(A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are not available.

(b) For a restricted species, all of the following requirements are met:

(i) The organism is not native to this state.

(ii) The organism is naturalized and widely distributed in this state.

(iii) One or more of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are available.

**History:** Add. 2009, Act 52, Eff. Sept. 21, 2009.

**Popular name:** Act 451

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