



**House
Legislative
Analysis
Section**

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AMEND DEAD ANIMAL ACT

House Bill 4755

Sponsor: Rep. Robert Bender

Committee: Agriculture & Forestry

Complete to 6-1-93

A SUMMARY OF HOUSE BILL 4755 INTRODUCED 5-11-93

The bill would amend Public Act 239 of 1982, the act regulating the disposal of dead animals not intended for human consumption, making a number of technical and substantive amendments.

Definitions. The bill would redefine two existing definitions in the act, notably to include "restaurant grease" in the definition of "dead animal" and to redefine "animal" (which currently means "any livestock, including but not limited to, cattle, horses, swine, sheep, goats, poultry, and rabbits") to instead mean "mollusks, crustaceans, and vertebrates other than human beings." The bill also would add definitions of "poultry" ("chickens, guinea fowl, turkeys, water fowl, pigeons, doves, and human-raised game birds) and "poultry composting structure" (a structure designed and built for the sole purpose of composting organic material and deal poultry).

Exemptions from licensing requirements. Currently, the act exempts from its provisions restaurant grease dealers (licensed under Public Act 136 of 1969, the liquid industrial waste act); sanitary landfills (licensed by the Department of Natural Resources under the Solid Waste Management Act, Public Act 641 of 1978); people and vehicles licensed under the act regulating the feeding of garbage to swine (Public Act 173 of 1953); people licensed under the Commercial Feed Law (Public Act 120 of 1975) who manufacture or process only "decharacterized" animals (dead animals made unfit for human consumption) or "denatured" animals (dead animals rendered unfit for either human consumption or for animal or pet food); and people and vehicles used to transport dead animals (a) to laboratories for diagnosis, (b) to approved incinerators, (c) to licensed facilities (by the original owner of the animal at the time of its death), (d) released by authorized meat inspectors for educational or research purposes, (e) to be used in preparing pharmaceutical, organotherapeutic, or technical products (and not for human food); and "naturally unfit for human consumption" (including, but not limited to, hoofs, horns, and hides in their natural states).

The bill would remove restaurant grease dealers from the act's exemptions.

Licenses and fees. Currently, licenses are issued or renewed on or before October 1 of each calendar year, and licenses are required for rendering plants, animal food manufacturing plants, dead animal dealers, transfer stations, fur bearing animal farms, and vehicles used to transport dead animals.

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The bill would set the renewal date for licenses on or before September 30 for the next fiscal year, and would add a \$25 delinquency fee for vehicle or facility renewals submitted 31 days after the due date. The bill also would exempt fur bearing animal farms from the act's licensing requirements and would delete the requirement that applicants be "of good moral character" (as well as deleting the denial of licenses for those found, upon investigation by the department, not to be of good moral character).

Specifications for licensed facilities. Currently, the act lists specifications to which licensed facilities must conform. The bill would delete these specifications and instead say that licensed facilities -- and, in addition, poultry composting structures, and vehicles used to transport dead animals -- be constructed and operated in accordance with rules promulgated under the act.

Inspections of licensed facilities and vehicles. Currently, the act requires the director of the Department of Agriculture to inspect each licensed facility and vehicle at least once a year or as often as necessary to maintain the standards required by the act or rules promulgated under the act. The bill would make inspections permissible rather than mandatory, and would delete the requirement that inspections be done at least once a year. It would keep the provision that inspections could be done as often as necessary to maintain the standards set by the act.

Disposal methods for dead animals. Currently, with the exception of dead animals contained in drums and transferred from one vehicle to another at a licensed facility, dead animals must be disposed of within 24 hours of death in one of two ways: by burial not less than four feet below the surface of the ground, or by burning "in a location which will not annoy or constitute a nuisance to the public."

The bill would exempt certain dead animals from the act's disposal requirements and would change, and add to, the existing disposal requirements. Dead animals would have to be buried at least two, not four, feet underground, and could be burned in a location in compliance with the Air Pollution Act (Public Act 348 of 1965). The bill would add four new ways to dispose of dead animals: by processing at a poultry composting structure or by procuring the services of a licensed dead animal dealer, a licensed rendering plant, or a licensed animal food manufacturing plant.

Restaurant grease and the following dead animals would be exempted from the act's disposal requirements: carcasses of small mammals, deer, and birds taken under Department of Natural Resources damage and nuisance animal control permits; small mammals, "cervidae" (deer-like animals, including deer and elk), and birds that were "road kill"; and dead animals kept temporarily in cold storage (for up to seven days) or frozen (for up to 30 days) at or below certain temperatures.

Rules promulgation. Currently, the Department of Agriculture is required to promulgate rules to implement the act; the bill would add the requirement that the department also promulgate rules to enforce the act.

Violations and penalties. Currently, violations of the act are felonies. A first violation is punishable by imprisonment for not more than one year and a fine of not more than \$2,000. Second violations are punishable by imprisonment for up to two years and fines of up to \$5,000. Third and subsequent offenses are punishable by imprisonment for up to three years and fines of up to \$10,000.

The bill would delete the existing penalties and instead say that someone who violated the act or rules promulgated under the act would be guilty of a misdemeanor punishable by a fine of at least \$300 and imprisonment for at least 30 days.

In addition, the bill would allow anyone authorized by the director of the Department of Agriculture to enforce state animal health laws to issue appearance tickets for violations. However, in addition, the department could bring actions to obtain declaratory judgments that a "method, act, or practice" was a violation and/or obtain an injunction against anyone who violated or was about to violate the act.

Effective date. The bill would take effect 90 days after it had been enacted.

Repealer. The bill would repeal section 17 (which gives specifications for vehicles used to transport dead animals) and section 25 (which requires licensees to report the existence of abnormalities or irregularities in animal health) of the act.