

Act No. 228  
Public Acts of 1993  
Approved by the Governor  
November 4, 1993  
Filed with the Secretary of State  
November 5, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Reps. Bender, Gnodtke, McBryde, Bobier, Randall, Gernaat, McNutt, Lowe, Jaye, Goschka  
and Bodem**

# **ENROLLED HOUSE BILL No. 4755**

AN ACT to amend the title and sections 3, 4, 7, 9, 11, 13, 15, 19, 21, 23, 27, and 29 of Act No. 239 of the Public Acts of 1982, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts," being sections 287.653, 287.654, 287.657, 287.659, 287.661, 287.663, 287.665, 287.669, 287.671, 287.673, 287.677, and 287.679 of the Michigan Compiled Laws; and to repeal certain parts of the act.

*The People of the State of Michigan enact:*

Section 1. The title and sections 3, 4, 7, 9, 11, 13, 15, 19, 21, 23, 27, and 29 of Act No. 239 of the Public Acts of 1982, being sections 287.653, 287.654, 287.657, 287.659, 287.661, 287.663, 287.665, 287.669, 287.671, 287.673, 287.677, and 287.679 of the Michigan Compiled Laws, are amended to read as follows:

## **TITLE**

An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts.

Sec. 3. (1) "Animal" means mollusks, crustaceans, and vertebrates other than human beings.

(2) "Animal food manufacturing plant" means an establishment at which animal or pet food is produced through the slaughtering, boning, grinding, cooking, canning, or freezing of dead animals.

(3) "Dead animals" means restaurant grease and the bodies, any part of the bodies, or any material produced from the bodies of animals which have been slaughtered or have died from any other cause and are not intended for human food. "Dead animals" does not include a finished product which has been processed by an approved method.

(4) "Dead animal dealer" means a person that procures and transports dead animals to or from a facility licensed under this act.

(5) "Decharacterize" means a procedure that renders dead animals unfit for human consumption.

(6) "Denature" means a procedure that will impart a distinctive color, odor, or taste to dead animals so that the bodies are unfit for human consumption or cannot be used for animal or pet food unless properly rendered.

(7) "Department" means the department of agriculture.

(8) "Director" means the director of the department of agriculture or his or her authorized representative.

(9) "Facility" means each of the following:

- (a) An animal food manufacturing plant.
- (b) A rendering plant.
- (c) A transfer station.

Sec. 4. (1) "Person" means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity including, but not limited to, contractual relationships.

(2) "Poultry" means chickens, guinea fowl, turkeys, water fowl, pigeons, doves, and game birds that are propagated and maintained under the control of a person.

(3) "Poultry composting structure" means a structure designed and built for the sole purpose of composting organic material and dead poultry.

(4) "Rendering plant" means an establishment for the reduction by cooking or processing of dead animals to tallow and meat scrap, cracklings, or other items unfit for human consumption.

(5) "Restaurant grease dealer" means a person who procures and transports cooking grease wastes from a restaurant.

(6) "Transfer station" means an establishment for the collection of dead animals that are to be transported to a facility licensed either under this act or the Michigan commercial feed law, Act No. 120 of the Public Acts of 1975, as amended, being sections 287.521 to 287.535 of the Michigan Compiled Laws.

Sec. 7. (1) Except as provided in section 9, a person shall not establish any of the following as a business without obtaining a license under this act:

- (a) An animal food manufacturing plant.
- (b) A dead animal dealer.
- (c) A transfer station.
- (d) A rendering plant.

(2) Notwithstanding any other provision of this act, a person shall not transport a dead animal on a public highway if the animal has been officially quarantined by the director. The director may issue a permit for the transport of animals officially quarantined by the director under special security rules promulgated by the department.

Sec. 9. All of the following are exempt from obtaining a license under this act:

(a) A restaurant grease dealer who is licensed under Act No. 136 of the Public Acts of 1969, being sections 323.271 to 323.280 of the Michigan Compiled Laws.

(b) A landfill that is licensed by the department of natural resources under the solid waste management act, Act No. 641 of the Public Acts of 1978, as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws.

(c) A person, and any vehicle used by a person, who is licensed under Act No. 173 of the Public Acts of 1953, as amended, being sections 287.401 to 287.409 of the Michigan Compiled Laws.

(d) A person who is licensed under the Michigan commercial feed law, Act No. 120 of the Public Acts of 1975, as amended, being sections 287.521 to 287.535 of the Michigan Compiled Laws, who manufactures or processes only decharacterized or denatured dead animals.

(e) A person and any vehicle that is used by a person to transport dead animals, as follows:

- (i) To a laboratory for diagnosis.
- (ii) To an incinerator approved by state and local authorities.
- (iii) To a licensed facility, by the original owner of the animal at the time of the animal's death.
- (iv) Dead animals that have been released by authorized meat inspection personnel for educational or research purposes.

(v) Dead animals that are naturally unfit for human consumption, including but not limited to, hoofs, horns, and hides in their natural state.

(vi) For use in preparing pharmaceutical, organotherapeutic, or technical products and not for use as human food.

Sec. 11. (1) An application for a license, in a form prescribed by the department, shall be filed with the department and accompanied by the annual license application fee as provided in subsection (3).

(2) A person shall apply to renew a license to the department on or before September 30 for the next fiscal year. Applications for renewal of a license required by this act for a facility or vehicle are delinquent 31 days after the due

date, and a delinquent fee of \$25.00 shall be assessed in addition to the appropriate license application renewal fee. All money collected under this section shall be appropriated to the department and expended to administer this act.

(3) The application for a dead animal dealer license shall specify the destinations of the dead animals, which shall be a facility licensed in this or another state. If the destination is a facility licensed in another state, the applicant shall include a certified copy of the license for that facility with the application.

(4) The annual license application fee is as follows:

- (a) For a rendering plant.....\$ 375.00
- (b) For an animal food manufacturing plant.....\$ 200.00
- (c) For a dead animal dealer.....\$ 100.00
- (d) For a transfer station.....\$ 100.00
- (e) For each vehicle used to transport dead animals.....\$ 25.00

(5) Within a reasonable period of time after receipt of a license application, the director shall inspect the facility or vehicle. If the director determines that the facility or vehicle that is to be utilized under a license conforms to standards prescribed by this act and rules promulgated under this act, the director may issue a license. The application for a license may be denied if standards established in this act or by rules promulgated under this act are not met.

(6) The department shall not return a license fee or portion of a license fee to an applicant regardless of whether a license is issued or denied.

Sec. 13. (1) The department shall notify an applicant of the reasons for a license denial. The notice shall specify the deficiencies that must be corrected in order for a license to be issued. The applicant shall be afforded an opportunity for a hearing on the denial.

(2) Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department shall not make more than 2 inspections of the same facility or vehicle per application.

Sec. 15. (1) Until rules are promulgated under subsection (2), a licensed facility shall conform to the following specifications:

(a) Except for approved escapes for steam, all tanks shall be airtight. Steam shall be disposed of so that the steam does not annoy or constitute a nuisance to the public.

(b) The facility shall be constructed for the purpose intended and shall be kept in good repair at all times. The facility shall have:

(i) Floors constructed of an impervious material which can be easily cleaned.

(ii) Good drainage.

(iii) Properly equipped steel tanks, and enclosed driers and condensers, so that the escape of odors into the air is kept at an acceptable level.

(c) The rendering of all dead animals shall be by a process approved by the director.

(d) All processing of dead animals shall be done within the facility.

(e) The facility shall be constructed in a location which precludes the maintenance of a public or private nuisance so that the facility does not interfere with the comfortable enjoyment of life and property by the public.

(f) The floor space and equipment in a facility shall be thoroughly washed and cleaned at the end of each day of operation.

(g) An ample supply of hot water shall be available within the facility for cleaning purposes.

(h) Sewers and drains shall be flushed and cleaned on a regular basis in order to insure proper drainage.

(i) All unloading platforms that extend out from main buildings shall be constructed to insure proper cleaning and drainage.

(j) Effluent waste disposal from a facility shall be approved by state and federal agencies responsible for monitoring this type of waste disposal.

(2) The department shall promulgate rules regarding the construction and operation of a facility licensed under this act, poultry composting structures, and vehicles used for the transportation of dead animals. When the rules required under this subsection are promulgated, subsections (1) and (3) do not apply.

(3) Until the rules required under subsection (2) for poultry composting structures are promulgated, poultry composting structures may operate, with the approval of the director and the approval of the head of the poultry composting pilot research project, as a participant in the department's poultry composting pilot research project at Michigan state university in the college of agriculture and natural resources in the animal science department.

Sec. 19. (1) The director may inspect each facility and vehicle licensed under this act, and each poultry composting structure provided for under this act as often as may be necessary to maintain the standards set forth in this act or in the rules promulgated under this act.

(2) The director may suspend or revoke a license issued under this act if a licensee violates this act or the rules promulgated under this act. Suspension or revocation proceedings shall be conducted pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 21. (1) Dead animals, except if contained in a drum, barrel, or similar container, shall be transferred from 1 vehicle to another only at a licensed facility.

(2) All dead animals, except as provided in subsection (3), shall be disposed of within 24 hours after death by any of the following methods:

(a) Burial not less than 2 feet below the natural surface of the ground in accordance with rules promulgated under this act.

(b) Burning in a location which will not annoy or constitute a nuisance to the public in compliance with the air pollution act, Act No. 348 of the Public Acts of 1965, being sections 336.11 to 336.36 of the Michigan Compiled Laws. Residue from the burning process shall be disposed of by burial as provided in subdivision (a) or in a manner approved by the director.

(c) Processing at a poultry composting structure.

(d) Procuring the services of a licensed dead animal dealer.

(e) Procuring the services of a licensed rendering plant.

(f) Procuring the services of a licensed animal food manufacturing plant.

(3) The following dead animals are not subject to the requirements of subsection (2):

(a) Carcasses of small mammals, deer, and birds taken under the authority of a damage and nuisance animal control permit issued by the Michigan department of natural resources pursuant to the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being sections 300.251 to 300.270 of the Michigan Compiled Laws.

(b) Small mammals, cervidae, and birds, that are road kill.

(c) Dead animals kept in secured temporary cold storage of 4.5 degrees Celsius, 40 degrees Fahrenheit, or below for a maximum of 7 days or frozen and securely stored at minus 11 degrees Celsius, 0 degrees Fahrenheit, or below for a maximum of 30 days.

(d) Restaurant grease.

Sec. 23. (1) Except when transported in a vehicle meeting the requirements of rules promulgated under section 15, dead animals transported from a licensed facility to another licensed facility for production into animal or pet food shall be decharacterized or denatured, and the container shall be labeled as animal or pet food. The label also shall state both of the following:

(a) In letters not less than 3 inches high, that the material is not intended for human consumption.

(b) The name and address of the licensee.

(2) A license holder shall take all reasonable precautions to prevent the dead animals from being diverted for use as human food.

(3) Unless licensed under this act, a person shall not advertise involvement or participation in the business of transporting and disposing of dead animals.

Sec. 27. The department shall promulgate rules to implement and enforce this act. The rules shall be promulgated in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 29. (1) A person who violates this act or a rule promulgated under this act 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.

(2) A person who is convicted of violating this act or a rule promulgated under this act 3 or more times is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(3) Any person authorized by the director to enforce the animal health laws of the state may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, for any violation of this act.

(4) 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 or a rule promulgated under 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 or a rule promulgated under this act.

Section 2. This amendatory act shall take effect upon the expiration of 90 days after the date of its enactment.

Section 3. Sections 17 and 25 of Act No. 239 of the Public Acts of 1982, being sections 287.667 and 287.675 of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.