SUBSTITUTE FOR

HOUSE BILL NO. 6205

A bill to amend 1988 PA 466, entitled

"Animal industry act,"

by amending the title and sections 1, 3, 7, 9, 11b, 12, 14, 19, 20, 22, 31, 39, 40, 43, and 44 (MCL 287.701, 287.703, 287.707, 287.709, 287.711b, 287.712, 287.714, 287.719, 287.720, 287.722, 287.731, 287.739, 287.740, 287.743, and 287.744), the title and section 43 as amended by 1996 PA 369, sections 1, 20, 39, and 40 as amended by 2000 PA 323, sections 3, 9, 11b, 14, 19, 22, and 44 as amended by 2002 PA 458, section 7 as amended by 1994 PA 41, and sections 12 and 31 as amended by 2003 PA 271, and by adding sections 3a, 3b, 12a, 12b, 14a, 17b, 17c, 17d, 40a, 40b, 43a, and 43b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to authorize and require the appointment of a state veterinarian within the department of agriculture **AND RURAL DEVELOPMENT**; to protect the human food chain and the livestock ~~and aquaculture industries~~ **INDUSTRY** of ~~the~~ **THIS** state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts.

Sec. 1. (1) This act shall be known and may be cited as the "animal industry act".

(2) This act is intended to protect the health ~~,~~ **AND** safety ~~, and welfare~~ of humans and **THE HEALTH, SAFETY, AND WELFARE OF** animals ~~,~~ **AND** to be consistent with applicable federal and state laws ~~,~~ and shall be so construed.

Sec. 3. **AS USED IN THIS ACT:**

(A) ~~(1)~~ "Accredited veterinarian" means a veterinarian approved by the administrator of the United States ~~department~~ **DEPARTMENT** of ~~agriculture, animal~~ **AGRICULTURE, ANIMAL** and ~~plant~~

~~health inspection service~~ **PLANT HEALTH INSPECTION SERVICE** in accordance with ~~provisions of~~ 9 ~~C.F.R.~~ **CFR** part 161, and considered preapproved to perform certain functions of federal and cooperative state/federal programs.

(B) ~~(2)~~ "Animal" means mollusks, crustaceans, and vertebrates other than human beings including, but not limited to, livestock, exotic animals, aquaculture **SPECIES**, and domestic animals.

(C) ~~(3)~~ "Animal movement certificate" means animal movement authorization established in a manner approved and issued by the director that contains, at a minimum, the following information regarding animals or an animal:

(*i*) ~~(a)~~ The point of origin and point of destination.

(*ii*) ~~(b)~~ Official identification.

(*iii*) ~~(c)~~ Anticipated movement date.

(*iv*) ~~(d)~~ Any required official test results. ~~for bovine tuberculosis.~~

(D) "ANIMAL WELFARE" MEANS THE WELL-BEING OF ANIMALS BASED UPON ANIMAL HUSBANDRY, ANIMAL SCIENCE, AND VETERINARY SCIENCE PRACTICES AND STANDARDS.

(E) "APPROVED VACCINE" MEANS A VETERINARY BIOLOGICAL AS DESCRIBED IN 9 CFR SUBCHAPTER E THAT IS ADMINISTERED TO LIVESTOCK OR OTHER ANIMALS TO INDUCE IMMUNITY IN THE RECIPIENT AND APPROVED BY THE STATE VETERINARIAN.

(F) ~~(4)~~ "Aquaculture" means the ~~commercial husbandry~~ **PROPAGATION AND REARING** of aquaculture species on the approved list of aquaculture species under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884, ~~including,~~ **IN CONTROLLED**

OR SELECTED ENVIRONMENTS. AQUACULTURE INCLUDES, but **IS** not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of ~~any~~ **AQUACULTURE** products ~~, coproducts, or by-products of fish, crustaceans, mollusks, reptiles, and amphibians, reared or cultured~~ under ~~controlled conditions in an aquaculture facility.~~**AN APPROPRIATE PERMIT OR REGISTRATION.**

(G) ~~(5)~~ "Aquaculture facility" means that term as defined ~~under~~ **IN** the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

~~(6) "Approved vaccine" means a veterinary biological administered to livestock or other animals to induce immunity in the recipient and approved by the state veterinarian.~~

(H) "AQUACULTURE SPECIES" MEANS THAT TERM AS DEFINED IN THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.871 TO 286.884.

(I) "AUTOGENOUS VETERINARY BIOLOGICAL" MEANS ALL BACTERIA, VIRUSES, SERUMS, TOXINS, OR ANALOGOUS PRODUCTS FROM A SPECIFIC HERD THAT ARE CUSTOM-MADE WITH HERD-SPECIFIC ANTIGENS.

(J) ~~(7)~~ "Carcasses" means the dead bodies of animals, poultry, or aquaculture. Carcasses do not include rendered products.

(K) ~~(8)~~ "Cattle" means all bovine (genus bos) animals, bovinelike animals (genus bison) also commonly referred to as American buffalo or bison, and any cross of these species unless otherwise specifically provided.

~~(9) "Cattle importation lot" means a premises registered with the department and used only to feed cattle in preparation for~~

~~slaughter.~~

(*l*) ~~(10)~~ "Commingling" means concurrently or subsequently sharing or subsequent use by livestock or other domestic animals of the same pen or same section in a facility or same section in a transportation unit where there is physical contact or contact with bodily excrements, aerosols, or fluids from other livestock or domestic animals.

(M) ~~(11)~~ "Consignee" means ~~the~~ **A** person receiving ~~the~~ animals at the point of destination named on ~~the~~ **AN** official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.

(N) "CONSIGNOR" MEANS A PERSON SENDING ANIMALS AT THE POINT OF ORIGIN NAMED ON AN OFFICIAL INTERSTATE OR INTRASTATE HEALTH CERTIFICATE, OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY INSPECTION OR ANIMAL MOVEMENT CERTIFICATE, ENTRY AUTHORIZATION FORM, FISH DISEASE INSPECTION REPORT, OWNER-SHIPPER STATEMENT, OR SALES INVOICE.

(O) ~~(12)~~ "Contagious disease" means an illness due to a specific infectious agent or suspected infectious agent or its toxic products ~~which~~ **THAT** arises through transmission of that agent or its products from an infected animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment, or via an airborne mechanism.

(P) ~~(13)~~ "Dealer" means ~~any~~ **A** person required to be licensed

under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of livestock.

(Q) ~~(14)~~ "Department" means the ~~Michigan~~ department of agriculture **AND RURAL DEVELOPMENT.**

(R) ~~(15)~~ "Direct movement" means transfer of animals to a destination without unloading the animals en route. ~~and without exposure to any other animals or bodily excrements, aerosols, or fluids from other animals.~~

(S) ~~(16)~~ "Director" means the director of the ~~Michigan~~ department ~~of agriculture~~ or his or her authorized representative.

(T) ~~(17)~~ "Disease" means any animal health condition with potential for economic impact, public or animal health concerns, or food safety concerns.

(U) "DISEASE FREE ZONE" MEANS AN AREA IN THIS STATE WITH A DEFINED DIMENSION DETERMINED BY THE DIRECTOR TO BE FREE OF A SPECIFIC REPORTABLE ANIMAL DISEASE.

(V) ~~(18)~~ "Distribute" means to deliver other than by administering or dispensing a veterinary biological.

(W) ~~(19)~~ "Domestic animal" means ~~those~~ **A** species of ~~animals~~ **ANIMAL** that ~~live~~ **LIVES** under the husbandry of humans.

~~(20) "Emergency fish diseases" means certain infectious diseases of fish that are transmissible directly or indirectly from 1 fish to another and are not known to exist within the waters of the state. Emergency fish diseases include, but are not limited to, viral hemorrhagic septicemia, infectious hematopoietic necrosis,~~

~~ceratomyxosis, and proliferative kidney disease.~~

(X) ~~(21)~~ "Equine" means all animals of the equine family ~~which~~ **AND** includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras.

(Y) ~~(22)~~ "Exhibition or exposition" means a congregation, gathering, or collection of livestock that are presented or exposed to public view for show, display, swap, exchange, entertainment, educational event, instruction, advertising, or competition. Exhibition or exposition does not include livestock for sale at public stockyards, auctions, saleyards, ~~and~~ **OR** livestock yards licensed under ~~the provisions of~~ 1937 PA 284, MCL 287.121 to 287.131.

(Z) ~~(23)~~ "Exhibition facility" means any facility used or intended to be used for public view, show, display, swap, exchange, entertainment, advertisement, educational event, or competition involving livestock. Exhibition facility does not include a public stockyard, an auction saleyard, ~~and~~ **OR** a livestock yard where livestock are accepted on consignment and the auction method is used in the marketing of the livestock.

(AA) ~~(24)~~ "Exhibitor" means ~~any~~ **A** person who presents livestock for public display, exhibition, or competition or enters livestock in a fair, show, exhibition, or exposition.

(BB) ~~(25)~~ "Exotic animal" means ~~those animals~~ **A SPECIES OF ANIMAL** that ~~are~~ **IS** not native to ~~North America.~~**THE UNITED STATES.**

(CC) ~~(26)~~ "Fair" means a competition and educational exhibition of agricultural commodities and manufactured products for which premiums may be paid. ~~and which is conducted by an~~

~~association or governmental entity.~~

(DD) ~~(27)~~ "Feral swine" means swine ~~which~~ **THAT** have lived their life or any part of their life as free roaming. ~~or not under the husbandry of humans.~~

(EE) "FISH DISEASE INSPECTION REPORT" MEANS A DOCUMENT PREPARED BY A FISH HEALTH LABORATORY APPROVED BY THE DIRECTOR, A VETERINARIAN, OR A FISH HEALTH OFFICIAL GIVING EVIDENCE OF INSPECTIONS AND DIAGNOSTIC WORK PERFORMED.

(FF) "FISH HEALTH OFFICIAL" MEANS A VETERINARIAN OR A FISH HEALTH SPECIALIST APPROVED BY THE DIRECTOR WHO IS RESPONSIBLE FOR CONDUCTING AQUACULTURE FACILITY INSPECTIONS AND ISSUING FISH DISEASE INSPECTION REPORTS.

(GG) "FLOCK" MEANS ALL OF THE POULTRY ON 1 PREMISES OR, IN THE DISCRETION OF THE DEPARTMENT, A GROUP OF POULTRY THAT IS SEGREGATED FROM ALL OTHER POULTRY ON THE SAME PREMISES.

(HH) "GARBAGE" MEANS ANY ANIMAL ORIGIN PRODUCTS, INCLUDING THOSE OF POULTRY AND FISH ORIGIN, OR OTHER ANIMAL MATERIAL RESULTING FROM THE HANDLING, PROCESSING, PREPARATION, COOKING, OR CONSUMPTION OF FOODS. GARBAGE INCLUDES, BUT IS NOT LIMITED TO, ANY REFUSE OF ANY TYPE THAT HAS BEEN ASSOCIATED WITH ANY SUCH MATERIAL AT ANY TIME DURING THE HANDLING, PREPARATION, COOKING, OR CONSUMPTION OF FOOD. GARBAGE DOES NOT INCLUDE RENDERED PRODUCTS OR MANURE.

(II) "GENETICALLY ENGINEERED" REFERS TO AN ORGANISM WHOSE GENOME, CHROMOSOMAL OR EXTRACHROMOSOMAL, IS MODIFIED PERMANENTLY AND HERITABLY USING RECOMBINANT NUCLEIC ACID TECHNIQUES, OR THE PROGENY THEREOF.

(JJ) "GRADE" MEANS AN ANIMAL FOR WHICH NO PROOF OF REGISTRATION WITH AN APPROPRIATE BREED REGISTRY IS PROVIDED.

(KK) "HERD OR FLOCK OF ORIGIN" MEANS ANY HERD OR FLOCK IN WHICH ANIMALS ARE BORN AND REMAIN UNTIL MOVEMENT OR ANY HERD OR FLOCK IN WHICH ANIMALS REMAIN FOR AT LEAST 30 DAYS IMMEDIATELY FOLLOWING DIRECT MOVEMENT INTO THE HERD OR FLOCK FROM ANOTHER HERD OR FLOCK. HERD OR FLOCK OF ORIGIN INCLUDES THE PLACE OF ORIGIN, PREMISES OF ORIGIN, AND FARM OF ORIGIN.

(*ll*) "HIGH-RISK AREA" MEANS AN AREA IN THIS STATE THAT HAS A DEFINED DIMENSION DETERMINED BY THE DIRECTOR IN WHICH A SPECIFIC REPORTABLE ANIMAL DISEASE HAS BEEN DIAGNOSED IN DOMESTICATED ANIMALS.

(MM) "INFECTIOUS DISEASE" MEANS A DISORDER CAUSED BY AN ORGANISM, INCLUDING, BUT NOT LIMITED TO, A BACTERIA, VIRUS, FUNGUS, PARASITE, OR ANALOGOUS ORGANISM, AND THAT CAN BE DIRECTLY OR INDIRECTLY PASSED FROM ANIMAL TO ANIMAL.

(NN) "INFECTED ZONE" MEANS AN AREA IN THIS STATE THAT HAS A DEFINED DIMENSION DETERMINED BY THE DIRECTOR IN WHICH A SPECIFIC REPORTABLE ANIMAL DISEASE IS PRESENT IN ANIMALS AND SEPARATED FROM A DISEASE FREE ZONE BY A SURVEILLANCE ZONE.

(OO) "INTRASTATE MOVEMENT" MEANS MOVEMENT FROM 1 PREMISES TO ANOTHER WITHIN THIS STATE. INTRASTATE MOVEMENT DOES NOT INCLUDE THE MOVEMENT OF ANIMALS FROM 1 PREMISES WITHIN THIS STATE DIRECTLY TO ANOTHER PREMISES WITHIN THIS STATE IF BOTH PREMISES ARE PART OF THE SAME OPERATION UNDER COMMON OWNERSHIP AND BOTH PREMISES ARE DIRECTLY INTERRELATED. UNLESS INTRASTATE MOVEMENT CAUSES LIVESTOCK TO CROSS FROM 1 ZONE INTO ANOTHER ZONE, LIVESTOCK SHALL MEET THE

TESTING REQUIREMENTS FOR ITS ZONE OF ORIGIN.

(PP) "ISOLATED" MEANS THE PHYSICAL SEPARATION OF ANIMALS BY A PHYSICAL BARRIER IN SUCH A MANNER THAT OTHER ANIMALS DO NOT HAVE ACCESS TO THE ISOLATED ANIMALS' BODIES, EXCREMENT, AEROSOLS, OR DISCHARGES, AS APPROVED BY THE DIRECTOR.

(QQ) "LAW ENFORCEMENT AGENCY" MEANS THE DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF NATURAL RESOURCES, A LAW ENFORCEMENT AGENCY OF A COUNTY, TOWNSHIP, CITY, OR VILLAGE, OR A TRIBAL LAW ENFORCEMENT AGENCY THAT IS RESPONSIBLE FOR THE PREVENTION AND DETECTION OF CRIME AND ENFORCEMENT OF THE CRIMINAL LAWS OF THIS STATE.

(RR) "LIVESTOCK" MEANS THOSE SPECIES OF ANIMALS USED FOR HUMAN FOOD AND FOR FIBER OR THOSE SPECIES OF ANIMALS USED FOR SERVICE TO HUMANS. LIVESTOCK INCLUDES, BUT IS NOT LIMITED TO, CATTLE, SHEEP, NEW WORLD CAMELIDS, OLD WORLD CAMELIDS, GOATS, BISON, PRIVATELY OWNED CERVIDS, RATITES, SWINE, EQUINE, POULTRY, AQUACULTURE SPECIES, AND RABBITS. LIVESTOCK DOES NOT INCLUDE DOGS OR CATS.

(SS) "LIVESTOCK AUCTION MARKET" MEANS A LIVESTOCK MARKET WHERE LIVESTOCK IS ACCEPTED ON CONSIGNMENT AND THE AUCTION METHOD IS USED IN THE MARKETING OF CONSIGNED LIVESTOCK AS DEFINED IN 1937 PA 284, MCL 287.121 TO 287.131.

(TT) "NATIONAL POULTRY IMPROVEMENT PLAN" MEANS A PLAN FOR THE CONTROL OR ERADICATION OF CERTAIN POULTRY DISEASES THAT IS PUBLISHED IN 9 CFR PARTS 145 AND 147.

(UU) "NATIVE" MEANS AN ANIMAL BORN AND RAISED IN THIS STATE, OR LEGALLY IMPORTED INTO THIS STATE AND HAVING COMPLIED WITH ENTRY REQUIREMENTS PRESCRIBED BY THE DIRECTOR, AND HAVING BEEN MAINTAINED

IN THIS STATE FOR AT LEAST 30 DAYS.

(VV) "NEW WORLD CAMELIDS" MEANS ANIMALS BELONGING TO THE GENUS LLAMA AND VICUNA OF THE FAMILY CAMELIDAE OF THE ORDER ARTIODACTYLA INCLUDING, BUT NOT LIMITED TO, THE LLAMA, ALPACA, VICUNA, AND GUANACO.

(WW) "OFFAL" MEANS THE WASTE PARTS RESULTING FROM THE PROCESSING OF ANIMALS, POULTRY, FISH, AND AQUACULTURE SPECIES. OFFAL DOES NOT INCLUDE RENDERED PRODUCTS.

(XX) "OFFICIAL IDENTIFICATION" MEANS AN IDENTIFICATION EAR TAG, TATTOO, ELECTRONIC IDENTIFICATION, OR OTHER IDENTIFICATION APPROVED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT.

(YY) "OFFICIAL INTERSTATE HEALTH CERTIFICATE" OR "OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY INSPECTION" MEANS A FORM IN PAPER OR ELECTRONIC FORMAT WITH A UNIQUE IDENTIFIER THAT IS ADOPTED BY ANY STATE THAT DOCUMENTS THE INFORMATION REQUIRED UNDER SECTION 20 AND THAT IS ISSUED FOR ANIMALS BEING IMPORTED TO OR EXPORTED FROM THIS STATE WITHIN 30 DAYS BEFORE THE IMPORTATION OR EXPORTATION OF THE ANIMALS IT DESCRIBES. A PHOTOCOPY OF AN OFFICIAL INTERSTATE HEALTH CERTIFICATE OR AN OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY INSPECTION IS CONSIDERED AN OFFICIAL COPY IF CERTIFIED AS A TRUE COPY BY THE ISSUING VETERINARIAN OR A LIVESTOCK HEALTH OFFICIAL OF THE STATE OF ORIGIN.

(ZZ) "OFFICIAL TEST" MEANS A SAMPLE OF SPECIFIC MATERIAL COLLECTED FROM AN ANIMAL BY AN ACCREDITED VETERINARIAN, STATE OR FEDERAL VETERINARY MEDICAL OFFICER, OR OTHER PERSON AUTHORIZED BY THE DIRECTOR AND ANALYZED BY A LABORATORY CERTIFIED BY THE UNITED

STATES DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT TO CONDUCT THE TEST, OR A DIAGNOSTIC INJECTION ADMINISTERED AND ANALYZED BY AN ACCREDITED VETERINARIAN OR A STATE OR FEDERAL VETERINARY MEDICAL OFFICER. AN OFFICIAL TEST IS CONDUCTED ONLY BY AN ACCREDITED VETERINARIAN OR A STATE OR FEDERAL VETERINARY MEDICAL OFFICER EXCEPT UNDER SPECIAL PERMISSION BY THE DIRECTOR.

(AAA) "OFFICIAL VACCINATION" MEANS A VACCINATION THAT THE DIRECTOR HAS DESIGNATED AS REPORTABLE, ADMINISTERED BY AN ACCREDITED VETERINARIAN OR A STATE OR FEDERAL VETERINARY MEDICAL OFFICER, AND DOCUMENTED ON A FORM SUPPLIED BY THE DEPARTMENT.

(BBB) "OLD WORLD CAMELID" MEANS A BACTRIAN OR AN ARABIAN OR DROMEDARY CAMEL.

(CCC) "ORIGINATE" MEANS THE DIRECT MOVEMENT OF ANIMALS FROM A HERD OR FLOCK OF ORIGIN.

(DDD) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, COOPERATIVE, ASSOCIATION, JOINT VENTURE, OR OTHER LEGAL ENTITY INCLUDING, BUT NOT LIMITED TO, CONTRACTUAL RELATIONSHIPS.

(EEE) "POTENTIAL HIGH-RISK AREA" MEANS AN AREA IN THIS STATE THAT HAS A DEFINED DIMENSION DETERMINED BY THE DIRECTOR IN WHICH A SPECIFIC REPORTABLE ANIMAL DISEASE HAS BEEN DIAGNOSED IN WILD ANIMALS ONLY.

(FFF) "POULTRY" MEANS, BUT IS NOT LIMITED TO, CHICKENS, GUINEA FOWL, TURKEYS, WATERFOWL, PIGEONS, DOVES, PEAFOWL, AND GAME BIRDS THAT ARE PROPAGATED AND MAINTAINED UNDER THE HUSBANDRY OF HUMANS.

(GGG) "PRIOR ENTRY PERMIT" MEANS A CODE THAT IS OBTAINED FROM THE DEPARTMENT FOR SPECIFIC SPECIES OF ANIMALS IMPORTED INTO THIS STATE THAT IS RECORDED ON THE OFFICIAL INTERSTATE HEALTH

CERTIFICATE, OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY INSPECTION, OR FISH DISEASE INSPECTION REPORT BEFORE ENTRY INTO THIS STATE.

(HHH) "PRIOR MOVEMENT PERMIT" MEANS PRIOR DOCUMENTED PERMISSION GIVEN BY THE DIRECTOR BEFORE INTRASTATE MOVEMENT OF AN ANIMAL.

(III) "PRIVATELY OWNED CERVID" MEANS ALL SPECIES OF THE CERVID FAMILY INCLUDING, BUT NOT LIMITED TO, DEER, ELK, MOOSE, AND ALL OTHER MEMBERS OF THE FAMILY CERVIDAE PROPAGATED AND MAINTAINED UNDER THE HUSBANDRY OF HUMANS FOR THE PRODUCTION OF MEAT AND OTHER AGRICULTURAL PRODUCTS, SPORT, EXHIBITION, OR ANY OTHER PURPOSE APPROVED BY THE DIRECTOR. A PRIVATELY OWNED CERVID AT LARGE REMAINS A PRIVATELY OWNED CERVID AS LONG AS IT BEARS VISIBLE IDENTIFICATION AND IS RECOVERED BY ITS OWNER WITHIN 48 HOURS AFTER THE TIME THE CERVID IS DISCOVERED.

(JJJ) "PULLORUM-TYPHOID" MEANS A DISEASE OF POULTRY CAUSED BY SALMONELLA PULLORUM OR SALMONELLA GALLINARUM.

(KKK) "PULLORUM-TYPHOID CLEAN FLOCK" MEANS A FLOCK THAT RECEIVES AND MAINTAINS THIS STATUS BY FULFILLING THE REQUIREMENTS PRESCRIBED IN THE NATIONAL POULTRY IMPROVEMENT PLAN.

(*lll*) "QUARANTINE" MEANS ENFORCED ISOLATION OF ANY ANIMAL OR GROUP OF ANIMALS OR RESTRICTION OF MOVEMENT OF AN ANIMAL OR GROUP OF ANIMALS, EQUIPMENT, OR VEHICLES TO OR FROM ANY STRUCTURE, PREMISES, OR AREA OF THIS STATE INCLUDING THE ENTIRETY OF THIS STATE.

(MMM) "RATITE" MEANS FLIGHTLESS BIRDS HAVING A FLAT BREASTBONE WITHOUT THE KEELLIKE PROMINENCE CHARACTERISTIC OF MOST FLYING

BIRDS. RATITES INCLUDE, BUT ARE NOT LIMITED TO, CASSOWARIES, KIWIS, OSTRICHES, EMUS, AND RHEAS.

(NNN) "REASONABLE ASSISTANCE" MEANS SAFELY CONTROLLING AN ANIMAL BY CORRALLING, STABLING, KENNELING, HOLDING, TYING, CHEMICALLY RESTRAINING, OR CONFINING BY HALTER OR LEASH OR CROWDING THE ANIMAL IN A SAFE AND SENSIBLE MANNER SO AN EXAMINATION OR TESTING PROCEDURE CONSIDERED NECESSARY BY THE DIRECTOR CAN BE PERFORMED.

(OOO) "RECOMBINANT NUCLEIC ACID TECHNIQUES" MEANS LABORATORY TECHNIQUES THROUGH WHICH GENETIC MATERIAL IS ISOLATED AND MANIPULATED IN VITRO AND THEN INSERTED INTO AN ORGANISM.

(PPP) "RENDERED PRODUCTS" MEANS WASTE MATERIAL DERIVED IN WHOLE OR IN PART FROM MEAT OF ANY ANIMAL OR OTHER ANIMAL MATERIAL AND OTHER REFUSE OF ANY CHARACTER THAT HAS BEEN ASSOCIATED WITH ANY SUCH MATERIAL AT ANY TIME DURING THE HANDLING, PREPARATION, COOKING, OR CONSUMPTION OF FOOD THAT HAS BEEN GROUND AND HEAT-TREATED TO A MINIMUM TEMPERATURE OF 170 DEGREES FAHRENHEIT FOR A MINIMUM OF 30 MINUTES TO MAKE PRODUCTS INCLUDING, BUT NOT LIMITED TO, ANIMAL PROTEIN MEAL, POULTRY PROTEIN MEAL, FISH PROTEIN MEAL, GREASE, OR TALLOW. RENDERED PRODUCTS ALSO INCLUDE BAKERY WASTES, EGGS, CANDY WASTES, AND DOMESTIC DAIRY PRODUCTS INCLUDING, BUT NOT LIMITED TO, MILK.

(QQQ) "REPORTABLE ANIMAL DISEASE" MEANS AN ANIMAL DISEASE ON THE CURRENT REPORTABLE ANIMAL DISEASE LIST MAINTAINED BY THE STATE VETERINARIAN THAT POSES A SERIOUS THREAT TO THE LIVESTOCK INDUSTRY, PUBLIC HEALTH, OR ANIMAL HEALTH, OR FOOD SUPPLY CHAIN.

(RRR) "SLAUGHTER PREMISES" MEANS ALL FACILITIES, BUILDINGS,

STRUCTURES, INCLUDING ALL IMMEDIATE GROUNDS WHERE SLAUGHTERING OCCURS UNDER FEDERAL OR STATE INSPECTION, OR OTHERWISE AUTHORIZED BY THE DIRECTOR.

(SSS) "SOW" MEANS ANY FEMALE SWINE THAT HAS FARROWED OR GIVEN BIRTH TO OR ABORTED 1 LITTER OR MORE.

(TTT) "STATE VETERINARIAN" MEANS THE CHIEF ANIMAL HEALTH OFFICIAL OF THIS STATE AS APPOINTED BY THE DIRECTOR UNDER SECTION 7, OR HIS OR HER AUTHORIZED REPRESENTATIVE.

(UUU) "SURVEILLANCE ZONE" MEANS AN AREA IN THIS STATE THAT HAS A DEFINED DIMENSION DETERMINED BY THE DIRECTOR TO BE AT RISK FOR A SPECIFIC REPORTABLE ANIMAL DISEASE AND IS LOCATED ADJACENT AND CONTIGUOUS TO AN INFECTED ZONE.

(VVV) "SWINE" MEANS ANY OF THE UNGULATE MAMMALS OF THE FAMILY SUIDAE.

(WWW) "TOXIC SUBSTANCE" MEANS A NATURAL OR SYNTHETIC CHEMICAL OR RADIOLOGIC MATERIAL IN CONCENTRATIONS THAT ALONE OR IN COMBINATION WITH OTHER NATURAL OR SYNTHETIC CHEMICALS PRESENTS A THREAT TO THE HEALTH, SAFETY, OR WELFARE TO HUMAN OR ANIMAL LIFE OR THAT HAS THE CAPACITY TO PRODUCE INJURY OR ILLNESS THROUGH INGESTION, INHALATION, OR ABSORPTION THROUGH THE BODY SURFACE.

(XXX) "TOXICOLOGICAL DISEASE" MEANS ANY CONDITION CAUSED BY OR RELATED TO A TOXIC SUBSTANCE.

(YYY) "VETERINARIAN" MEANS A PERSON LICENSED TO PRACTICE VETERINARY MEDICINE UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838, OR UNDER A STATE OR FEDERAL LAW APPLICABLE TO THAT PERSON.

(ZZZ) "VETERINARY BIOLOGICAL" MEANS ALL BACTERIA, VIRUSES,

SERUMS, TOXINS, AND ANALOGOUS PRODUCTS OF NATURAL OR SYNTHETIC ORIGIN, OR PRODUCTS PREPARED FROM ANY TYPE OF GENETIC ENGINEERING, SUCH AS DIAGNOSTICS, ANTITOXINS, VACCINES, LIVE MICROORGANISMS, KILLED MICROORGANISMS, OR THE ANTIGENIC OR IMMUNIZING COMPONENTS OF MICROORGANISMS INTENDED FOR USE IN THE DIAGNOSIS, TREATMENT, OR PREVENTION OF DISEASES IN ANIMALS.

(AAAA) "WHOLE HERD" MEANS ANY ISOLATED GROUP OF LIVESTOCK MAINTAINED ON COMMON GROUND FOR ANY PURPOSE, OR 2 OR MORE GROUPS OF LIVESTOCK UNDER COMMON OWNERSHIP OR SUPERVISION THAT ARE GEOGRAPHICALLY SEPARATED BUT THAT HAVE AN INTERCHANGE OR MOVEMENT OF LIVESTOCK WITHOUT REGARD TO HEALTH STATUS AS DETERMINED BY THE DIRECTOR.

(BBBB) "WILD ANIMAL" MEANS THAT TERM AS DEFINED IN SECTION 43508 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.43508, OR ANY CROSS OF A WILD ANIMAL WITH A DOMESTICATED ANIMAL.

SEC. 3A. (1) IF THE DIRECTOR DETERMINES THAT A DISEASE OR CONDITION IN ANIMALS IN THIS STATE POSES AN EXTRAORDINARY EMERGENCY TO THE ANIMAL INDUSTRY, PUBLIC HEALTH, OR HUMAN FOOD CHAIN OF THIS STATE, THE DIRECTOR SHALL NOTIFY THE GOVERNOR OF THE DETERMINATION AND THE REASONS FOR THIS DETERMINATION. THE DIRECTOR SHALL RECOMMEND TO THE GOVERNOR THE PROCEDURES THE DIRECTOR CONSIDERS NECESSARY TO ELIMINATE THE THREAT.

(2) UPON BEING NOTIFIED, THE GOVERNOR MAY ISSUE A PROCLAMATION DECLARING A STATE OF EMERGENCY. AFTER PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR, THE GOVERNOR MAY EXPEDITE NECESSARY PROCEDURES TO CONTROL THE SPREAD OF, OR TO ERADICATE, THE DISEASE

OR CONDITION.

(3) THE DIRECTOR MAY DEVELOP, IMPLEMENT, AND ENFORCE A SCIENTIFICALLY BASED EXTRAORDINARY EMERGENCY ORDER IF THE DIRECTOR DETERMINES THAT A DELAYED RESPONSE TO A SPECIFIC REPORTABLE ANIMAL DISEASE OR CONDITION IN ANIMALS WILL CAUSE A SIGNIFICANT IMPACT ON ANIMALS, AN ANIMAL INDUSTRY, OR PUBLIC HEALTH. THE EXTRAORDINARY EMERGENCY ORDER SHALL BE SPECIFIC AND SHALL CONSIDER THE IMPACT ON ANIMALS AND PRODUCT MOVEMENT. AN EXTRAORDINARY EMERGENCY ORDER SHALL NOT BE IN EFFECT FOR MORE THAN 72 HOURS WITHOUT THE APPROVAL OF THE DEPARTMENT AND THE IMPACTED ANIMAL INDUSTRY AND IN NO CASE SHALL REMAIN EFFECTIVE FOR LONGER THAN 6 MONTHS. THE DIRECTOR SHALL ACT IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IF THERE IS AN EXTRAORDINARY EMERGENCY CAUSING A SIGNIFICANT IMPACT ON PUBLIC HEALTH.

SEC. 3B. (1) THE DIRECTOR MAY DEVELOP, IMPLEMENT, AND ENFORCE SCIENTIFICALLY BASED ORDERS. THESE ORDERS MAY INCLUDE REQUIREMENTS FOR TESTING, ANIMAL OR PREMISES IDENTIFICATION, RECORD KEEPING OR PREMOVEMENT DOCUMENTATION, OR ON-FARM MANAGEMENT PRACTICES THAT MUST BE COMPLETED BEFORE THE MOVEMENT OF ANIMALS FROM ANY PREMISES WITHIN THIS STATE, OR BETWEEN PREMISES WITHIN THIS STATE.

(2) BEFORE ISSUING AN ORDER DESCRIBED IN SUBSECTION (1), THE DEPARTMENT SHALL COMPLY WITH ALL OF THE FOLLOWING TO ENSURE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT:

(A) THE DEPARTMENT SHALL DEVELOP SCIENTIFICALLY BASED REQUIREMENTS WITH ADVICE AND CONSULTATION FROM THE IMPACTED ANIMAL INDUSTRY AND VETERINARY PROFESSIONALS.

(B) THE DEPARTMENT SHALL PLACE THE PROPOSED REQUIREMENTS ON

THE COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT AGENDA AT LEAST 1 MONTH BEFORE FINAL REVIEW AND ISSUANCE OF THE ORDER BY THE DIRECTOR. DURING THE 1-MONTH PERIOD DESCRIBED IN THIS SUBDIVISION, WRITTEN COMMENTS MAY BE SUBMITTED TO THE DIRECTOR AND THE DIRECTOR SHALL HOLD AT LEAST 1 PUBLIC HEARING ON THE ORDER WITHIN THE AFFECTED AREAS.

(C) THE DEPARTMENT SHALL, AT LEAST 1 MONTH BEFORE IMPLEMENTATION OF THE ORDER, PLACE THE PROPOSED REQUIREMENTS IN A MEDIA CHANNEL IN EACH COUNTY WITHIN THE AREA SUBJECT TO THE PROPOSED REQUIREMENTS AND AT LEAST 1 MEDIA CHANNEL HAVING CIRCULATION OUTSIDE OF THE AREA.

(3) THE DIRECTOR MAY REVISE OR RESCIND AN ORDER DESCRIBED IN SUBSECTION (1). A REVISION OR RESCISSION DESCRIBED IN THIS SUBSECTION SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2), UNLESS THE REVISION OR RESCISSION DOES NOT ALTER THE BOUNDARY OF A PREVIOUSLY ESTABLISHED ZONE.

(4) THE DIRECTOR MAY CREATE AN ORDER TO ESTABLISH HIGH-RISK AREAS, POTENTIAL HIGH-RISK AREAS, A DISEASE-FREE ZONE, AN INFECTED ZONE, OR A SURVEILLANCE ZONE BASED UPON THE FINDING OF A REPORTABLE ANIMAL DISEASE OR SCIENTIFICALLY BASED EPIDEMIOLOGY. THE DIRECTOR SHALL NOTIFY THE COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT AND THE IMPACTED ANIMAL INDUSTRY.

(5) THE DIRECTOR MAY CALL UPON A LAW ENFORCEMENT AGENCY TO ASSIST IN ENFORCING THE DIRECTOR'S QUARANTINES, ORDERS, OR ANY OTHER PROVISION OF THIS ACT.

(6) IF THE DIRECTOR CONSIDERS IT A BENEFIT TO THE HEALTH OR CONDITION OF THE ANIMAL INDUSTRY IN THIS STATE, THE DIRECTOR MAY

ENTER INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT, OTHER STATE GOVERNMENTS, TRIBAL GOVERNMENTS, OR ANY OTHER PERSON TO PROTECT OR ENHANCE THE GROWTH OF THIS STATE'S ANIMAL INDUSTRY OR THE HUMAN FOOD CHAIN.

Sec. 7. (1) The director ~~shall~~ **MUST** appoint an individual as state veterinarian who ~~shall~~ **WILL** be the chief animal health official of ~~the~~ **THIS** state. The appointment shall be made in accordance with the rules of the state civil service commission. The individual appointed as state veterinarian ~~shall~~ **MUST** maintain a current license to practice veterinary medicine in this state and be federally accredited in this state by the United States ~~department~~ **DEPARTMENT** of ~~agriculture.~~ **AGRICULTURE.** The state veterinarian ~~shall~~ **MUST** be skilled in the diagnosis, treatment, and control of infectious, contagious, and toxicological diseases of livestock. The state veterinarian ~~shall~~ **MUST** also be knowledgeable of state and federal laws as they relate to the intrastate, interstate, and international movement of animals.

(2) Office facilities and laboratory services for the investigation of infectious, contagious, or toxicological diseases of animals shall be made available for the state veterinarian's use.

(3) UNDER THE DIRECTION OF THE DIRECTOR, THE STATE VETERINARIAN SHALL DO ALL OF THE FOLLOWING:

(A) DEVELOP AND ENFORCE POLICY AND SUPERVISE ACTIVITIES TO CARRY OUT THIS ACT AND OTHER STATE AND FEDERAL LAWS, RULES, AND REGULATIONS THAT PERTAIN TO THE HEALTH AND WELFARE OF ANIMALS IN THIS STATE ON PUBLIC OR PRIVATE PREMISES.

(B) SERVE AS THE AUTHORITY FOR ANIMAL WELFARE OVERSIGHT ON LIVESTOCK-RELATED ISSUES.

(C) MAINTAIN A LIST OF REPORTABLE ANIMAL DISEASES. THE STATE VETERINARIAN SHALL REVIEW AND UPDATE THE LIST ANNUALLY AND MORE OFTEN IF NECESSARY. WHEN FEASIBLE AND PRACTICAL, THE STATE VETERINARIAN SHALL SEEK INPUT FROM STAKEHOLDERS FOR ANY CHANGES IN THE LIST OF REPORTABLE ANIMAL DISEASES.

(D) DEVELOP AND IMPLEMENT SCIENTIFICALLY BASED SURVEILLANCE AND MONITORING PROGRAMS FOR REPORTABLE ANIMAL DISEASES WHEN THE DIRECTOR DETERMINES, WITH ADVICE AND CONSULTATION FROM THE IMPACTED ANIMAL INDUSTRY AND VETERINARY PROFESSION, THAT THESE PROGRAMS WOULD AID IN THE CONTROL OR ERADICATION OF A SPECIFIC REPORTABLE ANIMAL DISEASE OR STRENGTHEN THE ECONOMIC VIABILITY OF THE INDUSTRY.

(E) MAINTAIN A LIST OF VETERINARY BIOLOGICALS WHOSE SALE, DISTRIBUTION, USE, OR ADMINISTRATION BY ANY PERSON IS REPORTED TO THE DIRECTOR WHEN REQUESTED BY THE DIRECTOR WITHIN 10 WORKING DAYS AFTER THE SALE, DISTRIBUTION, USE, OR ADMINISTRATION. THE STATE VETERINARIAN SHALL REVIEW AND UPDATE THE LIST ANNUALLY AND MORE OFTEN IF NECESSARY.

(F) PROMULGATE RULES UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, FOR THE USE OF VETERINARY BIOLOGICALS, INCLUDING DIAGNOSTIC BIOLOGICAL AGENTS.

(4) UNLESS OTHERWISE PROHIBITED BY LAW, THE STATE VETERINARIAN MAY ENTER UPON ANY PUBLIC OR PRIVATE PREMISES TO ENFORCE THIS ACT.

(5) THE STATE VETERINARIAN SHALL MAINTAIN REQUIREMENTS FOR THE IMPORTATION OF ANIMALS INTO THIS STATE. WHEN FEASIBLE AND

PRACTICAL, THE STATE VETERINARIAN SHALL SEEK INPUT FROM STAKEHOLDERS FOR ANY CHANGES IN IMPORTATION REQUIREMENTS.

(6) THE DIRECTOR MAY WAIVE ANY TESTING REQUIREMENTS AFTER EPIDEMIOLOGIC REVIEW.

Sec. 9. (1) A person who discovers, suspects, or has reason to believe that an animal is either affected by a reportable disease or contaminated with a toxic substance shall immediately report that fact, suspicion, or belief to the director. The director shall take appropriate action to investigate the report. A person possessing an animal affected by, or suspected of being affected by, a reportable disease or contaminated with a toxic substance shall allow the director to examine the animal or collect diagnostic specimens. The director may enter premises where animals, animal products, or animal feeds are suspected of being contaminated with an infectious or contagious disease, or a disease caused by a toxic substance and seize or impound the animal products or feed located on the premises. The director may withhold a certain amount of animal products or feed for the purpose of controlled research and testing. A person who knowingly possesses or harbors affected or suspected animals shall not expose other animals to the affected or suspected animals or otherwise move the affected or suspected animals or animals under quarantine except with permission from the director.

(2) A person owning animals shall provide reasonable assistance to the director during the examination and necessary testing procedures.

(3) ~~The director may call upon a law enforcement agency to~~

~~assist in enforcing the director's quarantines, orders, or any other provisions of this act.~~**ALL OF THE FOLLOWING APPLY TO ANY MEDICAL OR EPIDEMIOLOGICAL INFORMATION THAT IDENTIFIES THE OWNER OF AN ANIMAL AND IS GATHERED BY THE DEPARTMENT IN CONNECTION WITH THE REPORTING OF A DISCOVERY, SUSPICION, OR REASON TO BELIEVE THAT AN ANIMAL IS EITHER AFFECTED BY A SPECIFIC REPORTABLE ANIMAL DISEASE OR CONTAMINATED WITH A TOXIC SUBSTANCE, OR INFORMATION GATHERED IN CONNECTION WITH AN INVESTIGATION OF THE REPORTING OF A DISCOVERY, SUSPICION, OR REASON TO BELIEVE THAT AN ANIMAL IS AFFECTED BY A SPECIFIC REPORTABLE ANIMAL DISEASE OR CONTAMINATED WITH A TOXIC SUBSTANCE:**

(A) THE INFORMATION IS CONFIDENTIAL.

(B) THE INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(C) STATE EMPLOYEES OR CONTRACTORS ARE BOUND BY SECTION 2 OF 1973 PA 196, MCL 15.342, WITH RESPECT TO THE INFORMATION.

(D) THE INFORMATION IS NOT OPEN TO PUBLIC INSPECTION WITHOUT THE OWNER'S CONSENT UNLESS 1 OF THE FOLLOWING APPLIES:

(*i*) PUBLIC INSPECTION IS NECESSARY TO PROTECT THE PUBLIC HEALTH OR ANIMAL HEALTH AS DETERMINED BY THE DIRECTOR.

(*ii*) PUBLIC INSPECTION IS NECESSARY TO PROTECT THE PUBLIC HEALTH, AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(E) IF THE INFORMATION IS RELEASED TO A LEGISLATIVE BODY, THE INFORMATION SHALL NOT CONTAIN ANY INFORMATION THAT IDENTIFIES A SPECIFIC OWNER OR LOCATION.

[(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE STATE VETERINARIAN SHALL BE NOTIFIED OF A REPORTABLE DISEASE FOUND IN A WILD BIRD, WILD ANIMAL, GAME, OR PROTECTED ANIMAL UNDER THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.101 TO 324.90106, OR A STATE OR FEDERAL FISH HATCHERY. THE APPROPRIATE RESOURCE AGENCY, INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF NATURAL RESOURCES AND THE UNITED STATES FISH AND WILDLIFE SERVICE, SHALL RETAIN AUTHORITY OVER THE WILD BIRD, WILD ANIMAL, GAME, PROTECTED ANIMAL, OR STATE OR FEDERAL FISH HATCHERY.]

~~(4) A person shall not remove or alter the official~~

~~identification of an animal. A person shall not misrepresent an animal's identity or the ownership of an animal. A person shall not misrepresent the animal's health status to a potential buyer.~~

~~(5) The director shall devise and implement a program to compensate livestock owners for livestock that die, are injured, or need to be destroyed for humane reasons due to injury occurring while the livestock are undergoing mandatory or required testing for a reportable disease.~~

~~(6) Any medical or epidemiological information that identifies the owners of animals and is gathered in connection with the reporting of a discovery, suspicion, or reason to believe that an animal is either affected by a reportable disease or contaminated with a toxic substance, or information gathered in connection with an investigation of the reporting of a discovery, suspicion, or reason to believe that an animal is affected by a reportable disease or contaminated with a toxic substance is confidential, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and is not open to public inspection without the individual's consent unless public inspection is necessary to protect the public or animal health as determined by the director. Such medical or epidemiological information that is released to a legislative body shall not contain information that identifies a specific owner.~~

~~(7) As used in subsections (8) to (10):~~

~~(a) "Disease free zone" means any area in the state with defined dimensions determined by the department in consultation with the United States department of agriculture to be free of~~

~~bovine tuberculosis in livestock.~~

~~(b) "Infected zone" means any area in the state with defined dimensions in which bovine tuberculosis is present in livestock and separated from the disease free zone by a surveillance zone as determined by the department in consultation with the United States department of agriculture.~~

~~(c) "Official intrastate health certificate or official intrastate certificate of veterinary inspection" means a printed form adopted by the department and completed and issued by an accredited veterinarian that documents an animal's point of origin, point of destination, official identification, and any required official test results.~~

~~(d) "Prior movement permit" means prior documented permission given by the director before movement of livestock.~~

~~(e) "Surveillance zone" means any area in the state with defined dimensions that is located adjacent and contiguous to an infected zone as determined by the department in consultation with the United States department of agriculture.~~

~~(8) The director may develop, implement, and enforce scientifically based movement restrictions and requirements including official bovine tuberculosis test requirements, prior movement permits, official intrastate health certificates or animal movement certificates to accompany movement of animals, and official identification of animals for movement between or within a disease free zone, surveillance zone, and an infected zone, or any combination of those zones.~~

~~(9) The department shall comply with the following procedures~~

~~before issuing zoning requirements described in subsection (8) that assure public notice and opportunity for public comment:~~

~~(a) Develop scientifically based zoning requirements with advice and consultation from the livestock industry and veterinary profession.~~

~~(b) Place the proposed zoning requirements on the commission of agriculture agenda at least 1 month before final review and order by the director. During the 1-month period described in this subdivision, written comments may be submitted to the director and the director shall hold at least 1 public forum within the affected areas.~~

~~(c) Place the proposed zoning requirements at least 1 month before implementation in a newspaper of each county within the proposed zoning requirement area and at least 2 newspapers having circulation outside of the proposed zoning requirement area.~~

~~(10) The director may revise or rescind movement restrictions and other requirements described in subsection (8), pursuant to this section, and any revision or revocation of such movement restrictions or other requirements shall comply with the procedure set forth in subsection (9) unless the revision does not alter the boundary of a previously established zone.~~

~~(11) As used in subsections (12) to (32):~~

~~(a) "High-risk area" means an area designated by the director where bovine tuberculosis has been diagnosed in livestock.~~

~~(b) "Intrastate movement" means movement from 1 premises to another within this state. Intrastate movement does not include the movement of livestock from 1 premises within the state directly to~~

another premises within the state when both premises are a part of the same livestock operation under common ownership and both premises are directly interrelated as part of the same livestock operation. Except that when intrastate movement causes livestock to cross from 1 zone into another zone, livestock must meet the testing requirements for their zone of origin.

(c) "Potential high-risk area" means an area determined by the director in which bovine tuberculosis has been diagnosed in wild animals only.

(d) "Whole herd" means any isolated group of cattle, privately owned cervids, or goats maintained on common ground for any purpose, or 2 or more groups of cattle, privately owned cervids, or goats under common ownership or supervision geographically separated but that have an interchange or movement of cattle, privately owned cervids, or goats without regard to health status as determined by the director.

(e) "Whole herd test" means a test of any isolated group of cattle or privately owned cervids 12 months of age and older or goats 6 months of age or older maintained on common ground for any purpose; 2 or more groups of cattle, goats, or privately owned cervids under common ownership or supervision geographically separated but that have an interchange or movement of cattle, goats, or privately owned cervids without regard to health status as determined by the director; or any other test of an isolated group of livestock considered a whole herd test by the director.

(12) This section does not exempt dairy herds from being tested in the manner provided for by grade "A" pasteurized milk

~~ordinance, 2001 revision of the United States public health service/food and drug administration, with administrative procedures and appendices, set forth in the public health service/food and drug administration publication no. 229, and the provisions of the 1995 grade "A" condensed and dry milk products and condensed and dry whey-supplement I to the grade "A" pasteurized milk ordinance, 2001 revisions, and all amendments to those publications thereafter adopted pursuant to the rules that the director may promulgate.~~

~~(13) The director may establish high-risk areas and potential high-risk areas based upon scientifically based epidemiology. The director shall notify the commission of agriculture and publish public notice in a newspaper of each county with general circulation in any area designated as a high-risk or potential high-risk area.~~

~~(14) All cattle and goat herds located in high-risk areas shall be whole herd bovine tuberculosis tested at least once per year. After the first whole herd bovine tuberculosis test, testing shall occur between 10 and 14 months from the anniversary date of the first test. This section does not prevent whole herd testing by the owner or by department mandate at shorter intervals. When 36 months of testing fails to disclose a newly affected herd within the high-risk area or any portion of the high-risk area, the director shall remove the high-risk area designation from all or part of that area.~~

~~(15) Terminal operations located in high-risk areas in this state are exempt from the requirements of subsection (14) and shall~~

~~be monitored by a written surveillance plan approved by the director.~~

~~(16) All cattle and goat herds located in potential high-risk areas shall be whole herd bovine tuberculosis tested within 6 months after the director has established a potential high-risk area or have a written herd plan with a targeted whole herd bovine tuberculosis testing date. When all herds meet the testing requirements imposed in this subsection, the director shall remove the potential high-risk area designation.~~

~~(17) Terminal operations located in potential high-risk areas in this state are exempt from the requirements of subsection (16) and may be monitored by a written surveillance plan approved by the director.~~

~~(18) Each owner of any privately owned cervid herd within a high-risk area shall cause an annual whole herd bovine tuberculosis test to be conducted on all privately owned cervids 12 months of age and older within the herd and all cattle and goats 6 months of age and older in contact with the cervids. Following the initial annual whole herd test, subsequent whole herd tests shall be completed at 9- to 15-month intervals. This section does not prevent whole herd testing by the owner or by department mandate at shorter intervals.~~

~~(19) Each owner of any privately owned cervid ranch within a high-risk area may elect to undergo a tuberculosis slaughter surveillance plan approved by the director in lieu of the annual whole herd testing. This slaughter surveillance plan must include examination of animals removed from the herd for detection of~~

~~tuberculosis. Examination must be performed by a state or federal veterinarian or accredited veterinarian. The number to be examined at each testing interval shall include adult animals and must be equal to the amount necessary to establish an official tuberculosis monitored herd as defined in the bovine tuberculosis eradication uniform methods and rules, effective January 22, 1999, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.~~

~~(20) All cattle and goat herds, except livestock assembled at feedlots where all animals are fed for slaughter before 24 months of age, that are located in any area outside a high-risk area or a potential high-risk area in this state shall be whole herd bovine tuberculosis tested between January 1, 2000 and December 31, 2003. Privately owned cervid herds located in the non-high-risk areas or potential high-risk areas shall be tested per sections 30c and 30d. The director may order testing for any reportable disease in any geographical area or in any herd to accomplish surveillance necessary for the state of Michigan to participate in the national tuberculosis eradication program, to complete epidemiologic investigations for any reportable disease, or in any instance where a reportable disease is suspected. The director may establish a surveillance testing program for cattle and goats to replace the testing protocol and meet the intrastate movement requirements under subsections (22) and (23). A person shall not sell or offer for sale, move, or transfer any livestock that originate from a herd or area under order for testing by the director unless the livestock have met the requirements of the order issued under this~~

~~subsection. If a person does not cause a herd to be tested in compliance with this order, the director shall notify the person responsible for management of the herd of the necessity for testing to occur and the deadline for testing to occur and shall quarantine any herd that has not been tested until such time as the testing can be completed by state or federal regulatory veterinarians or accredited veterinarians.~~

~~(21) Terminal operations and privately owned cervid premises located in any area outside a high-risk area or a potential high-risk area in this state may be exempted from subsection (18) and may be monitored by a written surveillance plan approved by the director.~~

~~(22) Subject to subsection (24), cattle and goats originating in an area not designated as a high-risk area moving intrastate shall meet at least 1 of the following until the zone, area, or the entirety of the state from which they originate receives tuberculosis-free status from the United States department of agriculture or under other circumstances as approved by the director:~~

~~(a) Originate directly from a herd that has received an official negative whole herd bovine tuberculosis test within the 24 months before the intrastate movement.~~

~~(b) Has received an individual official negative bovine tuberculosis test within 60 days before the intrastate movements.~~

~~(c) Has originated directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform~~

~~methods and rules, effective January 22, 1999, approved by veterinary services of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.~~

~~(23) Subject to subsection (24), cattle and goats originating in a high-risk area that move intrastate shall meet at least 1 of the following until the zone, area, or the entirety of the state from which they originate is no longer designated as a high-risk area by the director or under other circumstances as approved by the director:~~

~~(a) Originate directly from a herd that has received an official negative whole herd bovine tuberculosis test within the 12 months before the intrastate movement.~~

~~(b) Has received an individual official negative bovine tuberculosis test within 60 days before the intrastate movements.~~

~~(c) Has originated directly from an accredited bovine tuberculosis-free herd as defined in title 9 of the code of federal regulations and the bovine tuberculosis eradication: uniform methods and rules effective January 22, 1999, approved by veterinary services of the United States department of agriculture, and all amendments to those publications thereafter adopted pursuant to rules that the director may promulgate.~~

~~(24) Cattle and goats not meeting subsection (22) or (23) may be sold through a livestock auction market for slaughter only. Slaughter must occur within 5 days after the sale. The buyer of livestock sold for slaughter shall provide verification that the slaughter occurred within 5 days after sale upon request of the~~

~~director. Failure of a buyer of livestock sold for slaughter to comply with this subsection subjects that buyer to the penalties and sanctions of this act.~~

~~(25) Privately owned cervids moving intrastate shall meet requirements under section 30b.~~

~~(26) Bovine tuberculosis testing required under this section shall be an official test. Accredited veterinarians under contract and approved under this subsection may be paid by the department for testing services. Approved veterinarians paid by the department or the United States department of agriculture for bovine tuberculosis testing required by this section must attend an initial bovine tuberculosis educational seminar approved by the director.~~

~~(27) Bovine tuberculosis testing shall be conducted by the department, United States department of agriculture, or accredited veterinarians.~~

~~(28) Individual livestock that have been injected and are undergoing bovine tuberculosis testing shall not be removed from the premises where the test is administered until the test is read except as permitted by the director.~~

~~(29) With advice and consultation from the livestock industry and veterinary profession, the director shall pay to a producer for assistance approved by the Michigan commission of agriculture for whole herd bovine tuberculosis testing required in subsections (14), (16), (18), and (20).~~

~~(30) The director shall pay to an operator or owner of a livestock auction market on a 50/50 cost share basis for chutes,~~

~~gates, and remodeling to expedite identification of livestock for bovine tuberculosis surveillance and eradication.~~

Sec. 11b. (1) All cattle ~~, goats, sheep, and privately owned cervids shall~~ **MUST** bear official identification before they leave a premises, **UNLESS THE FIRST POINT OF DESTINATION IS A TAGGING AGREEMENT SITE APPROVED BY THE DIRECTOR. AS USED IN THIS SUBSECTION, "OFFICIAL IDENTIFICATION" MEANS AN ELECTRONIC RADIO FREQUENCY IDENTIFICATION OR OTHER FORMS OF OFFICIAL IDENTIFICATION FOR CATTLE AS APPROVED BY THE DIRECTOR.**

(2) SUBJECT TO SUBSECTION (3), ALL GOATS, SHEEP, AND PRIVATELY OWNED CERVIDS SHALL BEAR OFFICIAL IDENTIFICATION BEFORE THEY LEAVE A PREMISES.

(3) SHEEP AND SWINE PRESENTED FOR EXHIBITION OR EXPOSITION OR AT FAIRS WITHIN THIS STATE SHALL BE INDIVIDUALLY IDENTIFIED WITH AN OFFICIAL IDENTIFICATION TAG. FOR PURPOSES OF THIS SUBSECTION, A TATTOO IS NOT AN OFFICIAL IDENTIFICATION TAG.

(4) ~~(2)~~ Compliance with this section regarding official identification is the responsibility of the owner.

(5) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

(A) REMOVE OR ALTER THE OFFICIAL IDENTIFICATION OF AN ANIMAL.

(B) MISREPRESENT AN ANIMAL'S IDENTITY OR THE OWNERSHIP OF AN ANIMAL.

(6) ~~(3)~~ Official identification ~~shall~~ **MAY** be supplied by the department.

Sec. 12. (1) The director may issue a quarantine on animals, equipment, vehicles, structures, premises, or any area in ~~the~~ **THIS** state, including the entire state if necessary, for the purpose of

controlling or preventing the spread of a known or suspected infectious, contagious, or toxicological disease.

(2) A person shall not move animals that are under quarantine without permission from the director.

(3) A person shall not allow animals under quarantine to mingle **WITH** or have contact with other animals not under quarantine without permission by the director.

(4) A person shall not import into this state an animal from another state or jurisdiction if that animal is under quarantine by the other state or jurisdiction unless that person obtains prior permission from the director.

(5) A person shall not import into this state an animal species, including a genetically engineered organism that is a variant of that species, from an area under quarantine for that species for any infectious, contagious, or toxicological disease unless permission is granted from the director.

(6) The director may prescribe procedures for the identification, inventory, separation, mode of handling, testing, treatment, feeding, and caring for both quarantined animals and animals within a quarantined area to prevent the infection or exposure of nonquarantined or quarantined animals to infectious, contagious, or toxicological diseases.

(7) The director may prescribe procedures required before any animal, structure, premises, or area or zone in this state, including the entirety of ~~the~~ **THIS** state if necessary, are released from quarantine.

(8) An animal found running at large in violation of a

quarantine may be killed by a law enforcement agency. The director may enlist the cooperation of a law enforcement agency to enforce the provisions of this quarantine. A law enforcement agency killing an animal due to a quarantine under this section is not subject to liability for the animal.

SEC. 12A. (1) THE DIRECTOR MAY REQUIRE MOVEMENT CONTROLS FOR THE MOVEMENT OF ANIMALS WITHIN THIS STATE TO PREVENT OR CONTROL A SPECIFIC REPORTABLE ANIMAL DISEASE, AS PROVIDED IN SECTION 3B.

(2) THE DIRECTOR MAY REQUIRE AN OFFICIAL INTRASTATE HEALTH CERTIFICATE OR OFFICIAL INTRASTATE CERTIFICATE OF VETERINARY INSPECTION OR ANOTHER FORM APPROVED BY THE DIRECTOR TO BE PREPARED AND SIGNED BY AN ACCREDITED VETERINARIAN. THE FORMS DESCRIBED IN THIS SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED IN SECTION 20(1)(A) TO (E).

(3) ANIMALS SUBJECT TO MOVEMENT CONTROLS DESCRIBED IN SUBSECTION (1) SHALL BE ACCOMPANIED WITH A COPY OF AN OFFICIAL INTRASTATE HEALTH CERTIFICATE, OFFICIAL INTRASTATE CERTIFICATE OF VETERINARY INSPECTION, OR OTHER FORM APPROVED BY THE DIRECTOR. THE FORM DESCRIBED IN THIS SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED IN SECTION 20(1)(A) TO (E).

(4) WHEN THE INTRASTATE MOVEMENT OF LIVESTOCK CAUSES LIVESTOCK TO CROSS FROM 1 ZONE INTO ANOTHER ZONE, THE LIVESTOCK SHALL MEET THE TESTING REQUIREMENTS FOR THEIR ZONE OF ORIGIN.

(5) IF LIVESTOCK ENTER A SLAUGHTER FACILITY PREMISES, THE LIVESTOCK AND OFFSPRING BORN ON THE PREMISES SHALL NOT LEAVE THE SLAUGHTER FACILITY PREMISES UNLESS PRIOR PERMISSION IS GRANTED BY THE DIRECTOR TO MOVE THE LIVESTOCK TO AN ALTERNATE PREMISES.

SEC. 12B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY, ALL LIVE PRIVATELY OWNED CERVIDS MOVING FROM 1 PREMISES TO ANOTHER PREMISES WITHIN THIS STATE ARE SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

(A) THE OWNER SHALL NOTIFY THE DEPARTMENT WITHIN 5 BUSINESS DAYS OF THE MOVEMENT OF THE PRIVATELY OWNED CERVIDS OF THE INFORMATION DESCRIBED IN SECTION 20(1)(A) AND (B).

(B) THE CERVIDS SHALL BE IN COMPLIANCE WITH SECTION 11B AND ACCOMPANIED BY THE APPROPRIATE IDENTIFICATION.

(2) ALL LIVE PRIVATELY OWNED CERVIDS 6 MONTHS OF AGE OR OLDER MOVING FROM 1 PREMISES TO ANOTHER PREMISES WITHIN THIS STATE, EXCEPT THOSE CONSIGNED DIRECTLY TO A STATE OR FEDERALLY INSPECTED SLAUGHTER FACILITY PREMISES, SHALL COMPLY WITH 1 OF THE FOLLOWING:

(A) ORIGINATE DIRECTLY FROM AN OFFICIAL TUBERCULOSIS ACCREDITED, QUALIFIED, OR MONITORED HERD AS DEFINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND BE ACCOMPANIED BY A COPY OF THE CURRENT OFFICIAL LETTER FROM THE DEPARTMENT VERIFYING HERD STATUS.

(B) ORIGINATE DIRECTLY FROM A HERD THAT HAS RECEIVED AN OFFICIAL NEGATIVE TUBERCULOSIS TEST OF ALL PRIVATELY OWNED CERVIDS 12 MONTHS OF AGE OR OLDER AND ALL CATTLE AND GOATS 6 MONTHS OF AGE OR OLDER IN CONTACT WITH THE HERD WITHIN 24 MONTHS BEFORE MOVEMENT.

(C) RECEIVE AN INDIVIDUAL NEGATIVE OFFICIAL TEST FOR TUBERCULOSIS WITHIN 90 DAYS BEFORE MOVEMENT AND A NEGATIVE OFFICIAL WHOLE HERD TEST WITHIN THE 120 MONTHS BEFORE MOVEMENT, AND BE ACCOMPANIED BY A COPY OF THE OFFICIAL TESTS FOR TUBERCULOSIS VERIFYING THAT TESTING.

(D) BE ISOLATED FROM ALL OTHER ANIMALS UNTIL IT RECEIVES 2 OFFICIAL NEGATIVE TUBERCULOSIS TESTS CONDUCTED NOT LESS THAN 90 DAYS APART, WITH THE FIRST TEST CONDUCTED NOT MORE THAN 120 DAYS BEFORE MOVEMENT.

(3) ALL LIVE PRIVATELY OWNED CERVIDS LESS THAN 6 MONTHS OF AGE MOVING FROM 1 PREMISES TO ANOTHER PREMISES WITHIN THIS STATE, EXCEPT THOSE CONSIGNED DIRECTLY TO A STATE OR FEDERALLY INSPECTED SLAUGHTER FACILITY PREMISES, MUST COMPLY WITH 1 OF THE FOLLOWING:

(A) ORIGINATE DIRECTLY FROM AN OFFICIAL TUBERCULOSIS ACCREDITED, QUALIFIED, OR MONITORED HERD AS DEFINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND BE ACCOMPANIED BY A COPY OF THE CURRENT OFFICIAL LETTER FROM THE DEPARTMENT VERIFYING THE HERD STATUS.

(B) ORIGINATE DIRECTLY FROM A HERD THAT HAS RECEIVED AN OFFICIAL NEGATIVE TUBERCULOSIS TEST OF ALL PRIVATELY OWNED CERVIDS 12 MONTHS OF AGE OR OLDER AND ALL CATTLE AND GOATS 6 MONTHS OF AGE OR OLDER IN CONTACT WITH THE HERD WITHIN 24 MONTHS BEFORE MOVEMENT.

(C) ORIGINATE DIRECTLY FROM A HERD THAT HAS RECEIVED AN OFFICIAL NEGATIVE TUBERCULOSIS TEST OF ALL PRIVATELY OWNED CERVIDS 12 MONTHS OF AGE OR OLDER AND ALL CATTLE AND GOATS 6 MONTHS OF AGE OR OLDER IN CONTACT WITH THE HERD WITHIN THE 120 MONTHS BEFORE MOVEMENT AND BE ACCOMPANIED BY AN OFFICIAL PERMIT FOR MOVEMENT OF PRIVATELY OWNED CERVIDS LESS THAN 6 MONTHS OF AGE WITHIN THIS STATE OR AN OFFICIAL INTERSTATE HEALTH CERTIFICATE ISSUED BY AN ACCREDITED VETERINARIAN, AND REMAIN AT THE DESTINATION STATED ON THE PERMIT OR OFFICIAL INTERSTATE HEALTH CERTIFICATE UNTIL IT RECEIVES AN OFFICIAL NEGATIVE TUBERCULOSIS TEST WHEN IT REACHES 6

MONTHS OF AGE, BUT NOT MORE THAN 8 MONTHS OF AGE. FOR PURPOSES OF THIS SECTION, THE AGE OF THE PRIVATELY OWNED CERVIDS SHALL BE DETERMINED BY THE AGE PLACED ON THE OFFICIAL PERMIT FOR MOVEMENT OF PRIVATELY OWNED CERVIDS LESS THAN 6 MONTHS OF AGE WITHIN THIS STATE OR THE OFFICIAL INTERSTATE HEALTH CERTIFICATE ISSUED BY THE ACCREDITED VETERINARIAN. A COPY OF THE OFFICIAL TEST FOR TUBERCULOSIS AND A COPY OF THE OFFICIAL PERMIT FOR MOVEMENT OF PRIVATELY OWNED CERVIDS LESS THAN 6 MONTHS OF AGE WITHIN THIS STATE OR THE OFFICIAL INTERSTATE HEALTH CERTIFICATE SHALL BE FORWARDED TO THE DEPARTMENT WITHIN 10 DAYS FOLLOWING COMPLETION OF THE TESTING.

(4) PRIVATELY OWNED CERVIDS WITH A RESPONSE OTHER THAN NEGATIVE TO ANY TUBERCULOSIS TEST ARE NOT ELIGIBLE FOR INTRASTATE MOVEMENT WITHOUT PERMISSION FROM THE DIRECTOR.

(5) PRIVATELY OWNED CERVIDS KNOWN TO BE AFFECTED WITH OR EXPOSED TO TUBERCULOSIS SHALL NOT BE MOVED INTRASTATE WITHOUT PERMISSION FROM THE DIRECTOR.

(6) THE DEPARTMENT SHALL KEEP A CURRENT DATABASE ON PRIVATELY OWNED CERVIDS PREMISES IN THIS STATE. THE DATABASE SHALL INCLUDE THE OWNER'S NAME, THE OWNER'S CURRENT ADDRESS, LOCATION OF PRIVATELY OWNED CERVIDS, SPECIES OF PRIVATELY OWNED CERVIDS AT THE PREMISES, AND THE APPROXIMATE NUMBER OF PRIVATELY OWNED CERVIDS AT THE PREMISES.

Sec. 14. (1) If the director determines that the control or eradication of a disease or condition of livestock warrants entry onto property where livestock or domestic animals are located, the director shall order the entry onto property where livestock or domestic animals are located and authorize seizure, slaughter,

destruction, or other disposition of individual livestock or domestic animals or the entire herd, flock, or ~~school. If the director has signed an order for the slaughter, destruction, or other disposition of livestock or domestic animals, the director shall notify the attorney general and the house and senate appropriations committees and the department of management and budget on the issue of indemnity under this section. The director may approve facilities and procedures for the orderly disposal of animals, animal products, and animal feeds for the purpose of controlling or preventing the spread of an infectious, contagious, or toxicological disease. The director may select a site or method for the disposal with the advice of the director of the department of environmental quality.~~**AQUACULTURE LOT.**

~~(2) The director may, under rules promulgated by the department, allow indemnification for the slaughter, destruction, or other disposition of livestock or domestic animals due to livestock diseases or toxicological contamination. If the director has signed an order for the slaughter, destruction, or other disposition of livestock or domestic animals, the owner may apply for indemnification. The director shall appraise and inventory the condemned livestock or domestic animals. The appraisals and inventories shall be on forms approved by the director. The director shall use agricultural pricing information from commercial livestock or domestic animal auction markets and other livestock or domestic animal market information as determined by the director to determine the value of condemned livestock or domestic animals.~~

~~(3) Except as otherwise provided in subsection (5),~~

~~indemnification for individual livestock or domestic animals within a herd, flock, or school shall be based upon 100% of the fair market value of that type of livestock or domestic animal on the date of the appraisal and marketable for the purpose for which the livestock or domestic animal was intended, not to exceed $4,000.00 for each livestock or domestic animal. The appraisal determination shall not delay the slaughter, destruction, or disposition of the livestock or domestic animals. The indemnification amount under this subsection shall include a deduction for any compensation received, or to be received, from any other source including, but not limited to, indemnification by the United States department of agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed livestock or domestic animals in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the livestock received or to be received from any other source shall accompany the appraisal certificate before indemnification under this section.~~

~~(4) Except as otherwise provided in subsection (5), indemnification for entire herd, flock, or school depopulations of livestock or domestic animals shall be based upon 100% of the fair market value of that type of animal on the date of the appraisal and marketable for the purpose for which the livestock or domestic animal was intended, not to exceed an average of $4,000.00 per animal in the flock, herd, or school. The appraisal determination~~

~~shall not delay depopulation. The indemnification amount under this section shall include a deduction for any compensation received, or to be received, from any other source including, but not limited to, indemnification by the United States department of agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed livestock or domestic animals in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the livestock or domestic animals received, or to be received, from any other source shall accompany the appraisal certificate prior to indemnification under this section.~~

~~(5) The department may provide for indemnity pursuant to this section not to exceed $100,000.00 per order, from any line item in the annual budget for the department in the applicable fiscal year. Any agreement greater than $100,000.00 entered into between the department and an owner of livestock shall contain a provision indicating that, notwithstanding the terms of the agreement, indemnification shall be subject to specific appropriations by the legislature and not be paid from department funds.~~

~~(6) Acceptance of compensation under this act constitutes a full and complete release of any claim the owner has against the state of Michigan, its departments, agencies, officers, employees, agents, and contractors to the extent these persons were acting on behalf of the state, within the scope of their employment with the state or under the direction of the state, its departments,~~

~~agencies, officers, or employees, arising out of testing, purchase, removal, slaughter, destruction, and other disposition of the owner's animals.~~

~~(7) The right to indemnity from the state for animals condemned and ordered slaughtered, destroyed, or otherwise disposed of by the director applies only to native livestock and native domestic animals. Indemnification shall not apply to livestock or domestic animals determined by the department to be imported without meeting import requirements such as official interstate health certificate or official interstate certificate of veterinary inspection, required testing, required vaccination, or for livestock or domestic animals determined by the department to have been illegally moved within this state. An owner is not entitled to indemnity from the state for an animal that comes into the possession of the owner with the owner's knowledge that the animal is diseased or is suspected of having been exposed to an infectious, contagious, or toxicological disease. In addition, the director shall not indemnify an owner for animals that have been exposed to an animal that comes in to the possession of the owner with the owner's knowledge that the animal is diseased or is suspected of having been exposed to an infectious, contagious, or toxicological disease.~~

~~(8) A premises that has been depopulated shall be cleaned and disinfected as prescribed by the director.~~

~~(9) Repopulation of the premises, except as approved by the director, shall not confer eligibility for future indemnity under this section.~~

~~(10) The department may cooperate and coordinate with the secretary of the United States department of agriculture or the secretary's authorized representative or other governmental departments or agencies regarding indemnification under this section.~~

~~(11) Not less than annually, within 60 days after the close of the fiscal year, the director shall make a written report to the standing committees of the house of representatives and senate having jurisdiction on agricultural and farming issues. The report will include the following:~~

~~(a) The amount expended by the department for bovine tuberculosis eradication during the preceding fiscal year.~~

~~(b) An explanation of the expenditures made by the department for bovine tuberculosis eradication during the preceding fiscal year.~~

~~(c) The status of bovine tuberculosis eradication efforts in Michigan.~~

~~(12) Not less than annually, within 60 days after the close of the fiscal year, the director of the department of natural resources shall make a written report to the standing committees of the house of representatives and senate having jurisdiction on agricultural and farming issues. The report will include the following:~~

~~(a) The amount expended by the department of natural resources for bovine tuberculosis eradication during the preceding fiscal year.~~

~~(b) An explanation of the expenditures made by the department~~

~~of natural resources for bovine tuberculosis eradication during the preceding fiscal year.~~

(2) ANIMALS ORDERED TO BE SLAUGHTERED, DESTROYED, OR OTHERWISE DISPOSED OF FOR INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE SHALL BE IDENTIFIED AND SLAUGHTERED, DESTROYED, OR OTHERWISE DISPOSED OF IN A MANNER APPROVED BY THE DIRECTOR.

(3) THE DIRECTOR MAY APPROVE FACILITIES AND PROCEDURES FOR THE ORDERLY DISPOSAL OF ANIMALS, ANIMAL PRODUCTS, AND ANIMAL FEEDS TO CONTROL OR PREVENT THE SPREAD OF AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE.

(4) THE DIRECTOR MAY SELECT A SITE OR METHOD FOR THE DISPOSAL DESCRIBED IN SUBSECTION (3) WITH THE ADVICE OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN COMPLIANCE WITH 1982 PA 239, MCL 287.651 TO 287.683.

(5) A PREMISES THAT HAS BEEN DEPOPULATED SHALL BE CLEANED AND DISINFECTED AS PRESCRIBED BY THE DIRECTOR.

(6) REPOPULATION OF A PREMISES, EXCEPT AS APPROVED BY THE DIRECTOR, DOES NOT CONFER ELIGIBILITY FOR FUTURE INDEMNITY UNDER SECTION 14A.

(7) THE DIRECTOR MAY REQUIRE ADDITIONAL BIOSECURITY AND WILDLIFE RISK MITIGATION MEASURES, AS DETERMINED BY THE DIRECTOR IN AN ORDER UNDER THIS ACT, BEFORE ALLOWING REPOPULATION OF A PREMISES.

SEC. 14A. (1) THE DIRECTOR MAY ALLOW INDEMNIFICATION FOR THE SLAUGHTER OR DESTRUCTION OF LIVESTOCK DUE TO A REPORTABLE ANIMAL DISEASE OR TOXICOLOGICAL CONTAMINATION. IF THE DIRECTOR HAS SIGNED AN ORDER FOR THE SLAUGHTER OR DESTRUCTION OF LIVESTOCK, THE OWNER

MAY APPLY FOR INDEMNIFICATION. TO BE ELIGIBLE FOR INDEMNIFICATION IN AN AREA OF THIS STATE WHERE A REPORTABLE ANIMAL DISEASE IS PREVALENT AND AN ORDER OF THE DIRECTOR IS IN PLACE, A DEFINED MANAGEMENT PLAN FOR THE AREA SHALL BE IN PLACE. THE DIRECTOR SHALL APPRAISE AND INVENTORY THE CONDEMNED LIVESTOCK. THE APPRAISALS AND INVENTORIES SHALL BE ON FORMS APPROVED BY THE DIRECTOR. THE DIRECTOR SHALL USE AGRICULTURAL PRICING INFORMATION FROM COMMERCIAL LIVESTOCK AUCTION MARKETS AND OTHER LIVESTOCK MARKET INFORMATION AS DETERMINED BY THE DIRECTOR TO DETERMINE THE VALUE OF CONDEMNED LIVESTOCK.

(2) THE DIRECTOR MAY ALLOW INDEMNIFICATION FOR THE SLAUGHTER OR DESTRUCTION OF DOMESTIC ANIMALS OTHER THAN LIVESTOCK DUE TO REPORTABLE ANIMAL DISEASES OR TOXICOLOGICAL CONTAMINATION. THE DIRECTOR SHALL APPRAISE AND INVENTORY THE CONDEMNED DOMESTIC ANIMALS. THE APPRAISALS AND INVENTORIES SHALL BE ON FORMS APPROVED BY THE DIRECTOR. THE DIRECTOR SHALL USE PRICING INFORMATION FROM DOMESTIC ANIMAL AUCTIONS AND OTHER DOMESTIC ANIMAL MARKET INFORMATION AS DETERMINED BY THE DIRECTOR TO DETERMINE THE VALUE OF CONDEMNED DOMESTIC ANIMALS.

(3) INDEMNIFICATION FOR INDIVIDUAL OR ENTIRE HERD, FLOCK, OR AQUACULTURE LOT DEPOPULATIONS OF LIVESTOCK SHALL BE BASED UPON 100% OF THE FAIR MARKET VALUE OF THAT TYPE OF ANIMAL ON THE DATE OF THE APPRAISAL AND MARKETABLE FOR THE PURPOSE FOR WHICH THE LIVESTOCK WAS INTENDED, NOT TO EXCEED $10,000.00 FOR EACH LIVESTOCK OR AN AVERAGE OF $5,000.00 PER ANIMAL IN THE FLOCK, HERD, OR AQUACULTURE LOT. THE APPRAISAL DETERMINATION SHALL NOT DELAY DEPOPULATION. THE INDEMNIFICATION AMOUNT UNDER THIS SECTION SHALL INCLUDE A DEDUCTION

FOR ANY COMPENSATION RECEIVED, OR TO BE RECEIVED, FROM ANY OTHER SOURCE, INCLUDING, BUT NOT LIMITED TO, INDEMNIFICATION BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, INSURANCE, SALVAGE VALUE, OR ANY MONETARY VALUE OBTAINED TO ENCOURAGE DISPOSAL OF INFECTED OR EXPOSED LIVESTOCK IN ACCORDANCE WITH A DISEASE CONTROL OR ERADICATION PROGRAM. THE OWNER SHALL FURNISH TO THE DEPARTMENT ALL RECORDS INDICATING OTHER SOURCES OF INDEMNITY. AN AFFIDAVIT SIGNED BY THE OWNER ATTESTING TO THE AMOUNT OF COMPENSATION FOR THE LIVESTOCK RECEIVED, OR TO BE RECEIVED, FROM ANY OTHER SOURCE SHALL ACCOMPANY THE APPRAISAL CERTIFICATE BEFORE INDEMNIFICATION UNDER THIS SECTION.

(4) INDEMNIFICATION FOR INDIVIDUAL OR ENTIRE GROUP DEPOPULATIONS OF DOMESTIC ANIMALS SHALL BE BASED UPON 100% OF THE FAIR MARKET VALUE OF THAT TYPE OF ANIMAL ON THE DATE OF THE APPRAISAL AND MARKETABLE FOR THE PURPOSE FOR WHICH THE DOMESTIC ANIMAL WAS INTENDED, NOT TO EXCEED $4,000.00 FOR EACH DOMESTIC ANIMAL OR AN AVERAGE OF $500.00 PER ANIMAL IN THE GROUP. THE APPRAISAL DETERMINATION SHALL NOT DELAY DEPOPULATION. THE INDEMNIFICATION AMOUNT UNDER THIS SECTION SHALL INCLUDE A DEDUCTION FOR ANY COMPENSATION RECEIVED, OR TO BE RECEIVED, FROM ANY OTHER SOURCE, INCLUDING, BUT NOT LIMITED TO, INDEMNIFICATION BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, INSURANCE, SALVAGE VALUE, OR ANY MONETARY VALUE OBTAINED TO ENCOURAGE DISPOSAL OF INFECTED OR EXPOSED DOMESTIC ANIMALS IN ACCORDANCE WITH A DISEASE CONTROL OR ERADICATION PROGRAM. THE OWNER SHALL FURNISH TO THE DEPARTMENT ALL RECORDS INDICATING OTHER SOURCES OF INDEMNITY. AN AFFIDAVIT SIGNED BY THE OWNER ATTESTING TO THE AMOUNT OF COMPENSATION FOR THE

DOMESTIC ANIMALS RECEIVED, OR TO BE RECEIVED, FROM ANY OTHER SOURCE SHALL ACCOMPANY THE APPRAISAL CERTIFICATE BEFORE INDEMNIFICATION UNDER THIS SECTION.

(5) ACCEPTANCE OF COMPENSATION UNDER THIS ACT CONSTITUTES A FULL AND COMPLETE RELEASE OF ANY CLAIM THE OWNER HAS AGAINST THIS STATE AND ITS DEPARTMENTS, AGENCIES, OFFICERS, EMPLOYEES, AGENTS, AND CONTRACTORS TO THE EXTENT THESE PERSONS WERE ACTING ON BEHALF OF THIS STATE, WITHIN THE SCOPE OF THEIR EMPLOYMENT WITH THIS STATE OR UNDER THE DIRECTION OF THIS STATE, ITS DEPARTMENTS, AGENCIES, OFFICERS, OR EMPLOYEES, ARISING OUT OF TESTING, PURCHASE, REMOVAL, SLAUGHTER, DESTRUCTION, AND OTHER DISPOSITION OF THE OWNER'S LIVESTOCK OR DOMESTIC ANIMALS.

(6) THE RIGHT TO INDEMNITY FROM THIS STATE FOR LIVESTOCK OR DOMESTIC ANIMALS CONDEMNED AND ORDERED SLAUGHTERED, DESTROYED, OR OTHERWISE DISPOSED OF BY THE DIRECTOR APPLIES ONLY TO NATIVE LIVESTOCK AND NATIVE DOMESTIC ANIMALS. INDEMNIFICATION IS NOT AVAILABLE FOR LIVESTOCK OR DOMESTIC ANIMALS DETERMINED BY THE DEPARTMENT TO BE IMPORTED OR TO BE MOVED WITHIN THIS STATE WITHOUT MEETING IMPORT OR MOVEMENT REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, AN OFFICIAL INTERSTATE HEALTH CERTIFICATE OR OFFICIAL INTERSTATE CERTIFICATE OF VETERINARY INSPECTION, REQUIRED TESTING, REQUIRED VACCINATION, OR FOR LIVESTOCK OR DOMESTIC ANIMALS DETERMINED BY THE DEPARTMENT TO HAVE BEEN ILLEGALLY MOVED INTO OR WITHIN THIS STATE. AN OWNER IS NOT ENTITLED TO INDEMNITY FROM THIS STATE FOR LIVESTOCK OR A DOMESTIC ANIMAL THAT COMES INTO THE POSSESSION OF THE OWNER WITH THE OWNER'S KNOWLEDGE THAT THE LIVESTOCK OR DOMESTIC ANIMAL IS DISEASED OR IS SUSPECTED OF HAVING

BEEN EXPOSED TO AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE. THE DIRECTOR SHALL NOT INDEMNIFY AN OWNER FOR LIVESTOCK OR DOMESTIC ANIMALS THAT HAVE BEEN EXPOSED TO LIVESTOCK OR A DOMESTIC ANIMAL THAT COMES INTO THE POSSESSION OF THE OWNER WITH THE OWNER'S KNOWLEDGE THAT THE LIVESTOCK OR DOMESTIC ANIMAL IS DISEASED OR IS SUSPECTED OF HAVING BEEN EXPOSED TO AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE, OR THAT ARE IN VIOLATION OF AN ORDER OF THE DIRECTOR.

(7) THIS STATE SHALL NOT INDEMNIFY AN OWNER OF LIVESTOCK OR DOMESTIC ANIMALS FOR THE LOSS OF THE LIVESTOCK OR DOMESTIC ANIMALS DUE TO AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE UNTIL THE OWNER EXECUTES AND SIGNS A SUBROGATION AGREEMENT ASSIGNING TO THIS STATE THE RIGHTS OF THE OWNER TO A CAUSE OF ACTION TO RECOVER DAMAGES FOR THE LOSS UP TO THE AMOUNT OF INDEMNIFICATION PAID TO THE OWNER UNDER THIS ACT, AND PRESENTS ALL NECESSARY DOCUMENTS, INCLUDING REGISTRATION PAPERS, A STATEMENT OF NAMES AND ADDRESSES OF ALL PERSONS TO WHOM OR FROM WHOM THE OWNER HAS TRANSFERRED LIVESTOCK OR DOMESTIC ANIMALS WITHIN A TIME PERIOD DETERMINED BY THE DIRECTOR, AND SIGNED PERMISSION ALLOWING THE BREED ASSOCIATION TO DISCLOSE INFORMATION REQUESTED BY THE DIRECTOR.

(8) THE DIRECTOR MAY REQUIRE ADDITIONAL BIOSECURITY AND WILDLIFE RISK MITIGATION MEASURES, AS DETERMINED BY THE DIRECTOR IN AN ORDER UNDER THIS ACT, FOR FUTURE INDEMNIFICATION ELIGIBILITY UNDER THIS ACT.

(9) THE DEPARTMENT MAY COOPERATE AND COORDINATE WITH THE UNITED STATES SECRETARY OF AGRICULTURE OR THE SECRETARY'S AUTHORIZED REPRESENTATIVE OR OTHER GOVERNMENTAL DEPARTMENTS OR

AGENCIES REGARDING INDEMNIFICATION UNDER THIS SECTION.

(10) A LIVESTOCK OWNER SHALL BE COMPENSATED FOR LIVESTOCK THAT DIES, IS INJURED, OR NEEDS TO BE DESTROYED FOR HUMANE REASONS DUE TO AN INJURY OCCURRING WHILE THE LIVESTOCK IS UNDERGOING MANDATORY TESTING FOR A REPORTABLE ANIMAL DISEASE.

SEC. 17B. (1) THE DIRECTOR MAY ORDER SURVEILLANCE TESTING OF ANIMALS FOR A SPECIFIC REPORTABLE ANIMAL DISEASE IN THIS STATE WITH A DEFINED DIMENSION AS DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY ALSO ORDER SURVEILLANCE TESTING OF ANIMALS FOR EITHER OF THE FOLLOWING PURPOSES:

(A) TO ACCOMPLISH SURVEILLANCE NECESSARY FOR THIS STATE TO BE IN COMPLIANCE WITH RULES AND REGULATIONS ADOPTED BY THE UNITED STATES SECRETARY OF AGRICULTURE UNDER ANY ACT OF CONGRESS PROVIDING FOR THE PREVENTION, CONTROL, OR ERADICATION OF A REPORTABLE ANIMAL DISEASE.

(B) TO COMPLETE EPIDEMIOLOGIC INVESTIGATIONS FOR A SPECIFIC REPORTABLE ANIMAL DISEASE, OR IN ANY INSTANCE WHERE A REPORTABLE ANIMAL DISEASE IS SUSPECTED.

(2) THE DIRECTOR MAY ESTABLISH A SURVEILLANCE TESTING PROGRAM FOR THE INTRASTATE MOVEMENT OF ANIMALS.

(3) THE DIRECTOR MAY DESIGNATE THE STATUS OF CERTAIN HERDS, FLOCKS, OR AQUACULTURE LOTS AS CERTIFIED, ACCREDITED, VALIDATED, QUALIFIED, MONITORED, CLEAN, OR FREE OF A SPECIFIC DISEASE WHEN THE HERD, FLOCK, OR AQUACULTURE LOT HAS MET THE DIRECTOR'S REQUIREMENTS FOR THAT STATUS.

(4) INDIVIDUAL LIVESTOCK THAT IS UNDERGOING AN OFFICIAL TEST SHALL NOT BE REMOVED FROM THE PREMISES UNTIL THE TEST RESULTS ARE

AVAILABLE, EXCEPT AS PERMITTED BY THE DIRECTOR.

SEC. 17C. (1) AS USED IN THIS SECTION:

(A) "APPROVED LABORATORY" MEANS A STATE, FEDERAL, OR PRIVATE VETERINARY DIAGNOSTIC LABORATORY APPROVED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, VETERINARY SERVICES, TO CONDUCT APPROVED OFFICIAL LABORATORY TESTS FOR A SPECIFIC REPORTABLE ANIMAL DISEASE.

(B) "CHANGE OF OWNERSHIP AND LOCATION" MEANS A TRANSFER OF OWNERSHIP OF EQUIDAE FROM 1 PERSON TO ANOTHER PERSON THROUGH SELLING, BARTERING, TRADING, LEASING, OR DONATING THE EQUIDAE ALONG WITH A CHANGE OF LOCATION OF THE EQUIDAE.

(C) "EQUINE HERD" MEANS ANY OF THE FOLLOWING:

(*i*) ALL ANIMALS OF THE FAMILY EQUIDAE UNDER COMMON OWNERSHIP OR SUPERVISION THAT ARE GROUPED ON 1 OR MORE PARTS OF ANY SINGLE PREMISES, LOT, FARM, OR RANCH.

(*ii*) ALL ANIMALS OF THE FAMILY EQUIDAE UNDER COMMON OWNERSHIP OR SUPERVISION ON 2 OR MORE PREMISES THAT ARE GEOGRAPHICALLY SEPARATED BUT IN WHICH EITHER OR BOTH OF THE FOLLOWING HAVE OCCURRED:

(A) THE EQUIDAE HAVE BEEN INTERCHANGED.

(B) EQUIDAE FROM 1 OF THE PREMISES HAVE HAD CONTACT WITH EQUIDAE FROM A DIFFERENT PREMISES.

(*iii*) ALL ANIMALS OF THE FAMILY EQUIDAE ON COMMON PREMISES, SUCH AS COMMUNITY PASTURES OR GRAZING ASSOCIATION UNITS, BUT OWNED BY DIFFERENT PERSONS.

(D) "EQUINE INFECTIOUS ANEMIA" MEANS AN INFECTIOUS DISEASE OF EQUIDAE CAUSED BY A LENTIVIRUS, EQUINE INFECTIOUS ANEMIA VIRUS.

(E) "EQUINE INFECTIOUS ANEMIA LABORATORY TEST FORM" MEANS THE OFFICIAL FEDERAL GOVERNMENT FORM, VETERINARY SERVICES FORM 10-11, REQUIRED TO SUBMIT BLOOD SAMPLES TO AN APPROVED LABORATORY FOR EQUINE INFECTIOUS ANEMIA TESTING OR OTHER FORM APPROVED BY THE DIRECTOR.

(F) "EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE" MEANS ANY ANIMAL OF THE FAMILY EQUIDAE THAT HAS BEEN SUBJECTED TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST WHOSE RESULT IS POSITIVE FOR EQUINE INFECTIOUS ANEMIA.

(G) "EXPOSED EQUINE" OR "EXPOSED EQUIDAE" MEANS ANIMALS IN THE FAMILY EQUIDAE THAT HAVE BEEN EXPOSED TO EQUINE INFECTIOUS ANEMIA BY ASSOCIATING WITH EQUIDAE KNOWN OR LATER FOUND TO BE AFFECTED WITH EQUINE INFECTIOUS ANEMIA.

(H) "OFFICIAL EQUINE INFECTIOUS ANEMIA TEST" MEANS ANY TEST FOR THE LABORATORY DIAGNOSIS OF EQUINE INFECTIOUS ANEMIA THAT UTILIZES A DIAGNOSTIC PRODUCT THAT IS BOTH OF THE FOLLOWING:

(*i*) PRODUCED UNDER LICENSE FROM THE SECRETARY OF AGRICULTURE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE SECRETARY'S AUTHORIZED REPRESENTATIVE, UNDER THE VIRUS-SERUM-TOXIN ACT, 21 USC 151 TO 159.

(*ii*) CONDUCTED IN AN APPROVED LABORATORY.

(I) "PERMIT" MEANS AN OFFICIAL DOCUMENT, VS FORM 1-27 OR COMPARABLE STATE FORM, THAT IS ISSUED BY A STATE OR FEDERAL REPRESENTATIVE OR BY AN ACCREDITED VETERINARIAN, REQUIRED TO ACCOMPANY ALL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE AND THOSE EXPOSED EQUIDAE THAT ARE BEING MOVED UNDER OFFICIAL SEAL DURING THEIR MOVEMENT TO THE SPECIFIED DESTINATION.

(J) "RESTRICTED EQUIDAE" MEANS EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE OR EXPOSED EQUIDAE.

(2) BEFORE AN EQUIDAE OTHER THAN AN EQUIDAE THAT IS BOTH 6 MONTHS OR YOUNGER AND NURSING MAY PARTICIPATE IN ANY OF THE FOLLOWING ACTIVITIES, IT SHALL HAVE AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST WITH A NEGATIVE RESULT WITHIN THE PREVIOUS 12 MONTHS OF ENTRY DOCUMENTED ON AN EQUINE INFECTIOUS ANEMIA LABORATORY TEST FORM:

(A) FOR EXHIBITIONS, EXPOSITIONS, OR FAIRS.

(B) AT A TIME OF CHANGE OF OWNERSHIP AND LOCATION WITHIN THIS STATE.

(C) TO ENTER, REMAIN AT, OR BE PRESENT ON THE PREMISES OF HORSE AUCTIONS OR SALES MARKETS WHETHER OR NOT LICENSED UNDER 1974 PA 93, MCL 287.111 TO 287.119, AND 1937 PA 284, MCL 287.121 TO 287.131. IF AN EQUINE INFECTIOUS ANEMIA TEST IS NOT POSSIBLE BEFORE EACH SALE, THEN THE EQUIDAE MUST BE HELD ON THE SALE PREMISES UNTIL THE TEST RESULTS ARE KNOWN.

(3) EQUIDAE MOVED INTO THIS STATE FROM ANOTHER STATE MUST HAVE AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST WITH A NEGATIVE RESULT WITHIN THE PREVIOUS 12 MONTHS OF ENTRY. THE PERSON IN CONTROL OF THE EQUIDAE SHALL BE IN POSSESSION OF AN OFFICIAL INTERSTATE HEALTH CERTIFICATE OR INTERSTATE CERTIFICATE OF VETERINARY INSPECTION DOCUMENTING THE DATE, LABORATORY, ACCESSION NUMBER, AND RESULTS OF THE LATEST EQUINE INFECTIOUS ANEMIA TEST, SIGNED BY AN ACCREDITED VETERINARIAN.

(4) AN EQUINE INFECTIOUS ANEMIA LABORATORY TEST FORM SHALL CONTAIN, AT A MINIMUM, THE COLOR, BREED, SEX, AGE, MARKINGS, NAME

OF OWNER, AND LOCATION OR ADDRESS OF THE EQUINE. A PHOTOGRAPHIC OR GRAPHIC LIKENESS MAY ALSO BE USED TO DEMONSTRATE THE COLOR AND MARKINGS OF THE EQUINE.

(5) AN OWNER OF EQUIDAE OR AN ORGANIZATION SPONSORING AN EVENT INVOLVING EQUIDAE MAY REQUIRE AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST FOR EQUIDAE INVOLVED IN ANY EQUIDAE GROUP ACTIVITY OR THAT ARE COMMINGLING WITH OR IN PROXIMITY TO OTHER EQUIDAE.

(6) THE DEPARTMENT SHALL TEST ALL EQUIDAE LOCATED WITHIN A 1/4-MILE RADIUS OF THE PERIMETER OF THE AREA IN WHICH THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE IS OR HAS BEEN CONTAINED AT THE EXPENSE OF THE DEPARTMENT. IF THE DIRECTOR DETERMINES THAT A LARGE NUMBER OF EQUIDAE ARE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE, THE DIRECTOR MAY REQUIRE TESTING OF ALL EQUIDAE WITHIN AN AREA LARGER THAN THE 1/4-MILE RADIUS DESCRIBED IN THIS SUBSECTION AT THE EXPENSE OF THE DEPARTMENT.

(7) THE DIRECTOR SHALL QUARANTINE EQUIDAE THAT TEST POSITIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST AND THEIR HERD OF ORIGIN. EQUIDAE THAT TEST POSITIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST MAY, WITH APPROVAL FROM THE DIRECTOR, BE MOVED OR QUARANTINED TO A PREMISES THAT CONFINES THEM A MINIMUM OF 1/4 MILE AWAY FROM ANY OTHER EQUINE. EQUIDAE THAT TEST POSITIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST MAY, WITH APPROVAL FROM THE DIRECTOR, BE SEGREGATED AND QUARANTINED IN AN INSECT-FREE ENCLOSURE AS DETERMINED BY THE DIRECTOR.

(8) THE OWNER OR AGENT OF AN EQUINE HERD THAT IS THE SOURCE OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL ALLOW THE DIRECTOR TO TEST, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, THE

COMPLETE SOURCE HERD WITH AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST AFTER THE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE HAVE BEEN REMOVED OR SEGREGATED FROM THE HERD IN A MANNER APPROVED BY THE DIRECTOR:

(A) BETWEEN NOVEMBER 1 AND APRIL 30, A SOURCE HERD MAY BE TESTED AT ANY TIME AND QUALIFY FOR QUARANTINE RELEASE IF ALL TESTED EQUIDAE ARE NEGATIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST.

(B) BETWEEN MAY 1 AND OCTOBER 31, A SOURCE HERD MAY BE TESTED AFTER WAITING A MINIMUM OF 45 DAYS AFTER THE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE HAVE BEEN REMOVED OR SEGREGATED FROM THE HERD. IF ALL EQUIDAE TESTED ARE NEGATIVE TO THE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST, THE QUARANTINE MAY BE RELEASED.

(9) TO THE BEST OF HIS OR HER KNOWLEDGE, THE OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL PROVIDE TO THE DEPARTMENT RECORDS REFLECTING THE TIME PERIOD DURING WHICH THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE BOTH HAD BEEN ON THE PREMISES AND HAD BEEN A MEMBER OF THE EQUINE HERD THAT INCLUDE AT LEAST THE FOLLOWING INFORMATION:

(A) THE NAME AND ADDRESS OF THE PREVIOUS OWNER.

(B) THE LOCATION OF OTHER EQUIDAE THAT WERE POTENTIALLY EXPOSED TO THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE.

(10) WITHIN 30 DAYS AFTER POSITIVE TEST RESULTS ARE REPORTED TO AN OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE OR AT A DIFFERENT TIME PERIOD AGREED TO BY THE DIRECTOR, THE OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL PROVIDE TO THE DEPARTMENT THE RECORDS DESCRIBED IN SUBSECTION (9).

(11) THE DIRECTOR MAY CONDUCT EPIDEMIOLOGICAL INVESTIGATIONS ON ALL EQUIDAE THAT HAVE POSSIBLE EXPOSURE TO OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE TO DETERMINE THE NEED FOR ADDITIONAL QUARANTINING AND OFFICIAL EQUINE INFECTIOUS ANEMIA TESTING.

(12) A PERSON SHALL NOT DESTROY OR REMOVE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE FROM THE ORIGINAL TEST LOCATION OR PREMISES WITHOUT PRIOR PERMISSION FROM THE DIRECTOR.

(13) THE OWNER SHALL NOT DESTROY AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE WITHOUT PERMISSION FROM THE DIRECTOR. THE DIRECTOR SHALL ISSUE A QUARANTINE RELEASE AND BE PRESENT WHEN THE EQUINE IS DESTROYED OR AN ACCREDITED VETERINARIAN MAY DOCUMENT AND CERTIFY THAT THE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE HAS BEEN DESTROYED.

(14) UNLESS IMMEDIATELY DESTROYED, OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE SHALL BE IDENTIFIED BY THE DIRECTOR WITH THE FREEZE BRAND 34A, WHICH SHALL BE IN CHARACTERS NOT LESS THAN 2 INCHES IN HEIGHT AND PLACED ON THE LEFT CERVICAL AREA OF THE NECK OR SHALL BE IDENTIFIED IN ANOTHER MANNER APPROVED BY THE DIRECTOR.

(15) RESTRICTED EQUIDAE MAY MOVE INTERSTATE ONLY IF ACCOMPANIED BY A PERMIT LISTING THE OWNER'S NAME AND ADDRESS, POINTS OF ORIGIN AND DESTINATION, NUMBER OF EQUIDAE INCLUDED, PURPOSE OF THE MOVEMENT, AND AT LEAST EITHER THE INDIVIDUAL EQUINE REGISTERED BREED ASSOCIATION REGISTRATION TATTOO OR THE INDIVIDUAL EQUINE REGISTERED BREED ASSOCIATION REGISTRATION NUMBER, OR OTHER UNIQUE OFFICIAL IDENTIFICATION. THE PERMIT SHALL ALSO LIST THE

EQUINE'S NAME, AGE, SEX, BREED, COLOR, AND MARKINGS.

(16) EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE MAY ONLY MOVE INTERSTATE UNDER PERMIT TO THE FOLLOWING LOCATIONS:

(A) A FEDERALLY INSPECTED SLAUGHTER FACILITY.

(B) A FEDERALLY APPROVED DIAGNOSTIC OR RESEARCH FACILITY.

(C) A HERD OR FARM OF ORIGIN.

(17) THE INDIVIDUAL ISSUING THE PERMIT SHALL CONSULT WITH THE STATE ANIMAL HEALTH OFFICIAL IN THE STATE OF DESTINATION FOR APPROVAL AND SHALL DETERMINE THAT THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE TO BE MOVED INTERSTATE WILL BE MAINTAINED IN ISOLATION SUFFICIENT TO PREVENT THE TRANSMISSION OF EQUINE INFECTIOUS ANEMIA TO OTHER EQUIDAE. THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL REMAIN QUARANTINED UNDER STATE AUTHORITY AT THE LOCATIONS DESCRIBED IN SUBSECTION (16) UNTIL NATURAL DEATH, SLAUGHTER, OR EUTHANASIA. THE CARCASS SHALL BE DISPOSED OF AS PROVIDED IN 1982 PA 239, MCL 287.651 TO 287.683.

(18) INDIVIDUAL EXPOSED EQUIDAE MAY BE ALLOWED TO MOVE FROM A QUARANTINED AREA FOR SPECIFIC PURPOSES IF THEY HAVE A NEGATIVE TEST AT THE TIME OF MOVEMENT. THE EQUIDAE SHALL BE MOVED UNDER QUARANTINE AND MAINTAINED UNDER QUARANTINE AT THE NEW PREMISES UNTIL TESTED NEGATIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST AT LEAST 45 DAYS AFTER THE LAST KNOWN EXPOSURE TO AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE.

(19) THIS SECTION DOES NOT EXEMPT DAIRY HERDS FROM BEING TESTED IN THE MANNER PROVIDED FOR BY GRADE "A" PASTEURIZED MILK ORDINANCE, 2001 REVISION OF THE UNITED STATES PUBLIC HEALTH SERVICE/FOOD AND DRUG ADMINISTRATION, WITH ADMINISTRATIVE

PROCEDURES AND APPENDICES, SET FORTH IN THE PUBLIC HEALTH SERVICE/FOOD AND DRUG ADMINISTRATION PUBLICATION NO. 229, AND THE PROVISIONS OF THE 1995 GRADE "A" CONDENSED AND DRY MILK PRODUCTS AND CONDENSED AND DRY WHEY-SUPPLEMENT TO THE GRADE "A" PASTEURIZED MILK ORDINANCE, 2001 REVISIONS, AND ALL SUBSEQUENTLY ADOPTED AMENDMENTS TO THOSE PUBLICATIONS ADOPTED UNDER RULES PROMULGATED BY THE DIRECTOR.

SEC. 17D. (1) THE OWNER OF ANY NEWLY ESTABLISHED PRIVATELY OWNED CERVID OPERATION SHALL INITIATE TESTING FOR TUBERCULOSIS WITHIN 18 MONTHS FOLLOWING ASSEMBLY OF THE HERD. THE TESTING REQUIRED BY THIS SUBSECTION SHALL BE CONDUCTED BY AN ACCREDITED VETERINARIAN. THIS SUBSECTION DOES NOT APPLY TO AN OWNER WHO FOLLOWS A BOVINE TUBERCULOSIS ACCREDITATION PROGRAM OR AN OWNER WHO ACQUIRED THE CERVIDS FROM A HERD THAT WAS SUBJECT TO BOVINE TUBERCULOSIS ACCREDITATION PROGRAM REQUIREMENTS.

(2) PRIVATELY OWNED CERVID PREMISES SHALL MEET MINIMUM REQUIREMENTS FOR CHRONIC WASTING DISEASE TESTING AS REQUIRED BY THE DIRECTOR. THE OWNER OF A PRIVATELY OWNED CERVID OPERATION SHALL SUBMIT SAMPLES TO AN APPROVED LABORATORY.

(3) A PRIVATELY OWNED CERVID PREMISES THAT IS LICENSED AS A FULL FACILITY UNDER THE PRIVATELY OWNED CERVIDAE PRODUCERS MARKETING ACT, 2000 PA 190, MCL 287.951 TO 287.969, SHALL PARTICIPATE IN THE CHRONIC WASTING DISEASE HERD CERTIFICATION PROGRAM.

Sec. 19. (1) ~~Livestock~~ **ANIMALS** imported into this state shall meet any and all requirements under appropriate provisions of this act and, **NOTWITHSTANDING THE PROVISIONS OF ANY OTHER ACT,** shall be

accompanied by 1 of the following:

(a) An official interstate health certificate ~~.~~

~~(b) An~~ **OR AN** official interstate certificate of veterinary inspection.

(B) ~~(c)~~ An owner-shipper statement or sales invoice if **IMPORTED AND** consigned directly to slaughter ~~,~~ or ~~if nonnative neutered cattle imported directly to a cattle importation lot.~~**THROUGH A LIVESTOCK AUCTION MARKET AND THEN DIRECTLY TO SLAUGHTER.**

(C) ~~(d)~~ A "report of sales of hatching eggs, chicks, and poults" (vs form 9-3) for participants in the ~~national poultry improvement plan.~~**NATIONAL POULTRY IMPROVEMENT PLAN.**

(D) ~~(e)~~ A "permit for movement of restricted animals" (vs form 1-27), if prior approval is granted by the director.

(E) ~~(f)~~ A fish disease inspection report for aquaculture only.

(F) ~~(g)~~ Permission from the director.

(2) ALL LIVESTOCK IMPORTED INTO THIS STATE SHALL MEET FEDERAL REGULATIONS FOR OFFICIAL IDENTIFICATION UNDER 9 CFR PART 86, UNLESS OTHERWISE AUTHORIZED BY THE DIRECTOR.

(3) ~~(2)~~ Brucellosis or tuberculosis officially classified suspect or reactor cattle shall not be imported into this state.

(4) ~~(3)~~ A person shall not import or move intrastate livestock known to be affected with or exposed to chronic wasting disease, tuberculosis, ~~or~~ brucellosis, **OR ANY OTHER DISEASE IDENTIFIED BY THE DIRECTOR**, as determined by an official test, without permission of the director.

(5) ~~(4)~~ The director may require that a prior entry permit be

obtained for certain classifications of livestock.

(6) ~~(5)~~ Any person, consignee, dealer, or livestock market operator must ensure that any testing required under this act, any official identification required under this act, and ~~any requirements for official interstate or intrastate health certificate, official interstate or intrastate certificate of veterinary inspection, animal movement certificate, owner-shipper statement, sales invoice, "report of sales of hatching eggs, chicks, and poults" (vs form 9-3), "permit for movement of restricted animals" (vs form 1-27), or prior entry permit have been fulfilled before accepting any animals on such a certificate and that a true copy is provided to the director upon request.~~**THE APPROPRIATE DOCUMENTATION ACCOMPANIES THE ANIMAL AS PROVIDED IN SUBSECTION (1).**

(7) ~~(6) Livestock~~ **ANIMALS** shall not be diverted to premises other than the destination site named on the ~~official interstate or intrastate health certificate, official interstate or intrastate certificate of veterinary inspection, owner-shipper statement, sale invoice, entry authorization form, exit authorization form, prior movement form, vs form 9-3, or vs form 1-27.~~**DOCUMENTATION DESCRIBED IN SUBSECTION (1) THAT ACCOMPANIES THE ANIMAL.**

(8) ~~(7) Livestock~~ **ANIMALS** imported for exhibition shall meet the requirements ~~prescribed by~~ **OF** this act for importation of ~~breeding animals of that~~ **SUCH** species and shall be accompanied by a copy of an official interstate health certificate or an official interstate certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.

(9) ~~(8)~~ The director may refuse entry into this state of ~~livestock~~ **ANIMALS** that the director has reason to believe may pose a threat to the public health or health of ~~livestock. Livestock~~ **ANIMALS. ANIMALS** imported into this state shall not originate from a herd under quarantine unless accompanied by permission issued by the director. The director may waive specific requirements if ~~it is determined~~ **HE OR SHE DETERMINES** that ~~livestock~~ **ANIMALS** imported from a certain area or state are not a threat to the public health or health of ~~livestock.~~**ANIMALS.**

(10) ~~(9)~~ If the director determines that there is a threat to public health or a threat to the health of animals in this state, ~~the director~~ **HE OR SHE** may require additional testing and vaccination requirements for animals imported or to be imported into this state.

(11) UPON REQUEST OF THE DIRECTOR, A PERSON TRANSPORTING ANIMALS SHALL PRODUCE THE DOCUMENTATION REQUIRED IN SUBSECTION (1).

(12) THE DIRECTOR MAY WAIVE ANY TESTING REQUIREMENTS FOR IMPORTATION OF ANIMALS INTO THIS STATE BASED UPON EPIDEMIOLOGIC REVIEW.

Sec. 20. (1) An official interstate ~~or intrastate~~ health certificate or official interstate ~~or intrastate~~ certificate of veterinary inspection shall be prepared and signed by an accredited veterinarian ~~in the state of origin~~ for animals requiring such a certificate and being imported into this state. ~~or being moved from 1 premises to another premises within this state.~~ An official interstate ~~or intrastate~~ health certificate or official interstate ~~or intrastate~~ certificate of veterinary inspection for animals

being imported to or exported from this state ~~or being moved from 1 premises to another premises within this state~~ when required shall include all of the following:

(a) The complete names, **TELEPHONE NUMBERS**, and **PHYSICAL** addresses of the consignor and consignee, **THE ADDRESS OF THE PREMISES OF THE ANIMALS TO BE MOVED**, and the **PHYSICAL** destination address if different from the consignee address.

(b) A description of the animals by breed, sex, ~~and~~ age, and ~~a signed certification by the consignor that the animals in the shipment are those described on the certificate. The~~ **INDIVIDUAL OFFICIAL IDENTIFICATION NUMBER BY SPECIES, AS DETERMINED BY THE** director. ~~may require that certain classifications of animals be individually officially identified by ear tag, tattoo, brand, or registration number.~~

(c) The date of examination of the animals by the accredited veterinarian preparing the certificate, **AND THE DATE THE CERTIFICATE WAS ISSUED.**

(d) The intended use of the ~~livestock,~~ **ANIMAL**, including, **BUT NOT LIMITED TO**, use for **SALE**, dairy, breeding, feeding or grazing, ~~or~~ **EXHIBITION**, immediate slaughter, **OR OTHER.**

(e) The health status of the animals by recording the results of the required tests, required vaccinations, and any other data concerning the health of the animals including herd or state disease-free status. The accredited veterinarian preparing the certificate shall certify that the animals are free from clinical signs of infectious, contagious, or toxicological diseases.

(f) The prior entry permit **NUMBER** issued by the director, if a

prior entry permit is required.

(2) A copy of the official interstate ~~or intrastate~~ health certificate or official interstate ~~or intrastate~~ certificate of veterinary inspection for ~~livestock~~ **ANIMALS** being exported from this state ~~or for livestock being moved from 1 premises to another premises within this state~~ shall be forwarded by the issuing accredited veterinarian to the state veterinarian within ~~10~~ **7** working days after the date of issuance.

(3) Livestock delivered directly to a slaughter plant shall be slaughtered within 5 days except for swine, which shall be slaughtered within 48 hours. Livestock for slaughter delivered to a livestock auction market as defined in 1937 PA 284, MCL 287.121 to 287.131, shall be slaughtered within ~~10~~ **5** days.

Sec. 22. (1) If an animal is imported into this state without the required official tests, **OFFICIAL IDENTIFICATION**, or documents, the director may do any or all of the following:

(a) Quarantine the animal **OR THE PREMISES, OR BOTH.**

(b) Require that the required tests, **OFFICIAL IDENTIFICATION,** or documents be performed or obtained at the owner's expense.

(c) Require the animal be returned to the state of origin ~~within 10 days~~ after ~~such~~ notification **THAT THE ANIMAL WAS IMPORTED INTO THIS STATE WITHOUT THE REQUIRED OFFICIAL TESTS, OFFICIAL IDENTIFICATION, OR DOCUMENTS.**

(d) Order the slaughter, destruction, or other disposition of the livestock, if ~~it is determined by~~ the director **DETERMINES** that the control or eradication of a disease or condition of the livestock is warranted. Livestock determined to be imported without

meeting import requirements are not eligible for indemnity.

(e) Allow a direct movement of the animal or animals to slaughter by permit.

(f) Allow legal importation into another state.

(2) If the official test result, **PROOF OF IDENTIFICATION,** or proof of shipment of the animal back to the state of origin has not been received within 15 days after notification, the director may order that the required tests **OR OFFICIAL IDENTIFICATION** be performed by a department veterinarian, at the owner's or importer's expense.

Sec. 31. (1) **THE DIRECTOR MAY CREATE AN ORDER AS PROVIDED IN THIS SECTION.**

(2) Any species having the potential to spread serious diseases or parasites, to cause serious physical harm, or to otherwise endanger native ~~wildlife,~~ **WILD ANIMALS**, human life, livestock, domestic animals, or property, as determined by the director, shall not be imported into this state, **EXCEPT AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES UNDER SECTION 40107 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.40107.** An order of the director under this subsection applies to ~~a genetically engineered variant of~~ the species identified in the order, unless the order expressly provides otherwise. ~~An order of the director under this subsection may be limited to a genetically engineered organism.~~

(3) ~~(2)~~ The director may require compliance with any or all of the following before the importation of a wild animal or an exotic animal species not regulated by the ~~fish~~ **FISH** and ~~wildlife service~~

WILDLIFE SERVICE of the United States ~~department~~ **DEPARTMENT** of ~~interior~~ **INTERIOR** or the department of natural resources of this state:

(a) Physical examination by an accredited veterinarian be conducted after importation to determine the health status, proper housing, husbandry, and confinement of any animal permitted to enter this state.

(b) Negative test results to specific official tests required by the director within a time frame before importation into this state as determined by the director.

(c) Identification prior to importation in a manner approved by the director.

(D) A PRIOR ENTRY PERMIT.

(4) ~~(3)~~ An order of the director under subsection ~~(2)~~ **(3)** applies to ~~a genetically engineered variant of~~ the species identified in the order, unless the order expressly provides otherwise. ~~An order of the director under subsection (2) may be limited to a genetically engineered organism.~~

(5) ~~(4)~~ An official interstate health certificate or official interstate certificate of veterinary inspection signed by an accredited veterinarian from the state of origin shall accompany all wild animal or exotic animal species imported into this state. The official interstate health certificate or official interstate certificate of veterinary inspection shall comply with all the requirements of section ~~20(1)(a), (b), (c), (d), (e), and (f).~~**20(1).**

(6) ~~(5)~~ A wild animal or exotic animal species permitted to

enter this state shall receive housing, feeding, restraining, and care that is approved by the director.

(7) ~~(6)~~ A person shall not import or release live feral swine or any crosses of feral swine in this state for any purpose without permission from the director.

(8) EXCEPT AS PROVIDED IN SECTION 22 OF THE LARGE CARNIVORE ACT, 2000 PA 274, MCL 287.1122, A PERSON SHALL NOT IMPORT A LARGE CARNIVORE INTO THIS STATE.

(9) EXCEPT AS PROVIDED IN SECTION 8 OF THE WOLF-DOG CROSS ACT, 2000 PA 246, MCL 287.1008, A PERSON SHALL NOT IMPORT A WOLF-DOG CROSS INTO THIS STATE.

Sec. 39. **(1)** Unless otherwise approved or waived by the director, **ALL OF** the following ~~shall~~ apply to exhibition facilities:

(a) A facility for exhibition of ~~livestock~~ **ANIMALS** shall be constructed **IN A MANNER** to allow sufficient separation of each exhibitor's ~~livestock~~ **ANIMALS** and to allow for sufficient separation of species. The facility shall be constructed of a material that can be adequately cleaned and disinfected.

(B) ANIMAL HOUSING SHALL BE CONSTRUCTED AND PLACED TO PROVIDE ADEQUATE LIGHT AND VENTILATION.

(C) ~~(b)~~ An exhibition ~~building or yarding~~ facility **AND ASSOCIATED BUILDINGS** shall be cleaned and disinfected with ~~USDA-approved~~ **A STATE VETERINARIAN-APPROVED** disinfectant used in accordance with label instructions before ~~livestock~~ **ANIMALS** are admitted. ~~by removing from the premises all manure, litter, hay, straw, and forage from pens, runways, and show rings, and~~

~~thoroughly disinfecting walls, partitions, floors, mangers, yarding facilities, and runways before each use in a manner approved by the director.~~

(D) ACCESS TO HAND-CLEANSING FACILITIES OR HAND-SANITIZING METHODS SHALL BE AVAILABLE IN CLOSE PROXIMITY TO EACH BUILDING THAT HOUSES ANIMALS.

(E) BEDDING USED BY LIVESTOCK, FEED WASTE, SHIPPING CONTAINERS, AND OTHER ANIMAL-ASSOCIATED WASTE SHALL BE REMOVED FROM THE ANIMAL AREA AND DISPOSED OF IN A TIMELY AND RESPONSIBLE MANNER.

(F) ANIMALS SHALL NOT BE USED AS PRIZES AT CARNIVALS OR MIDWAY ACTIVITIES UNLESS APPROVED BY THE DIRECTOR.

(2) AS USED IN THIS SECTION:

(A) "CARNIVAL" MEANS A TRAVELING CARNIVAL, CHARITY FUND-RAISER, AMUSEMENT ARCADE, AMUSEMENT PARK, OR A STATE OR COUNTY FAIR OR SIMILAR EVENT.

(B) "MIDWAY ACTIVITIES" MEANS ANY GAME OF CHANCE, GAME OF SKILL, OR ANY OTHER GAME FOR AMUSEMENT OR ENTERTAINMENT AT A CARNIVAL.

Sec. 40. (1) A fair, **EXHIBITION, OR EXPOSITION** shall have an accredited veterinarian on call whenever there are animals on the premises during the ~~fair.~~**EVENT.**

(2) A fair, exhibition, exposition, or show authority shall do all of the following:

(a) Notify exhibitors of health tests and certificates required for importation and exhibition in this state.

(b) Examine and approve required health certificates, reports, test charts, certificates, or other required documentation before

displaying, exhibiting, or stabling the animals in the exhibition area or before commingling with other animals.

(c) Provide shipping arrangements for all ~~swine~~ **LIVESTOCK** exhibited that are to be removed from the fair, exhibition, exposition, or show facility for direct movement to slaughter or a livestock auction market as defined in 1937 PA 284, MCL 287.121 to 287.131.

(d) Notify exhibitors whether or not poultry vaccinated against infectious laryngotracheitis are allowed in the fair, exhibition, or exposition.

(3) A fair, exhibition, exposition, or show authority may require additional testing or vaccination of animals before entry and during the fair, exhibition, exposition, or show.

(4) ~~Livestock~~ **ANIMALS** with clinical signs of infectious, contagious, or toxicological disease **OBSERVED AT CHECK-IN OR DURING THE EVENT** shall be removed from the fair, exhibition, or exposition or, by permission of the director, shall be isolated on the premises. **AN ACCREDITED VETERINARIAN'S KNOWLEDGE AND ADVICE MAY BE SOUGHT BY AN EXHIBITOR OR EXHIBITION STAFF TO ASSESS FOR CLINICAL SIGNS OF AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE.**

(5) It is the responsibility of the exhibitor to ensure that ~~all requirements for testing,~~ **ALL REPORTS, TEST CHARTS, OFFICIAL** identification, and official interstate health certificate or official interstate certificate of veterinary inspection ~~are fulfilled before importation~~ **REQUIRED BY THIS ACT ACCOMPANY THE ANIMALS** and that proof of fulfilling these requirements is provided to the director, fair, exhibition, exposition, or show authority

upon request.

~~(6) Swine for exhibition within this state shall be individually identified by official identification.~~

(6) ~~(7)~~ Swine shall not enter any fair, exhibition, exposition, or show facility unless it can be demonstrated that the swine presented for exhibition or exposition meet 1 or more of the following conditions:

(a) Originate as a direct movement from a swine premises located in a pseudorabies stage III area or region or other equivalent low prevalence area as recognized by the director.

(b) Originate directly from a pseudorabies qualified-negative herd as defined in title ~~9 C.F.R. part 85,~~ **9 CFR PART 85**, which ~~proof~~ may consist of a copy of a valid certificate issued by the department stating that the herd meets the requirements for a pseudorabies qualified-negative herd.

(c) Unless the swine are piglets nursing a pseudorabies-negative sow, present an official swine test report that indicates the swine have been tested for pseudorabies within 45 days before exhibition and have tested negative.

~~(8) All swine removed from any exhibition facility shall be moved directly to a livestock auction market or slaughter facility premises for disposition in accordance with applicable laws concerning movement of swine to slaughter unless all swine present at the exhibition or exposition at any time for any reason have entered the exhibition facility according to the provisions of subsection (7)(b) or (c).~~

~~(9) Upon request, a person who exhibits livestock shall~~

~~present for inspection all reports, test charts, and appropriate health certificates required by this act to accompany the livestock.~~

~~(10) Any swine found to be exhibited or removed from exhibition in violation of any provision of this section may be quarantined or ordered slaughtered, destroyed, or disposed of by the director without being eligible for indemnification as described in sections 14 and 15.~~

(7) THE EXHIBITION OR EXPOSITION OF POULTRY IS SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

(A) ALL POULTRY, EXCEPT FOR WATERFOWL, PIGEONS, AND DOVES, SHOWN AT A PUBLIC EXHIBITION OR EXPOSITION IN THIS STATE SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

(*i*) ORIGINATE DIRECTLY FROM A U.S. PULLORUM-TYPHOID CLEAN FLOCK AS DEFINED IN 9 CFR PART 145 AND ALL AMENDMENTS TO THAT PUBLICATION ADOPTED IN RULES PROMULGATED BY THE DIRECTOR.

(*ii*) HAVE A NEGATIVE OFFICIAL TEST FOR SALMONELLA PULLORUM-TYPHOID WITHIN THE 90 DAYS BEFORE THE EXHIBITION OR EXPOSITION AND REMAIN SEGREGATED FROM ALL POULTRY OF UNKNOWN OR POSITIVE SALMONELLA PULLORUM-TYPHOID TEST STATUS.

(B) A SHIPPING CRATE USED IN THE SHIPMENT OF BIRDS BY COMMON CARRIER SHALL NOT BE USED AS AN EXHIBITION COOP. A SHIPPING CRATE SHALL BE CLEANED AND DISINFECTED ON THE DAY OF ARRIVAL AFTER THE BIRDS HAVE BEEN REMOVED FOR EXHIBITION OR EXPOSITION AND BEFORE BEING USED AGAIN. UNLESS OTHERWISE NECESSARY, A SHIPPING CRATE SHALL NOT BE STORED IN THE EXHIBITION OR EXPOSITION AREA.

(8) EXHIBITORS SHALL PROVIDE ADEQUATE FEED AND WATER TO

ANIMALS BEING EXHIBITED.

(9) EXHIBITORS SHALL CLEAN AND REPLACE BEDDING MATERIAL AS OFTEN AS NECESSARY TO MAINTAIN HEALTH.

SEC. 40A. (1) A LIVE BIRD MARKET SHALL BE LICENSED BY THE DEPARTMENT UNDER THE FOOD LAW, 2000 PA 92, MCL 289.1101 TO 289.8111.

(2) THIS ACT APPLIES TO POULTRY IMPORTED TO AND HOUSED AT A LIVE BIRD MARKET.

(3) A TRANSPORTER BRINGING POULTRY TO A LIVE BIRD MARKET SHALL COMPLY WITH THIS ACT AND 1937 PA 284, MCL 287.121 TO 287.131.

(4) A PERSON OPERATING A LIVE BIRD MARKET SHALL DO ALL OF THE FOLLOWING:

(A) HOUSE LIVE POULTRY IN ROOMS THAT CAN BE CLEANED AND DISINFECTED.

(B) HOUSE WATERFOWL AND GAME BIRDS SEPARATELY FROM CHICKENS.

(C) REMOVE POULTRY FROM TRANSPORT CRATES NO LATER THAN 8 HOURS AFTER ARRIVAL AT THE FACILITY.

(D) STORE TRANSPORT CRATES IN A SEPARATE AREA, AND CLEAN AND DISINFECT TRANSPORT CRATES BEFORE REUSE.

(E) WHEN POULTRY ARE HOUSED IN CAGES, DO ALL OF THE FOLLOWING:

(*i*) USE CAGES CONSTRUCTED OF A MATERIAL THAT CAN BE CLEANED AND DISINFECTED.

(*ii*) PROVIDE BIRDS WITH ROOM TO STAND UP, LIE DOWN, TURN AROUND, AND GROOM WITHOUT TOUCHING OTHER BIRDS OR A SURFACE OF THE CAGE.

(*iii*) REFRAIN FROM STACKING CAGES, UNLESS THERE ARE PROVISIONS TO ALLOW MANURE TO BE REMOVED AND TO PREVENT MANURE, FEED, AND

WATER FROM SOILING OTHER CAGES OR BIRDS IN OTHER CAGES.

(F) PROVIDE WATER TO BIRDS UP TO THE TIME OF SLAUGHTER.

(G) PROVIDE NUTRITIONALLY ADEQUATE FOOD TO BIRDS UP TO AT LEAST 12 HOURS BEFORE SLAUGHTER.

(H) ENSURE THAT THERE IS AT LEAST ONE 24-HOUR PERIOD EACH WEEK DURING WHICH THERE ARE NO BIRDS IN THE FACILITY AND AREAS WHERE BIRDS AS HOUSED AND ANY CAGES OR PENS HOLDING BIRDS ARE CLEANED AND DISINFECTED.

(I) ENSURE THAT SLAUGHTER IS PERFORMED USING 1 OF THE FOLLOWING METHODS:

(*i*) A METHOD IN WHICH THE BIRD IS RENDERED INSENSIBLE TO PAIN BY MECHANICAL, ELECTRICAL, CHEMICAL, OR OTHER MEANS THAT IS RAPID AND EFFECTIVE BEFORE THE BIRD IS SHACKLED, HOISTED, THROWN, CAST, OR CUT.

(*ii*) A METHOD IN ACCORDANCE WITH THE RITUAL REQUIREMENTS OF A RELIGIOUS FAITH IN WHICH THE BIRD SUFFERS LOSS OF CONSCIOUSNESS BY ANEMIA OF THE BRAIN CAUSED BY THE SIMULTANEOUS AND INSTANTANEOUS SEVERANCE OF THE CAROTID ARTERIES WITH A SHARP INSTRUMENT.

(5) AS USED IN THIS SECTION, "LIVE BIRD MARKET" MEANS A FACILITY THAT SELLS LIVE POULTRY FOR SLAUGHTER.

SEC. 40B. (1) A PERSON HOUSING BABY POULTRY FOR SALE TO INDIVIDUALS FOR THE PRIMARY PURPOSE OF MAINTAINING, FOR PERSONAL USE, AN INDIVIDUAL BIRD OR A FLOCK AND IS NOT PART OF THE NATIONAL POULTRY IMPROVEMENT PROGRAM SHALL DO ALL OF THE FOLLOWING:

(A) KEEP HAND-CLEANSING STATIONS OR FACILITIES AVAILABLE IN CLOSE PROXIMITY TO THE AREA WHERE BABY POULTRY ARE HOUSED.

(B) CONSTRUCT A BABY POULTRY HOUSING AREA AND ENCLOSURES

CONTAINING BABY POULTRY WITH A MATERIAL THAT CAN BE ADEQUATELY CLEANED AND DISINFECTED.

(C) PROVIDE ADEQUATE SPACE AND VENTILATION IN ENCLOSURES WHERE BABY POULTRY ARE HOUSED.

(D) CLEAN AND DISINFECT THE BABY POULTRY AREA AND ENCLOSURES AT LEAST ONCE DAILY WITH UNITED STATES DEPARTMENT OF AGRICULTURE-APPROVED DISINFECTANT USED IN ACCORDANCE WITH LABEL INSTRUCTIONS.

(E) REMOVE BEDDING USED BY BABY POULTRY, FEED WASTE, SHIPPING CONTAINERS, AND OTHER ANIMAL-ASSOCIATED WASTE FROM THE BABY POULTRY AREA AND DISPOSE OF IT IN AN AREA NOT ACCESSIBLE TO THE PUBLIC.

(F) PROVIDE WATER TO BABY POULTRY UP TO THE TIME OF SALE.

(G) PROVIDE NUTRITIONALLY ADEQUATE FOOD TO BABY POULTRY UP TO THE TIME OF SALE.

(H) MAINTAIN AND KEEP RECORDS OF PURCHASE AND SALE OF BABY POULTRY FOR A PERIOD OF 2 YEARS AFTER THE DATE OF PURCHASE OR SALE. THE RECORDS REQUIRED BY THIS SUBDIVISION SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON PURCHASING OR SELLING THE BABY POULTRY AND THE DATE OF EACH PURCHASE OR SALE.

(2) AS USED IN THIS SECTION, "BABY POULTRY" MEANS POULTRY UNDER THE AGE OF 3 WEEKS.

Sec. 43. **(1) THE STATE VETERINARIAN MAY REQUIRE THAT THE IMPORTATION AND USE OF VETERINARY BIOLOGICALS OR BIOLOGICAL AGENTS BE REPORTED TO THE DEPARTMENT, AND MAY RESTRICT THE USE OF CERTAIN VETERINARY BIOLOGICALS TO VETERINARIANS WHEN THE DISEASE OR VETERINARY BIOLOGICAL INVOLVED HAS A SUBSTANTIAL IMPACT ON PUBLIC HEALTH, ANIMAL HEALTH, OR THE ANIMAL INDUSTRY.**

(2) ~~(1)~~ A company, manufacturer, firm, mail or telephone order

company, establishment, outlet, or mobile distributor in another state shall not export any **AUTOGENOUS** veterinary biologicals for distribution or sale into this state unless notification prior to sale or distribution is given to the director and any stipulations set forth in or ~~pursuant to title 9 of the code of federal regulations under "licenses for biological products"~~ **UNDER 9 CFR PART 102** and all amendments to that publication ~~thereafter~~ adopted ~~pursuant to~~ **IN** rules ~~that~~ **PROMULGATED BY** the director ~~may promulgate~~ are met.

(3) ~~(2)~~ A company or manufacturer manufacturing ~~a~~ **AN AUTOGENOUS** veterinary biological within this state shall not distribute or sell any veterinary biological within this state unless notification ~~prior to~~ **BEFORE** distribution or sale is given to the director and any stipulations ~~set forth in or pursuant to title 9 of the code of federal regulations under "licenses for biological products"~~ **UNDER 9 CFR PART 102** and all amendments to that publication ~~thereafter~~ adopted ~~pursuant to~~ **IN** rules ~~that~~ **PROMULGATED BY** the director ~~may promulgate~~ are met.

(4) ~~(3)~~ The director shall pursue restrictions on the distribution and use of **AUTOGENOUS** veterinary biologicals when the director determines that ~~such~~ **THOSE** restrictions are necessary for the protection of domestic animals or the public health, interest, or safety, ~~or both,~~ as set forth in ~~title 9 of the code of federal regulations under "licenses for biological products"~~ **9 CFR PART 102** and all amendments to that publication ~~thereafter~~ adopted ~~pursuant to~~ **IN** rules ~~that~~ **PROMULGATED BY** the director. ~~may promulgate.~~

(5) ~~(4)~~ Veterinary biologicals shall be administered only by a

licensed veterinarian or under the supervision of a licensed veterinarian unless used in compliance with section 18814 of the public health code, ~~Act No. 368 of the Public Acts of 1978, being section 333.18814 of the Michigan Compiled Laws.~~**1978 PA 368, MCL 333.18814.**

(6) ~~(5)~~ A veterinary biological required in ~~title 9 of the code of federal regulations under "licenses for biological products"~~ **9 CFR PART 102** and all amendments to that publication ~~thereafter~~ adopted ~~pursuant to~~ **IN** rules ~~that~~ **PROMULGATED BY** the director ~~may promulgate~~ to be administered by, on the order of, or under the supervision of a veterinarian shall be distributed only to veterinarians, distributors who distribute the veterinary biological only to veterinarians, or pharmacies and other appropriate retail outlets to be sold only on the prescription or order of a veterinarian.

(7) ~~(6)~~ When the director determines with advice and consultation from the livestock industry involved and the veterinary profession that the protection of domestic animals or the public health, interest, or safety, or both, or that a control or eradication program for a disease or condition necessitates the report of the sale, use, distribution, or administration of a veterinary biological or diagnostic test, the director may require that any person who sells, uses, distributes, or administers a veterinary biological or diagnostic test report that information to the department within 10 working days. If a form is required, the form shall be supplied by the department.

(8) A PERSON WHO DESIRES TO IMPORT INTO THIS STATE OR TO

DISTRIBUTE INTRASTATE, FOR EXPERIMENTAL OR FIELD TRIAL USE, A VETERINARY BIOLOGICAL THAT IS NOT CONDITIONALLY OR UNCONDITIONALLY LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SHALL REQUEST AND OBTAIN PERMISSION FROM THE DIRECTOR BEFORE IMPORTING THAT VETERINARY BIOLOGICAL INTO THIS STATE.

(9) A PERSON WHO REQUESTS PERMISSION TO DISTRIBUTE IN THIS STATE VETERINARY BIOLOGICALS THAT ARE CONDITIONALLY OR UNCONDITIONALLY LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THAT ARE SUBJECT TO IMPORT PERMITS FOR DISTRIBUTION AND SALE ISSUED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SHALL SUBMIT ALL OF THE FOLLOWING INFORMATION TO THE DEPARTMENT:

(A) A COPY OF THE CURRENT UNITED STATES DEPARTMENT OF AGRICULTURE LICENSE.

(B) ANY RESTRICTIONS SET FORTH BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(C) A COMPLETE NAME OF THE PRODUCT, INCLUDING THE GENERIC AND TRADE NAME.

(D) PRODUCT INFORMATION, INCLUDING DIRECTIONS FOR USE.

(E) SLAUGHTER WITHDRAWAL TIMES, IF APPLICABLE.

(10) A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES SHALL BE SHIPPED ONLY TO A VETERINARIAN AND SHALL ONLY BE USED BY THE VETERINARIAN TO WHOM THE PRODUCT IS SHIPPED OR BY AN INDIVIDUAL WHO IS UNDER THE DIRECT SUPERVISION OF THE VETERINARIAN TO WHOM THE PRODUCT IS SHIPPED.

(11) A PERSON WHO CONSIGNS, SHIPS, OR TRANSPORTS A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES INTO OR WITHIN THIS STATE SHALL FILE A REPORT OF EACH REQUESTED SHIPMENT WITH THE

DEPARTMENT WITHIN 5 BUSINESS DAYS OF THE SHIPMENT. THE REPORT REQUIRED BY THIS SUBSECTION SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

(A) THE QUANTITY CONSIGNED, SHIPPED, OR TRANSPORTED.

(B) THE EXPIRATION DATE OF THE PRODUCT.

(C) THE COMPLETE NAME OF THE VETERINARY BIOLOGICAL.

(D) THE NAME AND ADDRESS OF THE VETERINARIAN RECEIVING THE VETERINARY BIOLOGICAL.

(12) A PERSON WHO REQUESTS PERMISSION TO IMPORT OR DISTRIBUTE INTRASTATE A VETERINARY BIOLOGICAL TO BE ADMINISTERED TO ANIMALS OWNED BY THE PUBLIC FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES SHALL SUBMIT A WRITTEN STATEMENT TO THE DEPARTMENT, WHICH SHALL BE GIVEN TO THE OWNER OF THE ANIMALS BEFORE THE ADMINISTRATION, PRESCRIPTION, OR DISTRIBUTION OF THE VETERINARY BIOLOGICAL. THE WRITTEN STATEMENT REQUIRED BY THIS SUBSECTION SHALL STATE ALL OF THE FOLLOWING:

(A) THAT THE VETERINARY BIOLOGICAL TO BE ADMINISTERED, PRESCRIBED, OR DISPENSED TO AN ANIMAL IS AN EXPERIMENTAL OR FIELD TRIAL VETERINARY BIOLOGICAL.

(B) THAT THE VETERINARY BIOLOGICAL HAS NOT BEEN APPROVED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT FOR UNCONDITIONAL USE.

(13) THE DEPARTMENT IS NOT LIABLE TO A PERSON THAT REQUESTS PERMISSION TO IMPORT OR DISTRIBUTE INTRASTATE A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES FOR ANY INJURY TO HUMANS OR ANIMALS OR FOR THE LOSS OF ANY ANIMALS.

(14) A PERSON WHO REQUESTS PERMISSION TO IMPORT OR DISTRIBUTE

INTRASTATE A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES SHALL REPORT AN ADVERSE REACTION TO THE DEPARTMENT WITHIN 5 BUSINESS DAYS AFTER THE REACTION.

(15) A DETERMINATION OF WHETHER TO ALLOW THE DISTRIBUTION OF A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES SHALL BE BASED UPON, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) NEED FOR THE PRODUCT BY THE ANIMAL INDUSTRY.

(B) SAFETY OF THE PRODUCT FOR THE TARGET ANIMAL SPECIES.

(C) SAFETY OF THE PRODUCT FOR A PERSON WHO ADMINISTERS THE BIOLOGICAL.

(D) SAFETY OF THE HUMAN FOOD CHAIN, IF THE VETERINARY BIOLOGICAL IS USED IN FOOD-PRODUCING ANIMALS.

(16) THE DIRECTOR MAY LIMIT THE DISTRIBUTION OF A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES TO CERTAIN GEOGRAPHICAL AREAS WITHIN THIS STATE AND FOR SPECIFIC TIME PERIODS.

(17) THE DIRECTOR MAY AT ANY TIME REVOKE PERMISSION TO DISTRIBUTE A VETERINARY BIOLOGICAL FOR EXPERIMENTAL OR FIELD TRIAL PURPOSES.

SEC. 43A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN ANIMAL BEING EUTHANIZED IN THIS STATE SHALL BE HUMANELY EUTHANIZED IN A MANNER OUTLINED AS ACCEPTABLE OR ACCEPTABLE WITH CONDITIONS UNDER THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S GUIDELINES ON EUTHANASIA AND ALL SUBSEQUENT AMENDMENTS TO THAT PUBLICATION, OR AS APPROVED BY THE DIRECTOR.

(2) SUBSECTION (1) DOES NOT APPLY TO AN ANIMAL THAT IS BEING SLAUGHTERED FOR HUMAN CONSUMPTION OR PET FOOD.

(3) THE DIRECTOR MAY DESIGNATE AN APPROPRIATE EUTHANASIA

PROCEDURE IN AN EXTRAORDINARY EMERGENCY.

SEC. 43B. (1) AS USED IN THIS SECTION:

(A) "CALF RAISED FOR VEAL" MEANS ANY CALF OF THE BOVINE SPECIES KEPT FOR THE PURPOSE OF PRODUCING THE FOOD PRODUCT DESCRIBED AS VEAL.

(B) "COVERED ANIMAL" MEANS ANY GESTATING SOW, CALF RAISED FOR VEAL, OR EGG-LAYING HEN THAT IS KEPT ON A FARM.

(C) "EGG-LAYING HEN" MEANS ANY FEMALE DOMESTICATED CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE OF EGG PRODUCTION.

(D) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER STRUCTURE USED TO CONFINE A COVERED ANIMAL. ENCLOSURE INCLUDES, BUT IS NOT LIMITED TO, A GESTATION CRATE OR STALL FOR GESTATING SOWS, A VEAL CRATE FOR CALVES RAISED FOR VEAL, OR A BATTERY CAGE FOR EGG-LAYING HENS.

(E) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER. FARM DOES NOT INCLUDE LIVE ANIMAL MARKETS.

(F) "FARM OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATION OF A FARM.

(G) "FULLY EXTENDING ITS LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE. IN THE CASE OF EGG-LAYING HENS, FULLY EXTENDING ITS LIMBS MEANS FULLY SPREADING BOTH WINGS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR OTHER EGG-LAYING HENS AND HAVING ACCESS TO AT LEAST 1.0 SQUARE FOOT OF USABLE FLOOR SPACE PER HEN.

(H) "GESTATING SOW" MEANS ANY CONFIRMED PREGNANT SOW OF THE

PORCINE SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

(I) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, JOINT VENTURE, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, ESTATE, TRUST, RECEIVER, OR SYNDICATE.

(J) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.

(2) SUBJECT TO SUBSECTIONS (3) AND (6), NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FARM OWNER OR OPERATOR SHALL NOT TETHER OR CONFINE ANY COVERED ANIMAL ON A FARM FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS THE ANIMAL FROM DOING ANY OF THE FOLLOWING:

(A) LYING DOWN, STANDING UP, OR FULLY EXTENDING ITS LIMBS.

(B) TURNING AROUND FREELY.

(3) SUBSECTION (2) DOES NOT APPLY TO A COVERED ANIMAL DURING ANY OF THE FOLLOWING:

(A) SCIENTIFIC OR AGRICULTURAL RESEARCH.

(B) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION FOR VETERINARY PURPOSES, BY A PERSON LICENSED TO PRACTICE VETERINARY MEDICINE UNDER PART 188 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.18801 TO 333.18838.

(C) TRANSPORTATION, UNLESS OTHERWISE IN VIOLATION OF SECTION 51 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.51, RELATING TO CONFINING ANIMALS ON RAILROAD CARS.

(D) RODEO EXHIBITIONS, STATE OR COUNTY FAIR EXHIBITIONS, 4-H PROGRAMS, OR SIMILAR EXHIBITIONS.

(E) THE SLAUGHTER OF A COVERED ANIMAL AS PROVIDED BY 1962 PA

163, MCL 287.551 TO 287.556, AND OTHER APPLICABLE LAW AND RULES.

(F) IN THE CASE OF A GESTATING SOW, THE PERIOD BEGINNING 7 DAYS BEFORE THE GESTATING SOW'S EXPECTED DATE OF GIVING BIRTH.

(4) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO RESTRAIN, BY TEMPORARY OR PERMANENT INJUNCTION, ANY ACT OR PRACTICE IN VIOLATION OF THIS SECTION. THE ACTION MAY BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEFENDANT RESIDES OR CONDUCTS BUSINESS. THE COURT MAY ISSUE A TEMPORARY OR PERMANENT INJUNCTION AND ISSUE OTHER EQUITABLE ORDERS OR JUDGMENTS. A DEFENSE DESCRIBED AND MADE AVAILABLE RELATING TO CUSTOMARY ANIMAL HUSBANDRY OR FARMING PRACTICES INVOLVING LIVESTOCK, UNDER SECTIONS 50(11)(F) AND 50B(8) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50 AND 750.50B, OR SIMILAR PROVISIONS, IS NOT A DEFENSE TO AN ACTION BROUGHT FOR THE VIOLATION OF THIS SECTION INVOLVING A COVERED ANIMAL. IN ADDITION, THE CRIMINAL PENALTIES PROVIDED IN SECTION 44 ARE NOT APPLICABLE TO VIOLATIONS OF THIS SECTION.

(5) THIS SECTION IS IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION DOES NOT LIMIT ANY OTHER STATE LAW PROTECTING THE WELFARE OF ANIMALS.

(6) THIS SECTION DOES NOT APPLY TO EGG-LAYING HENS AND GESTATING SOWS UNTIL APRIL 1, 2020.

Sec. 44. **(1) THE DIRECTOR MAY CALL UPON A LAW ENFORCEMENT AGENCY TO ASSIST IN ENFORCING THIS ACT.**

(2) THE ATTORNEY GENERAL MAY BRING A CRIMINAL OR CIVIL ACTION AGAINST A PERSON RESPONSIBLE FOR UNLAWFULLY INTRODUCING AN INFECTIOUS, CONTAGIOUS, OR TOXICOLOGICAL DISEASE INTO ANIMALS, ANIMAL PRODUCTS, OR ANIMAL FEEDS IN THIS STATE.

(3) A PERSON SHALL NOT KNOWINGLY GIVE FALSE INFORMATION IN A MATTER PERTAINING TO THIS ACT AND SHALL NOT IMPEDE OR HINDER THE DIRECTOR IN THE DISCHARGE OF HIS OR HER DUTIES UNDER THIS ACT.

(4) IF A PERSON DOES NOT CAUSE AN ANIMAL OR A HERD, FLOCK, OR AQUACULTURE LOT TO BE TESTED IN COMPLIANCE WITH THIS ACT, THE DIRECTOR SHALL NOTIFY THE PERSON RESPONSIBLE FOR MANAGEMENT OF THE ANIMAL OR HERD OF THE NECESSITY FOR TESTING TO OCCUR AND THE DEADLINE FOR TESTING TO OCCUR AND SHALL QUARANTINE ANY ANIMAL OR HERD THAT HAS NOT BEEN TESTED UNTIL THE TESTING CAN BE COMPLETED BY STATE OR FEDERAL REGULATORY VETERINARIANS OR ACCREDITED VETERINARIANS, AT THE OWNER'S EXPENSE.

(5) AN ANIMAL PURCHASED AT A LICENSED LIVESTOCK MARKET, COLLECTION POINT, OR BUYING STATION OR BY A DEALER LICENSED UNDER 1937 PA 284, MCL 287.121 TO 287.131, FOR THE PURPOSE OF SLAUGHTER MUST BE SLAUGHTERED WITHIN 5 DAYS AFTER THE PURCHASE. THE BUYER OF LIVESTOCK SOLD FOR SLAUGHTER SHALL PROVIDE VERIFICATION THAT THE SLAUGHTER OCCURRED WITHIN 5 DAYS AFTER PURCHASE UPON REQUEST OF THE DIRECTOR. FAILURE OF A BUYER OF LIVESTOCK SOLD FOR SLAUGHTER TO COMPLY WITH THIS SUBSECTION SUBJECTS THAT BUYER TO THE PENALTIES AND SANCTIONS OF THIS ACT.

(6) A PERSON SHALL NOT EXPOSE SWINE TO GARBAGE.

(7) A PERSON SHALL NOT USE GARBAGE, OFFAL, OR CARCASSES, EXCEPT IN A DISEASE OUTBREAK AND WITH THE APPROVAL OF THE DIRECTOR, AS FEED FOR SWINE.

(8) THE DIRECTOR HAS FULL ACCESS TO INSPECT ANY PREMISES OR CONVEYANCE UPON REASONABLE GROUNDS TO BELIEVE OR SUSPECT THAT GARBAGE, OFFAL, OR CARCASSES ARE BEING USED AS FEED FOR SWINE OR

THAT GARBAGE, OFFAL, OR CARCASSES MAY EXPOSE SWINE TO A COMMUNICABLE DISEASE.

(9) THE DIRECTOR SHALL QUARANTINE SWINE DETERMINED TO HAVE BEEN EXPOSED TO, IN CONTACT WITH, OR FED GARBAGE, OFFAL, OR CARCASSES. THE QUARANTINE SHALL CONTINUE UNTIL SUCH TIME AS THE DIRECTOR DETERMINES THAT THE SWINE ARE NOT A THREAT TO ANIMAL OR PUBLIC HEALTH.

(10) ~~(1)~~ A person who commits 1 or more of the following is guilty of a felony punishable by a fine of not less than $1,000.00 and not more than $50,000.00, or imprisonment of not more than 5 years, or both, and shall not receive any indemnification payments at the discretion of the director:

(a) Intentionally contaminating or exposing livestock to an infectious, contagious, or toxicological disease for the purpose of receiving indemnification from ~~the~~ **THIS** state or causing ~~the~~ **THIS** state to destroy affected livestock.

(b) Intentionally making a false statement on an application for indemnification or reimbursement from ~~the~~ **THIS** state.

(c) Intentionally violating a condition of quarantine authorized under section 12 or movement restrictions and other requirements authorized under section ~~9.~~**3B.**

(d) Intentionally importing into this state, without permission from the director, diseased livestock or livestock exposed to an infectious, contagious, or toxicological disease.

(e) Intentionally misrepresenting the health, medical status, or prior treatment for an infectious, contagious, or toxicological disease of livestock to facilitate movement or transfer of

ownership to another person.

(f) Intentionally infecting or contaminating an animal with, or intentionally exposing an animal to, a reportable disease other than for bona fide research as approved by a research institution licensed by ~~the~~ **THIS** state ~~of Michigan~~ or a federal agency.

(11) ~~(2)~~ Except as otherwise provided under ~~subsections (1) and (2),~~ **SUBSECTION (10)**, a person who violates this act, a rule promulgated under this act, a quarantine authorized under section 12, or movement restrictions and other requirements authorized under section ~~9~~ **3B** is guilty of a misdemeanor ~~,~~ punishable by a fine of not less than $300.00 or imprisonment of not less than 30 days, or both.

(12) ~~(3)~~ The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of ~~subsections (1) and (2).~~ **SUBSECTION (10).** Costs assessed and recovered under this subsection shall be paid to the state treasury and credited to the department for the enforcement of this act.

(13) ~~(4)~~ Except as otherwise provided in subsection ~~(1),~~ **(10)**, the director, upon finding that a person has violated this act, a rule promulgated under this act, a quarantine authorized under section 12, or movement restrictions and other requirements authorized under section ~~9,~~ **3B**, may do the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than $1,000.00 for each violation after notice and an opportunity for a hearing ~~pursuant to~~ **UNDER** the administrative procedures act of 1969, 1969

PA 306, MCL 24.201 to 24.328.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g, with a fine of not less than $300.00 or imprisonment of not less than 30 days, or both.

(14) ~~(5)~~ The director shall advise the attorney general of the failure of any person to pay an administrative or civil fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine and costs and fees including attorney fees. Civil penalties and administrative fines collected shall be paid to the state treasury.

(15) ~~(6)~~ The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act does not bar other lawful remedies and sanctions and does not limit criminal or civil liability. Notwithstanding the provisions of this act, the department may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

Enacting section 1. Sections 4, 5, 6, 8, 10, 13, 13a, 15, 16, 17a, 23, 24, 24a, 26a, 27, 28, 29, 29a, 30, 30a, 30b, 30c, 30d, 32, 33, 35, 41, and 46 of the animal industry act, 1988 PA 466, MCL 287.704, 287.705, 287.706, 287.708, 287.710, 287.713, 287.713a,

287.715, 287.716, 287.717a, 287.723, 287.724, 287.724a, 287.726a, 287.727, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b, 287.730c, 287.730d, 287.732, 287.733, 287.735, 287.741, and 287.746, are repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.