



HOUSE BILL No. 4755

May 11, 1993, Introduced by Reps. Bender, Gnodtke, McBryde, Bobier, Randall, Gernaat, McNutt, Lowe, Jaye, Goschka and Bodem and referred to the Committee on Agriculture and Forestry.

A bill 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; to add sections 35 and 37; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 3, 4, 7, 9, 11, 13, 15,
2 19, 21, 23, 27, and 29 of Act No. 239 of the Public Acts of 1982,
3 being sections 287.653, 287.654, 287.657, 287.659, 287.661,
4 287.663, 287.665, 287.669, 287.671, 287.673, 287.677, and 287.679

1 of the Michigan Compiled Laws, are amended and sections 35 and 37
2 are added to read as follows:

3 TITLE

4 An act to license and regulate animal food manufacturing
5 plants, transfer stations, dead animal dealers, rendering plants,
6 and certain vehicles; TO REGULATE THE DISPOSAL OF DEAD ANIMALS
7 AND TO PROVIDE FOR POULTRY COMPOSTING; to prescribe the powers
8 and duties of certain state departments; to impose fees; to pre-
9 scribe penalties; ~~and~~ to repeal certain acts and parts of acts;
10 AND TO REPEAL CERTAIN PARTS OF THE ACT.

11 Sec. 3. (1) "Animal" means ~~any livestock, including but~~
12 ~~not limited to, cattle, horses, swine, sheep, goats, poultry, and~~
13 ~~rabbits~~ MOLLUSKS, CRUSTACEANS, AND VERTEBRATES OTHER THAN HUMAN
14 BEINGS.

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

18 (3) "Dead animals" means RESTAURANT GREASE AND the bodies,
19 any part of the bodies, or any material produced from the bodies
20 of animals which have been slaughtered or have died from any
21 other cause and ~~which~~ are not intended for human food. ~~This~~
22 "DEAD ANIMALS" does not include a finished product which has been
23 processed by an approved method.

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

1 (5) "Decharacterize" means a procedure that renders dead
2 animals ~~to be~~ unfit for human consumption.

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

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

8 (8) "Director" means the director of the department of agri-
9 culture or ~~an~~ HIS OR HER authorized representative.

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

11 (a) An animal food manufacturing plant.

12 (b) A rendering plant.

13 (c) A transfer station.

14 Sec. 4. (1) "Person" means an individual, partnership, ~~or~~
15 corporation, COOPERATIVE, ASSOCIATION, JOINT VENTURE, OR OTHER
16 LEGAL ENTITY INCLUDING, BUT NOT LIMITED TO, CONTRACTUAL
17 RELATIONSHIPS.

18 (2) "POULTRY" MEANS CHICKENS, GUINEA FOWL, TURKEYS, WATER
19 FOWL, PIGEONS, DOVES, AND GAME BIRDS THAT ARE PROPAGATED AND
20 MAINTAINED UNDER THE CONTROL OF A PERSON.

21 (3) "POULTRY COMPOSTING STRUCTURE" MEANS A STRUCTURE
22 DESIGNED AND BUILT FOR THE SOLE PURPOSE OF COMPOSTING ORGANIC
23 MATERIAL AND DEAD POULTRY.

24 (4) ~~(2)~~ "Rendering plant" means an establishment for the
25 reduction BY COOKING OR PROCESSING of dead animals to tallow and
26 meat scrap, cracklings, or other items unfit for human
27 consumption. ~~by cooking or processing.~~

1 ~~(3) "Restaurant grease dealer" means a person who procures~~
2 ~~and transports cooking grease wastes from a restaurant.~~

3 (5) ~~(4)~~ "Transfer station" means an establishment for the
4 collection of dead animals that are to be transported to a facil-
5 ity licensed either under this act or the Michigan commercial
6 feed law, Act No. 120 of the Public Acts of 1975, as amended,
7 being sections 287.521 to 287.535 of the Michigan Compiled Laws.

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

11 (a) An animal food manufacturing plant.

12 (b) A dead animal ~~dealership~~ DEALER.

13 (c) A transfer station.

14 (d) A rendering plant.

15 (2) Notwithstanding ANY other ~~provisions~~ PROVISION of this
16 act, a person shall not transport A dead ~~animals~~ ANIMAL on a
17 public highway if the ~~animals have~~ ANIMAL HAS been officially
18 quarantined by the director. The director may issue a permit for
19 the transport of ~~these~~ animals OFFICIALLY QUARANTINED BY THE
20 DIRECTOR under special security rules promulgated by the
21 department.

22 Sec. 9. ~~The~~ ALL OF THE following ~~shall be~~ ARE exempt
23 from obtaining a license under this act:

24 ~~(a) A restaurant grease dealer who is licensed under Act~~
25 ~~No. 136 of the Public Acts of 1969, being sections 323.271 to~~
26 ~~323.280 of the Michigan Compiled Laws.~~

1 (A) ~~(b)~~ A ~~sanitary~~ landfill ~~which~~ THAT is licensed by
2 the department of natural resources under the solid waste
3 management act, Act No. 641 of the Public Acts of 1978, as
4 amended, being sections 299.401 to 299.437 of the Michigan
5 Compiled Laws.

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

10 (C) ~~(d)~~ A person who is licensed under the Michigan com-
11 mercial feed law, Act No. 120 of the Public Acts of 1975, as
12 amended, being sections 287.521 to 287.535 of the Michigan
13 Compiled Laws, who manufactures or processes only decharacterized
14 or denatured dead animals.

15 (D) ~~(e)~~ A PERSON AND ANY vehicle ~~which~~ THAT is used BY A
16 PERSON to transport dead animals, as follows:

17 (i) To a laboratory for diagnosis.

18 (ii) To an incinerator approved by state and local
19 authorities.

20 (iii) To a licensed facility, by the original owner of the
21 animal at the time of the animal's death.

22 (iv) ~~which~~ DEAD ANIMALS THAT have been released by autho-
23 rized meat inspection personnel for educational or research
24 purposes.

25 (v) ~~which~~ DEAD ANIMALS THAT are naturally unfit for human
26 consumption, including but not limited to, hoofs, horns, and
27 hides in their natural state.

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

3 Sec. 11. (1) An application for a license, in a form pre-
4 scribed by the department, shall be filed with the department and
5 accompanied by the annual license APPLICATION fee AS PROVIDED IN
6 SUBSECTION (3).

7 (2) A PERSON SHALL APPLY TO RENEW A LICENSE TO THE DEPART-
8 MENT ON OR BEFORE SEPTEMBER 30 FOR THE NEXT FISCAL YEAR.
9 APPLICATIONS FOR RENEWAL OF A LICENSE REQUIRED BY THIS ACT FOR A
10 FACILITY OR VEHICLE ARE DELINQUENT 31 DAYS AFTER THE DUE DATE,
11 AND A DELINQUENT FEE OF \$25.00 SHALL BE ASSESSED IN ADDITION TO
12 THE APPROPRIATE LICENSE APPLICATION RENEWAL FEE. ALL MONEY COL-
13 LECTED UNDER THIS SECTION SHALL BE APPROPRIATED TO THE DEPARTMENT
14 AND EXPENDED TO ADMINISTER THIS ACT.

15 (3) ~~(2)~~ The application ~~of~~ FOR a dead animal dealer
16 LICENSE shall specify the ~~destination~~ DESTINATIONS of the dead
17 animals, which shall be a facility licensed in this or another
18 state. If the destination is a facility licensed in another
19 state, the applicant shall include a certified copy of the
20 license for that facility with the application.

21 (4) ~~(3)~~ The annual license APPLICATION fee ~~shall be~~ IS
22 AS FOLLOWS:

- 23 (a) For a rendering plant..... \$ 375.00
- 24 (b) For an animal food manufacturing plant..... \$ 200.00
- 25 (c) For a dead animal dealer..... \$ 100.00

- 1 (d) For a transfer station..... \$ 100.00
- 2 ~~(e) For a fur bearing animal farm.....\$ 25.00~~
- 3 (E) ~~(f)~~ For each vehicle used to transport dead
- 4 animals..... \$ 25.00

5 (5) ~~(4)~~ A license shall be issued or renewed on or before
6 October ~~1~~ of each calendar year. Within a reasonable period of
7 time after receipt of a license application, the director shall
8 inspect the facility or vehicle. If the director determines that
9 ~~the applicant is of good moral character, as defined in section~~
10 ~~4 of Act No. 381 of the Public Acts of 1974, as amended, being~~
11 ~~section 338.41 of the Michigan Compiled Laws, and that the~~
12 facility or vehicle ~~which~~ THAT is to be utilized under a
13 license conforms to standards prescribed by this act and rules
14 promulgated under this act, the director ~~shall order the depart-~~
15 ~~ment to~~ MAY issue a license. The application for a license may
16 be denied if ~~the director's investigation discloses that the~~
17 ~~applicant lacks good moral character, or that the~~ standards
18 established in this act or by rules promulgated under this act
19 are not met. ~~If an applicant is found to lack good moral char-~~
20 ~~acter, the person shall be furnished with a statement to this~~
21 ~~effect and shall be entitled to a rehearing on the issue as set~~
22 ~~forth in section 5 of Act No. 381 of the Public Acts of 1974, as~~
23 ~~amended, being section 338.45 of the Michigan Compiled Laws.~~

24 (6) ~~(5)~~ A THE DEPARTMENT SHALL NOT RETURN A license fee or
25 portion of a license fee ~~shall not be returned to the~~ TO AN
26 applicant regardless of whether a license is issued or denied.

1 Sec. 13. (1) ~~An~~ THE DEPARTMENT SHALL NOTIFY AN applicant
2 ~~shall be notified in writing~~ of the reasons for a license
3 denial. The notice shall specify the deficiencies ~~which~~ THAT
4 must be corrected in order for a license to be issued. The
5 applicant shall be afforded an opportunity for a hearing on the
6 denial.

7 (2) Without filing a second application under this section,
8 an applicant may request a second inspection after the specified
9 deficiencies have been corrected. ~~Not~~ THE DEPARTMENT SHALL NOT
10 MAKE more than 2 inspections of the same facility or vehicle
11 ~~shall be made~~ per application.

12 Sec. 15. A licensed facility, POULTRY COMPOSTING STRUC-
13 TURES, AND VEHICLES USED FOR THE TRANSPORTATION OF DEAD ANIMALS
14 shall ~~conform to the following specifications:~~ BE CONSTRUCTED
15 AND OPERATED IN ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS
16 ACT.

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

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

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

25 ~~(ii) Good drainage.~~

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

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

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

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

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

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

17 ~~(h) Sewers and drains shall be flushed and cleaned on a reg-~~
18 ~~ular basis in order to insure proper drainage.~~

19 ~~(i) All unloading platforms that extend out from main build-~~
20 ~~ings shall be constructed to insure proper cleaning and~~
21 ~~drainage.~~

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

25 Sec. 19. (1) The director ~~shall~~ MAY inspect each facility
26 and vehicle licensed UNDER THIS ACT, AND EACH POULTRY COMPOSTING
27 STRUCTURE PROVIDED FOR under this act ~~not less than once each~~

1 ~~year or~~ as often as may be necessary to maintain the standards
2 set forth in this act or in the rules promulgated under this
3 act.

4 (2) The director may suspend or revoke a license issued
5 under this act if a licensee violates this act or the rules
6 promulgated under this act. Suspension or revocation proceedings
7 shall be conducted pursuant to the administrative procedures act
8 of 1969, Act No. 306 of the Public Acts of 1969, as amended,
9 being sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
10 Laws.

11 ~~(3) A licensee who is aggrieved by the decision of the~~
12 ~~director may appeal the decision to the circuit court for the~~
13 ~~county where the licensee resides within 10 days after the issu-~~
14 ~~ance of the director's decision.~~

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

18 (2) ~~Except as otherwise provided in this act, all~~ ALL dead
19 animals, EXCEPT AS PROVIDED IN SUBSECTION (3), shall be disposed
20 of within 24 hours after death by ~~either~~ ANY of the following
21 methods:

22 (a) Burial not less than ~~4~~ 2 feet below the natural sur-
23 face of the ground IN ACCORDANCE WITH RULES PROMULGATED UNDER
24 THIS ACT.

25 (b) Burning in a location which will not annoy or constitute
26 a nuisance to the public IN COMPLIANCE WITH THE AIR POLLUTION
27 ACT, ACT NO. 348 OF THE PUBLIC ACTS OF 1965, BEING SECTIONS

1 336.11 TO 336.36 OF THE MICHIGAN COMPILED LAWS. Residue from the
 2 burning process shall be disposed of by burial as provided in
 3 subdivision (a) or in a manner approved by the director.

4 (C) PROCESSING AT A POULTRY COMPOSTING STRUCTURE.

5 (D) PROCURING THE SERVICES OF A LICENSED DEAD ANIMAL
 6 DEALER.

7 (E) PROCURING THE SERVICES OF A LICENSED RENDERING PLANT.

8 (F) PROCURING THE SERVICES OF A LICENSED ANIMAL FOOD MANU-
 9 FACTURING PLANT.

10 (3) THE FOLLOWING DEAD ANIMALS ARE NOT SUBJECT TO THE
 11 REQUIREMENTS OF SUBSECTION (2):

12 (A) CARCASSES OF SMALL MAMMALS, DEER, AND BIRDS TAKEN UNDER
 13 THE AUTHORITY OF A DAMAGE AND NUISANCE ANIMAL CONTROL PERMIT
 14 ISSUED BY THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES PURSUANT
 15 TO THE WILDLIFE CONSERVATION ACT, ACT NO. 256 OF THE PUBLIC ACTS
 16 OF 1988, BEING SECTIONS 300.251 TO 300.270 OF THE MICHIGAN
 17 COMPILED LAWS.

18 (B) SMALL MAMMALS, CERVIDAE, AND BIRDS, THAT ARE ROAD KILL.

19 (C) DEAD ANIMALS KEPT IN SECURED TEMPORARY COLD STORAGE OF
 20 4.5 DEGREES CELSIUS, 40 DEGREES FAHRENHEIT, OR BELOW FOR A MAXI-
 21 MUM OF 7 DAYS OR FROZEN AND SECURELY STORED AT MINUS 11 DEGREES
 22 CELSIUS, 0 DEGREES FAHRENHEIT, OR BELOW FOR A MAXIMUM OF 30
 23 DAYS.

24 (D) RESTAURANT GREASE.

25 Sec. 23. (1) Except when transported in a vehicle meeting
 26 the requirements of RULES PROMULGATED UNDER section ~~+7~~ 15, dead
 27 animals transported from a licensed facility to another licensed

1 facility for production into animal or pet food shall be
2 decharacterized or denatured, and the container shall be labeled
3 as animal or pet food. The label also shall state both of the
4 following:

5 (a) In letters not less than 3 inches high, that the mate-
6 rial is not intended for human consumption.

7 (b) The name and address of the licensee.

8 (2) ~~The licensee~~ A LICENSE HOLDER shall take all reason-
9 able precautions to prevent the dead animals from being diverted
10 for use as human food.

11 (3) Unless licensed under this act, a person shall not
12 advertise ~~in a newspaper or indicate by signs or other devices,~~
13 involvement or participation in the business of transporting and
14 disposing of dead animals.

15 Sec. 27. The department shall promulgate rules to implement
16 AND ENFORCE this act. The rules shall be promulgated in accord-
17 ance with the administrative procedures act of 1969, Act No. 306
18 of the Public Acts of 1969, as amended, being sections 24.201 to
19 ~~24.315~~ 24.328 of the Michigan Compiled Laws.

20 Sec. 29. ~~A violation or violations of this act are punish-~~
21 ~~able as follows:~~

22 ~~(a) A person who is convicted of a first offense under this~~
23 ~~act is guilty of a felony, punishable by imprisonment for not~~
24 ~~more than 1 year, or a fine of not more than \$2,000.00, or both.~~

25 ~~(b) A person who is convicted of a second offense under this~~
26 ~~act is guilty of a felony, punishable by imprisonment for not~~

1 ~~more than 2 years, or a fine of not more than \$5,000.00, or~~
2 ~~both.~~

3 ~~(c) A person who is convicted of a third or subsequent~~
4 ~~offense under this act is guilty of a felony, punishable by~~
5 ~~imprisonment for not more than 3 years, or a fine of not more~~
6 ~~than \$10,000.00, or both.~~

7 (1) A PERSON WHO VIOLATES THIS ACT OR A RULE PROMULGATED
8 UNDER THIS ACT IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE
9 OF NOT LESS THAN \$300.00 OR IMPRISONMENT OF NOT LESS THAN 30
10 DAYS, OR BOTH.

11 (2) ANY PERSON AUTHORIZED BY THE DIRECTOR TO ENFORCE THE
12 ANIMAL HEALTH LAWS OF THE STATE MAY ISSUE AN APPEARANCE TICKET,
13 AS DESCRIBED AND AUTHORIZED BY SECTIONS 9A TO 9G OF CHAPTER 4 OF
14 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF
15 1927, BEING SECTIONS 764.9A TO 764.9G OF THE MICHIGAN COMPILED
16 LAWS, FOR ANY VIOLATION OF THIS ACT.

17 (3) NOTWITHSTANDING THE PROVISIONS OF THIS ACT, THE DEPART-
18 MENT MAY BRING AN ACTION TO DO 1 OR MORE OF THE FOLLOWING:

19 (A) OBTAIN A DECLARATORY JUDGMENT THAT A METHOD, ACT, OR
20 PRACTICE IS A VIOLATION OF THIS ACT OR A RULE PROMULGATED UNDER
21 THIS ACT.

22 (B) OBTAIN AN INJUNCTION AGAINST A PERSON WHO IS ENGAGING,
23 OR ABOUT TO ENGAGE, IN A METHOD, ACT, OR PRACTICE THAT VIOLATES
24 THIS ACT OR A RULE PROMULGATED UNDER THIS ACT.

25 SEC. 35. THIS AMENDATORY ACT SHALL TAKE EFFECT UPON THE
26 EXPIRATION OF 90 DAYS AFTER THE DATE OF ITS ENACTMENT.

1 SEC. 37. SECTIONS 17 AND 25 OF ACT NO. 239 OF THE PUBLIC
2 ACTS OF 1982, BEING SECTIONS 287.667 AND 287.675 OF THE MICHIGAN
3 COMPILED LAWS, ARE REPEALED.