

HOUSE BILL No. 4451

April 15, 2015, Introduced by Rep. Jenkins and referred to the Committee on Appropriations.

A bill to amend 1975 PA 120, entitled "Michigan commercial feed law," by amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 287.521, 287.522, 287.523, 287.524, 287.525, 287.526, 287.527, 287.528, 287.529, 287.530, 287.531, 287.532, 287.533, 287.534, and 287.535), sections 3 and 6 as amended by 1980 PA 338, and by adding sections 16, 17, 18, and 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 ~~"Michigan commercial"~~ "feed law".

3 Sec. 2. This act shall be administered by the director of the
4 department of agriculture **AND RURAL DEVELOPMENT**.

5 Sec. 3. As used in this act:

6 (A) **"AAFCO OFFICIAL PUBLICATION" MEANS THE DOCUMENT ENTITLED**
7 **"2014 OFFICIAL PUBLICATION", AS PUBLISHED BY THE ASSOCIATION OF**

1 AMERICAN FEED CONTROL OFFICIALS.

2 (B) "ANIMAL" MEANS ANY VERTEBRATE ANIMAL, OTHER THAN HUMANS,
3 INCLUDING MAMMALS, BIRDS, FISH, REPTILES, AND AMPHIBIANS, AND ANY
4 DOMESTICATED INSECT.

5 (C) "ANIMAL FEED" MEANS EDIBLE MATERIAL THAT IS CONSUMED BY AN
6 ANIMAL AND CONTRIBUTES ENERGY, NUTRIENTS, OR BOTH, TO THE ANIMAL'S
7 DIET.

8 (D) ~~(a)~~ "Brand" means a word, name, symbol, or device, or A
9 combination thereof which ~~OF ANY OF THESE THAT~~ identifies the
10 commercial feed of a MANUFACTURER OR distributor and distinguishes
11 it from that of ~~others~~. OTHER MANUFACTURERS OR DISTRIBUTORS.

12 ~~(b) "Bulk feed" means a type of commercial feed in solid or~~
13 ~~liquid state in a nonpackaged form.~~

14 (E) "BULK" OR "IN BULK" MEANS FEED THAT IS NOT DIVIDED INTO
15 PARTS OR PACKAGED IN SEPARATE UNITS OR ANY LOT THAT IS NOT IN A
16 CLOSED CONTAINER AT THE TIME IT PASSES TO THE POSSESSION OF THE
17 PURCHASER AND INCLUDES THAT FEED AT ANY STAGE OF DISTRIBUTION.

18 (F) "CEASE ORDER" MEANS A CEASE ORDER ISSUED BY THE DIRECTOR
19 PURSUANT TO SECTION 15.

20 (G) ~~(e)~~ "Commercial feed" means ALL materials OR COMBINATION
21 OF MATERIALS, INCLUDING FEED INGREDIENTS, THAT ARE distributed OR
22 INTENDED FOR DISTRIBUTION for use as ANIMAL feed or for mixing in
23 ANIMAL feed. ~~, for animals other than humans except:~~ COMMERCIAL FEED
24 DOES NOT INCLUDE ANY OF THE FOLLOWING:

25 (i) Unmixed ~~seed, whole or mechanically altered, made directly~~
26 ~~from the entire seed, when~~ WHOLE SEEDS OR PHYSICALLY ALTERED ENTIRE
27 UNMIXED SEEDS, AS DEFINED BY UNITED STATES GRAIN STANDARDS, 7 USC

1 CHAPTER 3, IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

2 (A) THE SEEDS ARE NOT CHEMICALLY CHANGED.

3 (B) THE SEEDS ARE not adulterated within the meaning of
4 section 8.

5 (ii) ~~Unground~~ COMMODITIES, INCLUDING, BUT NOT LIMITED TO, hay,
6 straw, stover, silage, cobs, AND husks, ~~and hulls when~~ THAT HAVE
7 UNDERGONE NORMAL HARVESTING PRACTICES, THAT ARE not mixed
8 INTERMIXED with other materials OR CHEMICALLY CHANGED, and when
9 THAT ARE not adulterated within the meaning of section 8.

10 (iii) Individual chemical compounds ~~when~~ THAT ARE not mixed
11 INTERMIXED with other materials, ~~and when~~ ARE not adulterated
12 within the meaning of section 8.

13 ~~—— (iv) Feeds distributed and used for any domesticated animal~~
14 ~~kept as a pet which is normally confined to and maintained in a~~
15 ~~cage or tank, including but not limited to gerbils, hamsters,~~
16 ~~canaries, psittacine birds, mynahs, finches, tropical fish,~~
17 ~~goldfish, snakes, and turtles.~~

18 (iv) FEED PROVIDED TO CONTRACT FEEDERS THAT IS MANUFACTURED BY
19 INTEGRATED OPERATORS.

20 (v) UNMIXED MEAT, POULTRY, FISH, AND OTHER PORTIONS OF ANIMAL
21 CARCASSES TO BE COMMERCIALY SOLD IN THEIR RAW OR NATURAL STATE
22 WITHOUT FURTHER PROCESSING OR PACKAGING, EXCEPT FREEZING OR
23 DENATURING, IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

24 (A) THE PRODUCTS ARE NOT ADULTERATED WITHIN THE MEANING OF
25 SECTION 8.

26 (B) THE PRODUCTS ARE NOT INTENDED AS COMMERCIAL FEED OR FOR
27 USE AS A FEED INGREDIENT.

1 (vi) FEEDER MICE, OTHER LIVE FEEDER ANIMALS, AND CRICKETS.

2 (H) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL
3 DEVELOPMENT.

4 (I) "CONTRACT FEEDER" MEANS A PERSON THAT IS AN INDEPENDENT
5 CONTRACTOR THAT FEEDS ANIMALS PURSUANT TO A CONTRACT IF THE FEED IS
6 SUPPLIED, FURNISHED, OR OTHERWISE PROVIDED TO THE PERSON.

7 (J) ~~(d)~~-"Customer-formula feed" means commercial feed which
8 THAT consists of a mixture of commercial feeds OR FEED INGREDIENTS,
9 ~~a mixture of commercial feeds and other ingredients, or a mixture~~
10 ~~of other ingredients,~~ each batch of which is ~~mixed~~ MANUFACTURED
11 according to the specific instructions of the final purchaser OR
12 PURCHASER'S AGENT.

13 (K) ~~(e)~~-"Department" means the department of agriculture AND
14 RURAL DEVELOPMENT.

15 (L) ~~(f)~~-"Director" means the director of the department of
16 agriculture or the director's authorized agent. REPRESENTATIVE.

17 (M) ~~(g)~~-"Distribute" means ~~to~~ EITHER OF THE FOLLOWING:

18 (i) TO offer for sale, hold for sale, sell, EXCHANGE, OR barter
19 ~~, or otherwise supply commercial feed. for feeding purposes. A~~
20 ~~"distributor" is a person who distributes.~~

21 (ii) TO SUPPLY, FURNISH, OR OTHERWISE PROVIDE COMMERCIAL FEED
22 TO A CONTRACT FEEDER OR INTEGRATED OPERATOR.

23 (N) "DISTRIBUTOR" MEANS A PERSON THAT DISTRIBUTES.

24 (O) ~~(h)~~-"Drug" means EITHER OF THE FOLLOWING:

25 (i) ~~A substance~~ ANY ARTICLE intended for use in the diagnosis,
26 cure, mitigation, treatment, or prevention of disease in ~~man or~~
27 ~~other~~ animals.

1 (ii) ~~A substance~~ **ANY ARTICLE** other than ~~feed~~ **FEED** intended to
2 affect the structure or a function of the **ANIMAL** body. ~~of man or~~
3 ~~other animals.~~

4 (P) **"EMBARGO ORDER" MEANS AN EMBARGO ORDER ISSUED BY THE**
5 **DIRECTOR PURSUANT TO SECTION 15.**

6 (Q) ~~(i)~~ "Feed ingredient" means each of the constituent
7 materials making up a commercial feed.

8 (R) **"FOOD ADDITIVE" MEANS THAT TERM AS IT IS DEFINED IN 21 USC**
9 **321(S).**

10 (S) **"FUND" MEANS THE FEED CONTROL FUND CREATED IN SECTION 17.**

11 (T) **"GUARANTOR" MEANS A PERSON THAT AGREES TO BE RESPONSIBLE**
12 **FOR LABELING, INFORMATION, GUARANTEES, AND CLAIMS.**

13 (U) **"INTEGRATED OPERATOR" MEANS A PERSON LOCATED WITHIN THIS**
14 **STATE THAT MANUFACTURES ANIMAL FEED FOR OTHER INTEGRATED OPERATORS**
15 **IF THERE IS A MINIMUM OF 5% OWNERSHIP BY ALL PERSONS INVOLVED IN**
16 **EACH ASPECT OF THE OPERATION THAT SUPPLY OR SHARE FEED AND**
17 **INGREDIENTS.**

18 (V) ~~(j)~~ "Label" means a display of written, printed, or
19 graphic matter upon or affixed to the container in which a
20 commercial feed is distributed, ~~or~~ on the invoice or delivery slip
21 with which a commercial feed is distributed.

22 (W) ~~(k)~~ "Labeling" means **ALL** labels and other written,
23 printed, or graphic matter ~~upon~~ **PRESENTED ON ANY OF THE FOLLOWING:**

24 (i) **A COMMERCIAL FEED OR ANY OF ITS CONTAINERS OR WRAPPERS or**
25 **MATTER** accompanying commercial feed at any time. ~~and includes~~
26 ~~advertising~~

27 (ii) **ADVERTISING** or sales literature **ASSOCIATED WITH COMMERCIAL**

1 FEED.

2 (iii) THE GUARANTOR'S WEBSITE.

3 (X) "LICENSE" MEANS A COMMERCIAL FEED LICENSE ISSUED UNDER
4 THIS ACT.

5 (Y) "LICENSEE" MEANS A PERSON THAT HAS BEEN ISSUED A LICENSE.

6 (Z) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, TOWNSHIP, CITY,
7 OR VILLAGE.

8 (AA) ~~(l)~~ "Manufacture" means to ~~process,~~ **PREPARE**, grind, mix,
9 package, **REPACKAGE**, or ~~blend custom or~~ **RELABEL** commercial feed for
10 distribution. A ~~"manufacturer" is~~

11 (BB) "MANUFACTURER" MEANS a person ~~who~~ **THAT** manufactures.

12 (CC) "NONCOMMERCIAL FEED" MEANS ALL MATERIALS OR COMBINATION
13 OF MATERIALS, NOT DISTRIBUTED OR INTENDED FOR DISTRIBUTION, THAT
14 ARE FOR MANUFACTURING AND USE AS FEED OR FOR MIXING IN FEED. A
15 PERSON MANUFACTURING NONCOMMERCIAL FEED IS NOT SUBJECT TO LICENSING
16 OR TONNAGE FEES UNDER THIS ACT.

17 (DD) "OFFICIAL SAMPLE" MEANS A SAMPLE OF FEED TAKEN BY THE
18 DIRECTOR IN ACCORDANCE WITH SECTION 7.

19 (EE) ~~(m)~~ "Percent" or "percentage" means the percentage by
20 weight.

21 (FF) ~~(n)~~ "Person" means an individual, partnership,
22 ~~association, firm, or corporation,~~ **ASSOCIATION, GOVERNMENTAL**
23 **ENTITY, OR OTHER LEGAL ENTITY.**

24 (GG) ~~(o)~~ "Product name" means the name of the commercial feed
25 ~~which~~ **THAT** identifies it as to kind, class, or specific use **AND**
26 **DISTINGUISHES IT FROM ALL OTHER PRODUCTS BEARING THE SAME BRAND**
27 **NAME.**

1 ~~—— (p) "Retail manufacturer" means a manufacturer selling~~
 2 ~~commercial feed at retail only directly to the ultimate user and~~
 3 ~~not for resale, at not more than 3 places in the state as~~
 4 ~~designated on the license.~~

5 ~~—— (q) "Sample" means the sample of commercial feed taken by the~~
 6 ~~director.~~

7 (HH) "QUANTITY STATEMENT" MEANS A WRITING CONTAINING THE NET
 8 WEIGHT OF A SOLID OR NET WEIGHT OR NET VOLUME OF A LIQUID.

9 (II) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE
 10 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
 11 24.328.

12 (JJ) "SEIZURE ORDER" MEANS A SEIZURE ORDER ISSUED BY THE
 13 DIRECTOR PURSUANT TO SECTION 15.

14 (KK) ~~(r)~~ "Sell" or "sale" means the exchange of ownership.

15 (ll) "SPECIALTY PET" MEANS ANY NONCANINE OR NONFELINE
 16 DOMESTICATED ANIMAL KEPT AS A PET AND NORMALLY CONFINED TO AND
 17 MAINTAINED IN A CAGE OR TANK WITHIN THE OWNER'S DOMICILE,
 18 INCLUDING, BUT NOT LIMITED TO, GERBILS, HAMSTERS, CANARIES,
 19 PSITTACINE BIRDS, MYNAHS, FINCHES, TROPICAL FISH, GOLDFISH, SNAKES,
 20 AND TURTLES.

21 (MM) ~~(s)~~ "Ton" means a net weight of 2,000 pounds avoirdupois.

22 ~~—— (t) "Wholesale manufacturer" means a manufacturer selling or~~
 23 ~~distributing commercial feed at wholesale or otherwise through~~
 24 ~~distributors, jobbers, dealers, or agents.~~

25 Sec. 4. ~~(1) Beginning January 1, 1976, a person shall not~~
 26 ~~manufacture or distribute in this state a commercial feed until a~~
 27 ~~license is obtained by the manufacturer or distributor from the~~

1 ~~department. A license shall be issued by the director upon receipt~~
 2 ~~of an application on forms provided by the director and upon~~
 3 ~~payment of a \$25.00 fee. Licenses expire on December 31 of each~~
 4 ~~year, except a license issued before January 1, 1976, shall not~~
 5 ~~expire until December 31, 1976.~~

6 ~~—— (2) A label for each brand or product, except for customer-~~
 7 ~~formula feed, distributed in this state shall be submitted to the~~
 8 ~~director for approval before distribution in this state.~~

9 ~~—— (3) A distributor shall not be required to obtain a license to~~
 10 ~~distribute a brand or product if the manufacturer is already~~
 11 ~~licensed under subsection (1).~~

12 (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE FOLLOWING
 13 PERSONS SHALL OBTAIN A LICENSE UNDER THIS ACT:

14 (A) A MANUFACTURER OF COMMERCIAL FEED FOR EACH FACILITY IN
 15 THIS STATE USED TO MANUFACTURE COMMERCIAL FEED.

16 (B) A PERSON, OTHER THAN A MANUFACTURER, THAT DISTRIBUTES
 17 COMMERCIAL FEED WITHIN THIS STATE OR THAT SERVES AS GUARANTOR OF
 18 COMMERCIAL FEED DISTRIBUTED WITHIN THIS STATE.

19 (2) THE FOLLOWING PERSONS ARE NOT REQUIRED TO OBTAIN A
 20 LICENSE:

21 (A) A PERSON THAT MAKES ONLY RETAIL SALES OF COMMERCIAL FEED
 22 THAT CONTAINS LABELING OR ANOTHER APPROVED INDICATION THAT THE
 23 COMMERCIAL FEED IS FROM A LICENSED MANUFACTURER, DISTRIBUTOR, OR
 24 GUARANTOR THAT HAS ASSUMED FULL RESPONSIBILITY FOR THE INSPECTION
 25 FEE DUE UNDER SECTION 6.

26 (B) AN ON-FARM MIXER-FEEDER, IF THE PERSON IS NOT DISTRIBUTING
 27 FEED COMMERCIALY.

1 (C) AN INTEGRATED OPERATOR THAT DOES NOT DISTRIBUTE FEED
2 COMMERCIALY.

3 (3) A PERSON THAT WISHES TO OBTAIN A LICENSE SHALL SUBMIT AN
4 APPLICATION TO THE DEPARTMENT ON A FORM PROVIDED BY OR APPROVED BY
5 THE DIRECTOR AND ACCOMPANIED BY A LICENSE FEE PAYABLE TO THIS STATE
6 IN THE FOLLOWING AMOUNT:

7 (A) FOR A MANUFACTURER, \$100.00 FOR EACH MANUFACTURING
8 FACILITY, EXCEPT THAT THE FEE FOR A MANUFACTURER THAT MANUFACTURES
9 COMMERCIAL FEED IN CONTAINERS OF 5 POUNDS OR LESS IS \$25.00 FOR
10 EACH MANUFACTURING FACILITY.

11 (B) FOR A DISTRIBUTOR OR GUARANTOR, \$100.00, EXCEPT THAT THE
12 FEE FOR A DISTRIBUTOR OR GUARANTOR OF COMMERCIAL FEED THAT IS
13 DISTRIBUTED IN CONTAINERS OF 5 POUNDS OR LESS IS \$25.00.

14 (4) A NEW APPLICANT THAT FAILS TO OBTAIN A LICENSE WITHIN 30
15 CALENDAR DAYS AFTER NOTIFICATION OF THE REQUIREMENT TO OBTAIN A
16 LICENSE, OR ANY LICENSEE THAT FAILS TO COMPLY WITH LICENSE RENEWAL
17 REQUIREMENTS BY JUNE 30, SHALL PAY A \$50.00 LATE FEE IN ADDITION TO
18 THE LICENSE FEE.

19 (5) LICENSE FEES AND LATE FEES COLLECTED UNDER THIS SECTION
20 SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE
21 FUND.

22 (6) THE DIRECTOR SHALL ISSUE AN INITIAL OR RENEWAL LICENSE NOT
23 LATER THAN 90 DAYS AFTER THE APPLICANT SUBMITS A COMPLETE
24 APPLICATION ACCOMPANIED BY THE APPROPRIATE LICENSE FEE. IF THE
25 APPLICATION IS INCOMPLETE, THE DEPARTMENT SHALL NOTIFY THE
26 APPLICANT WITHIN 60 DAYS AFTER THE DEPARTMENT RECEIVES THE
27 APPLICATION.

1 (7) AFTER APPROVAL BY THE DIRECTOR, A LICENSE SHALL BE
2 FURNISHED TO THE APPLICANT. THE LICENSE SHALL BE DISPLAYED
3 PROMINENTLY AT EACH MANUFACTURING FACILITY USED TO MANUFACTURE
4 COMMERCIAL FEED AND SHALL BE AVAILABLE AT THE PRINCIPAL BUSINESS
5 OFFICE OR THE REGISTERED OFFICE OF EACH DISTRIBUTOR OR GUARANTOR.

6 (8) A LICENSE EXPIRES ON JUNE 30. A LICENSE IS NOT
7 TRANSFERABLE FROM 1 PERSON TO ANOTHER, FROM 1 OWNER TO ANOTHER, OR
8 FROM 1 LOCATION TO ANOTHER.

9 (9) TO DETERMINE COMPLIANCE WITH THIS ACT AND RULES
10 PROMULGATED UNDER THIS ACT, THE DIRECTOR MAY REQUIRE A CURRENT
11 LICENSEE OR AN APPLICANT FOR A NEW LICENSE TO SUBMIT LABELS OR
12 LABELING BEING USED OR INTENDED FOR USE WITH A COMMERCIAL FEED.

13 (10) THE DIRECTOR MAY DO 1 OR MORE OF THE FOLLOWING:

14 (A) PLACE CONDITIONS THAT LIMIT THE MANUFACTURE OR
15 DISTRIBUTION OF A PARTICULAR COMMERCIAL FEED ON THE LICENSE OF ANY
16 PERSON FOUND NOT IN COMPLIANCE WITH THIS ACT OR THE RULES
17 PROMULGATED UNDER THIS ACT.

18 (B) REFUSE TO LICENSE AN APPLICANT, OR REVOKE OR SUSPEND THE
19 LICENSE OF ANY PERSON NOT IN COMPLIANCE WITH THIS ACT OR THE RULES
20 PROMULGATED UNDER THIS ACT.

21 (11) A LICENSE SHALL NOT BE REFUSED, CONDITIONED, REVOKED, OR
22 SUSPENDED UNTIL THE LICENSEE OR APPLICANT FOR A LICENSE IS GIVEN
23 THE OPPORTUNITY FOR A HEARING PURSUANT TO THE ADMINISTRATIVE
24 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

25 (12) AFTER A HEARING IS CONDUCTED PURSUANT TO THE
26 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
27 24.328, UNDER SUBSECTION (11), THE DEPARTMENT MAY REVOKE OR REFUSE

1 TO ISSUE OR RENEW A LICENSE IF ANY OF THE FOLLOWING OCCURRED WITHIN
2 THE 3 YEARS PRECEDING THE DATE OF THE LICENSE APPLICATION:

3 (A) A PREVIOUS LICENSE ISSUED UNDER THIS ACT TO A PERSON WITH
4 AN OWNERSHIP OR MANAGEMENT INTEREST IN THE NEW OPERATION WAS
5 REVOKED DUE TO THE ADULTERATION OF COMMERCIAL FEED UNDER SECTION 8
6 OR A VIOLATION OF SECTION 9.

7 (B) THE APPLICANT, A MANAGER EMPLOYED BY THE APPLICANT, OR ANY
8 OTHER INDIVIDUAL WITH MANAGEMENT RESPONSIBILITIES FOR THE FEED
9 MANUFACTURING OPERATION OF THE APPLICANT WAS CONVICTED OF ANY
10 FELONY INVOLVING FRAUD, CONVERSION, OR EMBEZZLEMENT.

11 (C) THE APPLICANT'S LICENSE UNDER THE FEDERAL FOOD, DRUG, AND
12 COSMETIC ACT, REGISTRATION UNDER THE BIOTERRORISM ACT, 21 USC 350D,
13 OR COMMERCIAL FEED LICENSE IN ANOTHER STATE WAS REVOKED OR CANCELED
14 BECAUSE OF A VIOLATION OF THE RESPECTIVE ACT.

15 (13) EACH DISTRIBUTOR AND GUARANTOR HOLDING A LICENSE THAT
16 OPERATES FROM A BUSINESS LOCATION OUTSIDE THIS STATE SHALL DO
17 EITHER OF THE FOLLOWING:

18 (A) CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE
19 AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN
20 THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE
21 REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY
22 COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY
23 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS
24 OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE REGISTRANT SHALL
25 FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
26 THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE AVAILABLE RECORDS
27 REQUIRED BY THIS PART AND PART 87.

1 (B) MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART
 2 AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED BY THE
 3 DEPARTMENT IN AUDITING THE RECORDS AT THE OUT-OF-STATE LOCATION.

4 (14) A LICENSE ISSUED PRIOR TO THE EFFECTIVE DATE OF THE
 5 AMENDATORY ACT THAT ADDED THIS SUBSECTION REMAINS IN EFFECT UNTIL
 6 JULY 1, 2015, SUBJECT TO REVOCATION OR SUSPENSION AS OTHERWISE
 7 PROVIDED IN THIS ACT. BEGINNING JULY 1, 2015, ALL PERSONS REQUIRED
 8 TO OBTAIN A LICENSE UNDER THIS SECTION SHALL OBTAIN A LICENSE AS
 9 PROVIDED IN THIS SECTION.

10 Sec. 5. (1) ~~A person shall not distribute in this state a~~
 11 **COMMERCIAL FEED SHALL BE LABELED AS FOLLOWS:**

12 (A) EACH CONTAINER OF commercial feed, except a customer-
 13 formula feed, ~~in a bag or other container unless the bag or~~
 14 ~~container has the following placed on or affixed to it~~ **SHALL BE**
 15 **ACCOMPANIED BY A LABEL WITH THE FOLLOWING INFORMATION** in legibly
 16 ~~written or printed form:~~

17 (i) ~~(a) Net weight of the contents.~~ **THE QUANTITY STATEMENT OF**
 18 **THE CONTENTS.**

19 (ii) ~~(b) The product name and brand name, if any.~~

20 ~~(c) The name and address of the licensee.~~

21 (iii) ~~(d) The guaranteed analysis stated in those terms as the~~
 22 ~~director by rule determines is required to advise the user of the~~
 23 ~~composition of the feed or to support claims made in the labeling.~~
 24 ~~The substances or elements shall~~ **MUST** be determinable by laboratory
 25 methods such as the methods published by ~~the American association~~
 26 ~~of official analytical chemists.~~ **AOAC INTERNATIONAL.**

27 (iv) ~~(e) The common or usual name of each ingredient used in~~

1 the **MANUFACTURE OF THE** commercial feed. ~~The~~ **HOWEVER, THE** director ~~7~~
2 ~~by rule, may permit~~ **MAY DO EITHER OR BOTH OF THE FOLLOWING:**

3 (A) **BY RULE, PERMIT** the use of a collective term for a group
4 of ingredients ~~all of which~~ **THAT** perform a similar function. ~~or~~
5 ~~eliminate the requirement for listing of feed ingredients when the~~
6 ~~listing no longer serves a useful purpose.~~

7 (B) **EXEMPT COMMERCIAL FEEDS, OR ANY GROUP OF COMMERCIAL FEEDS,**
8 **FROM THE REQUIREMENT OF THIS SUBPARAGRAPH IF THE DIRECTOR FINDS**
9 **THAT THE INFORMATION REQUIRED IS NOT IN THE INTEREST OF PURCHASERS.**

10 (v) **THE NAME AND PRINCIPAL MAILING ADDRESS OF THE MANUFACTURER**
11 **OR THE PERSON RESPONSIBLE FOR DISTRIBUTING THE COMMERCIAL FEED.**

12 (vi) ~~(f) Adequate directions~~ **DIRECTIONS** for use for **ALL**
13 commercial feeds containing drugs and for other feeds the director
14 by rule requires as necessary for their safe and effective use.

15 (vii) ~~(g) Precautionary statements~~ **THAT** the director **DETERMINES**
16 by rule ~~determines~~ are necessary for the safe and effective use of
17 the commercial feed.

18 (viii) **IF A DRUG PRODUCT IS USED, BOTH OF THE FOLLOWING:**

19 (A) **THE PURPOSE OF THE MEDICATION.**

20 (B) **THE ESTABLISHED NAME OF EACH ACTIVE DRUG INGREDIENT AND**
21 **THE LEVEL OF EACH DRUG USED IN THE FINAL MIXTURE EXPRESSED IN**
22 **ACCORDANCE WITH RULES PRESCRIBED AS NECESSARY BY THE DIRECTOR.**

23 (ix) ~~(h) The date of manufacture, processing, packing, or~~
24 ~~repacking, or a code that permits the determination of the date or~~
25 ~~enables the segregation of specific feedlots~~ **LOTS OF FEED** if the
26 director finds segregation is necessary for the enforcement of this
27 act. **TAG PERFORATIONS, NOTCHES, AND OTHER SIMILAR MARKINGS SHALL**

1 NOT BE RECOGNIZED AS SUITABLE CODES FOR THE PURPOSE OF IDENTIFYING
2 SPECIFIC LOTS OF FEED UNLESS THEY CAN BE TRANSLATED INTO AN
3 ALPHANUMERIC CODE WITHOUT THE USE OF SPECIAL TOOLS.

4 ~~—— (2) A person shall not distribute a customer formula feed in~~
5 ~~this state unless the purchaser on delivery is supplied with a~~
6 ~~document which includes the following information:~~

7 (2) A COMMERCIAL FEED, EXCEPT A CUSTOMER-FORMULA FEED,
8 DISTRIBUTED IN BULK, SHALL BE ACCOMPANIED BY A LABEL IN ACCORDANCE
9 WITH SUBSECTION (1), AND THE LABEL SHALL BE PRESENTED TO THE
10 PURCHASER OR THE PURCHASER'S AGENT OR AFFIXED TO THE PURCHASER'S
11 STORAGE CONTAINER AT THE TIME OF DELIVERY OF THE COMMERCIAL FEED.

12 (3) BULK COMMERCIAL FEED HELD FOR FURTHER MANUFACTURING OR
13 DISTRIBUTION SHALL BE LABELED IN SUCH A MANNER THAT ITS IDENTITY
14 AND TRACEABILITY ARE MAINTAINED AT ALL TIMES.

15 (4) A CUSTOMER-FORMULA FEED SHALL BE ACCOMPANIED BY A LABEL,
16 INVOICE, DELIVERY SLIP, OR OTHER SHIPPING DOCUMENT THAT CONTAINS
17 THE FOLLOWING INFORMATION:

18 (a) The name and address of the ~~mixer~~ MANUFACTURER.

19 (b) The name and address of the purchaser.

20 (c) The date of delivery.

21 (d) The product name. ~~and brand name, if any, and number of~~
22 ~~pounds of each commercial feed used in the mixture and the name and~~
23 ~~number of pounds of the other ingredients added.~~

24 (E) A QUANTITY STATEMENT OF THE LOT OR LOTS DELIVERED.

25 (F) IF A DRUG PRODUCT IS USED, BOTH OF THE FOLLOWING:

26 (i) THE PURPOSE OF THE MEDICATION.

27 (ii) THE ESTABLISHED NAME OF EACH ACTIVE INGREDIENT AND THE

1 LEVEL OF EACH DRUG USED IN THE FINAL MIXTURE EXPRESSED IN
2 ACCORDANCE WITH RULES PRESCRIBED AS NECESSARY BY THE DIRECTOR.

3 (5) THE FOLLOWING INFORMATION RELATED TO A CUSTOMER-FORMULA
4 FEED SHALL BE SENT TO THE PURCHASER UPON DELIVERY, OR WITHIN 1
5 BUSINESS DAY, BY ELECTRONIC MEANS, SUCH AS ELECTRONIC MAIL OR
6 FACSIMILE:

7 (A) THE QUANTITY STATEMENT FOR EACH COMMERCIAL FEED AND EACH
8 OTHER INGREDIENT USED IN THE MIXTURE.

9 (B) ~~(e)~~ Adequate directions for use for all commercial feeds
10 containing drugs and for other feeds **THAT** the director **DETERMINES**
11 by rule ~~requires as~~ **ARE** necessary for their safe and effective use.

12 (C) ~~(f)~~ Precautionary statements **THAT** the director **DETERMINES**
13 by rule ~~determines~~ are necessary for the safe and effective use of
14 the commercial feed.

15 ~~—— (3) A person shall not distribute a commercial feed in this~~
16 ~~state in bulk unless the purchaser on delivery is supplied with a~~
17 ~~label in compliance with subsection (1).~~

18 Sec. 6. ~~(1) A licensee shall pay to the director a tonnage~~
19 ~~inspection fee. The tonnage inspection fee shall be levied by the~~
20 ~~director on each ton of commercial feed manufactured or distributed~~
21 ~~in this state. The inspection fee and tonnage shall be reported on~~
22 ~~forms furnished by the director. The statement of tonnage and fees~~
23 ~~shall be filed not more than 30 days after June 30 and not more~~
24 ~~than 30 days after December 31, respectively. The amount of tonnage~~
25 ~~inspection fee shall be determined by the director after due notice~~
26 ~~and public hearing and published in rules of the department. The~~
27 ~~inspection fee shall not exceed the cost of enforcement of this~~

1 ~~act. A tonnage fee shall not be paid on customer formula feed~~
2 ~~except on commercial feeds which are used as ingredients in~~
3 ~~customer formula feed, or a commercial feed if payment was made by~~
4 ~~a previous distributor, or on commercial feeds which are used as~~
5 ~~ingredients for the further manufacture of commercial feeds on~~
6 ~~which a tonnage fee is to be paid. Payments due of less than \$1.00~~
7 ~~may be waived and refunds of \$5.00 or less will be made only upon~~
8 ~~written request.~~

9 ~~—— (2) The tonnage inspection fee determined in accordance with~~
10 ~~subsection (1) shall accompany each semiannual statement. A penalty~~
11 ~~of 10% of the amount due, but not less than \$10.00, shall be~~
12 ~~assessed against a licensee who fails to file a report or pay the~~
13 ~~inspection fee within 15 days after the due date.~~

14 ~~—— (3) The director may verify the accuracy of a volume sales~~
15 ~~tonnage statement required by subsection (1). Information furnished~~
16 ~~under this section shall not be disclosed by an employee of the~~
17 ~~department in a manner which divulges the business operations of a~~
18 ~~licensee required by this section to make a report.~~

19 **(1) AN INSPECTION FEE OF \$0.30 PER TON SHALL BE PAID ON**
20 **COMMERCIAL FEED DISTRIBUTED IN THIS STATE BY THE PERSON WHOSE NAME**
21 **APPEARS ON THE LABEL AS THE MANUFACTURER, GUARANTOR, OR**
22 **DISTRIBUTOR, EXCEPT THAT A PERSON OTHER THAN THE MANUFACTURER,**
23 **GUARANTOR, OR DISTRIBUTOR MAY ASSUME RESPONSIBILITY FOR THE**
24 **INSPECTION FEE, SUBJECT TO THE FOLLOWING:**

25 **(A) A FEE SHALL NOT BE PAID ON A COMMERCIAL FEED IF THE**
26 **PAYMENT HAS BEEN MADE BY A PREVIOUS DISTRIBUTOR.**

27 **(B) A FEE SHALL NOT BE PAID ON CUSTOMER-FORMULA FEED IF THE**

1 INSPECTION FEE IS PAID ON THE COMMERCIAL FEEDS THAT ARE USED AS
2 INGREDIENTS WITHIN THE CUSTOMER-FORMULA FEED.

3 (C) THE MINIMUM INSPECTION FEE SHALL BE \$50.00 PER JULY 1 TO
4 JUNE 30 ANNUAL PERIOD.

5 (D) AN INSPECTION FEE OF \$0.15 PER TON SHALL BE PAID ON FEED
6 INGREDIENTS THAT ARE BY-PRODUCTS OF MANUFACTURING PROCESSES AND
7 THAT HAVE A MOISTURE CONTENT EQUAL TO OR GREATER THAN 60%.

8 (2) EACH PERSON THAT IS LIABLE FOR THE PAYMENT OF THE
9 INSPECTION FEE UNDER SUBSECTION (1) SHALL DO BOTH OF THE FOLLOWING:

10 (A) FILE ANNUALLY, BY THE LAST DAY OF JULY, A STATEMENT,
11 STATING THE NUMBER OF TONS OF COMMERCIAL FEED DISTRIBUTED IN THIS
12 STATE DURING THE PRECEDING JULY 1 TO JUNE 30 PERIOD. THE INSPECTION
13 FEE AND TONNAGE SHALL BE REPORTED ON FORMS FURNISHED OR APPROVED BY
14 THE DIRECTOR. PAYMENTS DUE OF LESS THAN \$5.00 ARE WAIVED, AND
15 REFUNDS OF LESS THAN \$5.00 WILL NOT BE PROCESSED UNLESS REQUESTED
16 IN WRITING. FOR ANY REPORT NOT FILED WITH THE DEPARTMENT BY THE DUE
17 DATE, A PENALTY OF \$50.00 OR 10% OF THE AMOUNT DUE, WHICHEVER IS
18 GREATER, SHALL BE ASSESSED. THE ASSESSMENT OF THIS PENALTY FEE DOES
19 NOT PREVENT THE DEPARTMENT FROM TAKING OTHER ACTIONS AS PROVIDED IN
20 THIS ACT.

21 (B) MAINTAIN RECORDS FOR 3 YEARS TO ACCURATELY INDICATE THE
22 COMMERCIAL FEED TONNAGE DISTRIBUTED IN THIS STATE. THE DIRECTOR MAY
23 EXAMINE THE RECORDS TO VERIFY STATEMENTS OF TONNAGE.

24 (3) FAILURE TO MAKE AN ACCURATE STATEMENT OF TONNAGE, PAY THE
25 INSPECTION FEE, OR COMPLY WITH THIS SECTION CONSTITUTES SUFFICIENT
26 CAUSE FOR THE SUSPENSION OF A LICENSE FOR THE DISTRIBUTOR.

27 (4) UNLESS DISCLOSURE IS REQUIRED FOR THE ENFORCEMENT OF THIS

1 ACT, THE INFORMATION FURNISHED UNDER THIS SECTION IS PRIVATE OR
2 NONPUBLIC, IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
3 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT
4 BE DISCLOSED BY AN EMPLOYEE OF THE DEPARTMENT IN ANY MANNER THAT
5 DIVULGES THE BUSINESS OPERATIONS OF A LICENSEE REQUIRED BY THIS
6 SECTION TO MAKE A REPORT.

7 Sec. 7. ~~(1) The director shall inspect, sample, and analyze~~
8 ~~commercial feed within this state to the extent necessary to~~
9 ~~determine whether that commercial feed is in compliance with this~~
10 ~~act and the rules promulgated under this act. The director may~~
11 ~~enter, during normal business hours, a factory, warehouse,~~
12 ~~conveyance, or establishment within this state in which commercial~~
13 ~~feeds are manufactured, processed, bagged, or held for~~
14 ~~distribution, and inspect at reasonable times and within reasonable~~
15 ~~limits and in a reasonable manner, all pertinent equipment,~~
16 ~~finished and unfinished materials, containers, and labeling~~
17 ~~therein. The inspection may include the verification of only such~~
18 ~~records and production procedures as may be necessary to determine~~
19 ~~compliance with the good manufacturing practices regulations~~
20 ~~established under section 8(1)(f).~~

21 (1) FOR THE PURPOSE OF ENFORCEMENT OF THIS ACT, AND TO
22 DETERMINE WHETHER ITS PROVISIONS HAVE BEEN COMPLIED WITH, INCLUDING
23 WHETHER OR NOT ANY OPERATIONS MAY BE SUBJECT TO THESE PROVISIONS,
24 THE DIRECTOR MAY DO 1 OR MORE OF THE FOLLOWING:

25 (A) ENTER, DURING NORMAL BUSINESS HOURS, ANY FACTORY,
26 WAREHOUSE, OR ANY OTHER ESTABLISHMENT WITHIN THIS STATE IN WHICH
27 COMMERCIAL FEEDS OR NONCOMMERCIAL FEEDS ARE STORED, MANUFACTURED,

1 OR HELD FOR DISTRIBUTION OR ENTER ANY VEHICLE BEING USED TO
2 TRANSPORT OR HOLD SUCH COMMERCIAL OR NONCOMMERCIAL FEEDS.

3 (B) INSPECT AT REASONABLE TIMES AND WITHIN REASONABLE LIMITS
4 AND IN A REASONABLE MANNER ANY FACTORY, WAREHOUSE, OR ANY OTHER
5 ESTABLISHMENT OR VEHICLE AND ALL PERTINENT EQUIPMENT, FINISHED AND
6 UNFINISHED COMMERCIAL OR NONCOMMERCIAL FEEDS OR FEED INGREDIENTS,
7 CONTAINERS, AND LABELING THEREIN. A NONCOMMERCIAL FEED INSPECTION
8 SHALL BE WITH PERMISSION AND BASED ON CAUSE. THE INSPECTION MAY
9 INCLUDE SAMPLING OF FEED AND FEED INGREDIENTS AND THE VERIFICATION
10 OF ONLY SUCH RECORDS AND PRODUCTION AND CONTROL PROCEDURES AS MAY
11 BE NECESSARY TO DETERMINE COMPLIANCE WITH THIS ACT.

12 (C) ENTER ANY VEHICLE OF TRANSPORT DURING REGULAR BUSINESS
13 HOURS TO HAVE ACCESS TO, AND OBTAIN SAMPLES, AND EXAMINE RECORDS
14 RELATING TO DISTRIBUTION OF FEED FOR THE ENFORCEMENT OF THIS ACT.
15 ENTRY UPON FARM PREMISES SHALL BE WITH THE PERMISSION OF THE
16 LANDOWNER OR THE OPERATOR OF THE FARM AND BASED ON CAUSE.

17 (2) IF THE OWNER OF ANY FACTORY, WAREHOUSE, OR ESTABLISHMENT
18 DESCRIBED IN SUBSECTION (1), OR THE OWNER'S AGENT, REFUSES TO ADMIT
19 THE DIRECTOR TO ENTER OR INSPECT IN ACCORDANCE WITH SUBSECTION (1),
20 THE DIRECTOR MAY OBTAIN FROM ANY STATE COURT A WARRANT DIRECTING
21 THE OWNER OR OWNER'S AGENT TO SUBMIT THE PREMISES DESCRIBED IN THE
22 WARRANT TO INSPECTION.

23 (3) ~~(2)~~The director ~~shall~~**MAY** maintain a laboratory with
24 equipment and personnel necessary to effectively analyze, test, and
25 examine commercial feeds subject to this act and the rules
26 promulgated under this act. ~~The methods of sampling and analysis~~
27 ~~shall be those prescribed by the director by rule.~~

1 ~~—— (3) The results of official analysis of a sample of commercial~~
2 ~~feed found to be in violation of this act or the rules promulgated~~
3 ~~under this act shall be forwarded to the licensee. A licensee may~~
4 ~~request a portion of a sample if the request is made not more than~~
5 ~~30 days after the date of receipt of the analysis report.~~ **SAMPLING**
6 **AND ANALYSIS SHALL BE CONDUCTED IN ACCORDANCE WITH METHODS**
7 **PUBLISHED BY THE ASSOCIATION OF ANALYTICAL CHEMISTS INTERNATIONAL**
8 **OR IN ACCORDANCE WITH OTHER GENERALLY RECOGNIZED METHODS.**

9 (4) THE RESULTS OF OFFICIAL ANALYSES OF ALL SAMPLES OF ANIMAL
10 FEED FOUND TO BE IN VIOLATION OF THIS ACT OR THE RULES PROMULGATED
11 UNDER THIS ACT SHALL BE FORWARDED TO THE LICENSEE. THE OWNER OR
12 AGENT FROM THE PLACE OF SAMPLING MAY REQUEST A COPY OF THE OFFICIAL
13 RESULTS. THE LICENSEE MAY REQUEST A PORTION OF A SAMPLE IF THE
14 REQUEST IS MADE NOT MORE THAN 60 DAYS AFTER THE DATE OF RECEIPT OF
15 THE ANALYSIS REPORT.

16 (5) THE DIRECTOR, IN DETERMINING FOR ADMINISTRATIVE PURPOSES
17 WHETHER AN ANIMAL FEED IS DEFICIENT IN ANY COMPONENT, SHALL BE
18 GUIDED BY THE OFFICIAL SAMPLE.

19 Sec. 8. ~~(1) A commercial feed which is, bears, or contains any~~
20 ~~of the following is deemed to be adulterated and in violation of~~
21 ~~this act:~~

22 ~~—— (a) A poisonous or deleterious substance which may render the~~
23 ~~feed injurious to health, except if the substance is not an added~~
24 ~~substance in which case the commercial feed shall not be considered~~
25 ~~adulterated under this section if the quantity of the substance~~
26 ~~does not ordinarily render the commercial feed injurious to health.~~

27 ~~—— (b) An added poisonous, added deleterious, or added~~

1 ~~nonnutritive substance which is unsafe within the meaning of~~
2 ~~section 406 of the federal food, drug, and cosmetic act, being 21~~
3 ~~U.S.C. section 346 (1970), other than one which is a pesticide~~
4 ~~chemical in or on a raw agricultural commodity or a food additive.~~

5 ~~—— (c) A food additive which is unsafe within the meaning of~~
6 ~~section 409 of the federal food, drug, and cosmetic act, being 21~~
7 ~~U.S.C. section 348 (Supp. 1973).~~

8 ~~—— (d) A raw agricultural commodity and bears or contains a~~
9 ~~pesticide chemical which is unsafe within the meaning of section~~
10 ~~408(a) of the federal food, drug, and cosmetic act, being 21 U.S.C.~~
11 ~~section 346a(a) (Supp. 1973). If a pesticide chemical is used in or~~
12 ~~on a raw agricultural commodity in conformity with an exemption~~
13 ~~granted or a tolerance prescribed under 21 U.S.C. section 346a(a)~~
14 ~~(Supp. 1973) and the raw agricultural commodity is subjected to~~
15 ~~processing such as packaging, canning, cooking, freezing,~~
16 ~~dehydrating, or milling, the residue of the pesticide chemical~~
17 ~~remaining in or on the processed feed shall not be deemed unsafe if~~
18 ~~the residue in or on the raw agricultural commodity is removed to~~
19 ~~the extent possible in good manufacturing practice and the~~
20 ~~concentration of the residue in the processed feed is not greater~~
21 ~~than the tolerance prescribed, or guideline established by rule of~~
22 ~~the director, for the raw agricultural commodity unless the feeding~~
23 ~~of the processed feed will result or is likely to result in a~~
24 ~~pesticide residue in the edible product of the animal, which is~~
25 ~~unsafe within the meaning of 21 U.S.C. section 346a(a) (Supp.~~
26 ~~1973).~~

27 ~~—— (e) A color additive which is unsafe within the meaning of~~

1 ~~section 706 of the federal food, drug, and cosmetic act, being 21~~
2 ~~U.S.C. section 376 (1970).~~

3 ~~—— (f) A drug and the methods used in or the facilities or~~
4 ~~controls used for its manufacture, processing, or packaging do not~~
5 ~~conform to current good manufacturing practice rules promulgated by~~
6 ~~the director to assure that the drug meets the requirement of this~~
7 ~~act as to safety and has the identity and strength and meets the~~
8 ~~quality and purity characteristics which it purports or is~~
9 ~~represented to possess. In promulgating rules, the director shall~~
10 ~~adopt the current good manufacturing practice regulations for~~
11 ~~medicated feed premixes and for medicated feeds established under~~
12 ~~authority of the federal food, drug, and cosmetic act, being 21~~
13 ~~U.S.C. sections 301 to 392 (Supp. 1973) unless he determines that~~
14 ~~they are not appropriate to the conditions which exist in this~~
15 ~~state.~~

16 ~~—— (g) Viable weed seeds in amounts exceeding the limits which~~
17 ~~the director establishes by rule.~~

18 ~~—— (h) Polybrominated biphenyl in excess of .01 parts per~~
19 ~~million.~~

20 ~~—— (2) A commercial feed is deemed to be adulterated if a~~
21 ~~valuable constituent is in whole or in part omitted or abstracted~~
22 ~~from the commercial feed or a less valuable substance is~~
23 ~~substituted therefor.~~

24 ~~—— (3) A commercial feed is deemed to be adulterated if its~~
25 ~~composition or quality falls below or differs from that which it is~~
26 ~~purported or is represented to possess by its label.~~ **A COMMERCIAL**
27 **FEED OR MATERIAL DESCRIBED IN SECTION 3 (G) (i) TO (vi) SHALL BE**

1 CONSIDERED TO BE ADULTERATED IF ANY OF THE FOLLOWING CONDITIONS
2 EXIST:

3 (A) IT BEARS OR CONTAINS ANY POISONOUS OR DELETERIOUS
4 SUBSTANCE THAT MAY RENDER THE FEED INJURIOUS TO HEALTH. HOWEVER, IF
5 THE SUBSTANCE IS NOT AN ADDED SUBSTANCE, THE COMMERCIAL FEED IS NOT
6 CONSIDERED ADULTERATED UNDER THIS SECTION IF THE QUANTITY OF THE
7 SUBSTANCE DOES NOT ORDINARILY RENDER THE COMMERCIAL FEED INJURIOUS
8 TO HEALTH.

9 (B) IT BEARS OR CONTAINS ANY ADDED POISONOUS, ADDED
10 DELETERIOUS, OR ADDED NONNUTRITIVE SUBSTANCE THAT IS UNSAFE UNDER
11 21 USC 346A, EXCEPT FOR THE FOLLOWING:

12 (i) A PESTICIDE CHEMICAL IN OR ON A RAW AGRICULTURAL COMMODITY.

13 (ii) A FOOD ADDITIVE.

14 (C) IT BEARS OR CONTAINS A PESTICIDE CHEMICAL RESIDUE THAT IS
15 UNSAFE UNDER 21 USC 346A(A).

16 (D) IT IS, OR IT BEARS OR CONTAINS, ANY FOOD ADDITIVE WHICH IS
17 UNSAFE UNDER 21 USC 348.

18 (E) IT IS, OR IT BEARS OR CONTAINS, A NEW ANIMAL DRUG, OR
19 CONVERSION PRODUCT THEREOF, THAT IS UNSAFE UNDER 21 USC 360B.

20 (F) IT IS, OR IT BEARS OR CONTAINS, ANY COLOR ADDITIVE THAT IS
21 UNSAFE UNDER 21 USC 379E.

22 (G) IT CONSISTS IN WHOLE OR IN PART OF ANY FILTHY, PUTRID, OR
23 DECOMPOSED SUBSTANCE OR IT IS OTHERWISE UNFIT FOR FEED.

24 (H) IT HAS BEEN PREPARED, PACKED, HELD, OR TRANSPORTED UNDER
25 UNSANITARY CONDITIONS WHEREBY IT MAY HAVE BECOME CONTAMINATED WITH
26 FILTH OR WHEREBY IT MAY HAVE BEEN RENDERED INJURIOUS TO HEALTH.

27 (I) IT IS, IN WHOLE OR IN PART, THE PRODUCT OF A DISEASED

1 ANIMAL OR OF AN ANIMAL THAT HAS DIED OTHER THAN BY SLAUGHTER WHICH
2 IS UNSAFE UNDER 21 USC 342(A) (1) OR (2).

3 (J) ITS CONTAINER IS COMPOSED, IN WHOLE OR IN PART, OF ANY
4 POISONOUS OR DELETERIOUS SUBSTANCE THAT MAY RENDER THE CONTENTS
5 INJURIOUS TO HEALTH.

6 (K) IT HAS BEEN INTENTIONALLY SUBJECTED TO RADIATION, UNLESS
7 THE USE OF THE RADIATION WAS IN CONFORMITY WITH THE REGULATION OR
8 EXEMPTION IN EFFECT PURSUANT TO 21 USC 348.

9 (L) IT IS, OR IT BEARS OR CONTAINS, ANY SUBSTANCE PROHIBITED
10 FROM USE IN ANIMAL FOOD OR FEED AS PROVIDED IN 21 CFR 589.

11 (M) IT CONTAINS VIABLE PROHIBITED OR RESTRICTED NOXIOUS WEED
12 SEEDS IN AMOUNTS EXCEEDING THE LIMITS WHICH THE DIRECTOR SHALL
13 ESTABLISH BY RULE.

14 (N) IT IS INFERIOR OR IS DAMAGED, AND THE INFERIORITY OR
15 DAMAGE HAS BEEN CONCEALED.

16 (O) ANY SUBSTANCE HAS BEEN ADDED OR A SUBSTANCE HAS BEEN MIXED
17 OR PACKED WITH IT SO AS TO DECEPTIVELY INCREASE ITS BULK OR WEIGHT,
18 REDUCE ITS QUALITY OR STRENGTH, OR MAKE IT APPEAR BETTER OR OF
19 GREATER VALUE THAN IT IS.

20 (P) ANY VALUABLE CONSTITUENT HAS BEEN IN WHOLE OR IN PART
21 OMITTED OR ABSTRACTED FROM THE FEED OR ANY LESS VALUABLE SUBSTANCE
22 IS SUBSTITUTED WITHIN THE FEED.

23 (Q) ITS COMPOSITION OR QUALITY FALLS BELOW OR DIFFERS FROM
24 THAT WHICH IT IS PURPORTED OR IS REPRESENTED TO POSSESS BY ITS
25 LABELING.

26 (R) IT CONTAINS A DRUG DEFINED AS A VETERINARY FEED DIRECTIVE
27 IN 21 CFR 558.3 AND DOES NOT CONFORM TO THE REQUIREMENTS OF 21 CFR

1 558.6.

2 (S) IT CONTAINS A DRUG AND THE METHODS USED IN OR THE
3 FACILITIES OR CONTROLS USED FOR ITS MANUFACTURE, PROCESSING,
4 PACKING, OR HOLDING DO NOT CONFORM TO RULES PROMULGATED BY THE
5 DIRECTOR TO ASSURE THAT THE DRUG MEETS THE REQUIREMENT OF THIS ACT
6 AS TO SAFETY AND HAS THE IDENTITY AND STRENGTH AND MEETS THE
7 QUALITY AND PURITY CHARACTERISTICS WHICH IT PURPORTS OR IS
8 REPRESENTED TO POSSESS.

9 (T) IT VIOLATES CURRENT GOOD MANUFACTURING PRACTICE
10 REGULATIONS UNDER 21 CFR 225.1 TO 225.202 FOR MEDICATED FEEDS AND
11 FOR MEDICATED PREMIXES, REGULATIONS UNDER 21 CFR 226.1 TO 226.115.

12 Sec. 9. A commercial feed is ~~deemed~~ **CONSIDERED** to be
13 misbranded and in violation of this act if any of the following
14 occur:

15 (a) Its labeling is false or misleading in any particular.

16 (b) It is distributed under the name of another commercial
17 feed.

18 (c) It is not labeled as required under section 5.

19 (d) It purports to be or is represented as a commercial feed,
20 or it purports to contain or is represented as containing a
21 commercial feed ingredient, unless the commercial feed or feed
22 ingredient conforms to the definition prescribed by rule by the
23 director.

24 (e) A word, statement, or other information required by or
25 under authority of this act to appear on the label or labeling is
26 not prominently placed ~~thereon~~ **ON THE COMMERCIAL FEED** with the
27 conspicuousness as compared with other words, statements, designs,

1 or devices in the labeling and in such terms as to render it likely
2 to be read and understood by the ordinary individual under
3 customary conditions of purchase and use.

4 Sec. 10. A ~~feed~~-manufacturer ~~who~~-**THAT** voluntarily recalls a
5 commercial feed ~~which~~-**THAT** has been introduced into channels of
6 trade beyond ~~his~~-**ITS** control, and ~~which~~-**THAT** supports the
7 conclusion that the feed processed by ~~him~~-**THE MANUFACTURER** is
8 adulterated or misbranded in a manner ~~which~~-**THAT** would create an
9 unreasonable risk to animals or to the public health, shall
10 immediately notify the director of the recall and the reasons
11 ~~therefor~~. **FOR THE RECALL. THE NOTIFICATION MAY BE ORAL IF IT IS**
12 **FOLLOWED BY A WRITTEN NOTICE TO THE DIRECTOR.** Information or a
13 statement exclusively derived from notification required under this
14 section, except for information contained in records required to be
15 maintained under this act, shall not be used as evidence in a
16 proceeding brought against the person pursuant to this act with
17 respect to a violation of law occurring prior to or concurrently
18 with the notification. The notification required by this section
19 shall contain a clear description of the adulterated or misbranded
20 feed, an evaluation of the risk related ~~thereto~~, **TO THE FEED**, and a
21 statement of the measures to be taken to protect animals or the
22 public from the risk.

23 Sec. 11. The director may promulgate rules ~~pursuant to Act No.~~
24 ~~306 of the Public Acts of 1969, as amended, being sections 24.201~~
25 ~~to 24.315 of the Michigan Compiled Laws, as are necessary to~~
26 implement this act.

27 Sec. 12. (1) ~~The director may revoke or suspend the license~~

1 ~~of, or refuse to license an applicant, upon a finding supported by~~
2 ~~evidence that the licensee or applicant violated this act or a rule~~
3 ~~promulgated under this act. A license shall not be refused,~~
4 ~~suspended, or revoked until the licensee or applicant is given an~~
5 ~~opportunity to appear for a hearing.~~ THE DIRECTOR MAY COOPERATE WITH
6 AND ENTER INTO AGREEMENTS WITH GOVERNMENTAL AGENCIES OF THIS STATE,
7 OTHER STATES, AGENCIES OF THE FEDERAL GOVERNMENT, AND PRIVATE
8 ASSOCIATIONS TO IMPLEMENT THIS ACT.

9 (2) THE DIRECTOR MAY PUBLISH A REPORT OF GROSS TONNAGE OF FEED
10 SOLD OR DISTRIBUTED IN THIS STATE ANNUALLY OR MORE OFTEN AS MAY BE
11 DESIRABLE.

12 (3) THE DIRECTOR MAY ANNUALLY PUBLISH A REPORT OF OFFICIAL
13 SAMPLE ANALYSES RESULTS OF COMMERCIAL FEED SOLD WITHIN THIS STATE
14 AS COMPARED WITH THE ANALYSES GUARANTEED ON EACH RESPECTIVE PRODUCT
15 LABEL.

16 Sec. 13. ~~(1) The director may select from a package of~~
17 ~~commercial feed exposed for sale in this state a sample to be used~~
18 ~~for the purposes of an official analysis and for comparison with~~
19 ~~the label affixed to the package. The director may seize or stop~~
20 ~~the sale of a commercial feed that is unlicensed, adulterated,~~
21 ~~misbranded, fails to meet guarantees, or otherwise fails to comply~~
22 ~~with this act.~~

23 ~~—— (2) The director may cooperate with and enter into agreements~~
24 ~~with governmental agencies of this state, other states, agencies of~~
25 ~~the federal government, and private associations to carry out the~~
26 ~~purposes of this act.~~

27 ~~—— (3) The director may publish a report of gross tonnage of feed~~

1 ~~sold or distributed in this state annually or more often as may be~~
2 ~~desirable.~~ A PERSON MANUFACTURING OR DISTRIBUTING COMMERCIAL FEED
3 SHALL COMPLY WITH ALL OF THE FOLLOWING:

4 (A) THE "AAFCO MODEL GOOD MANUFACTURING PRACTICE REGULATIONS
5 FOR FEED AND FEED INGREDIENTS" AS PUBLISHED WITHIN THE AAFCO
6 OFFICIAL PUBLICATION, WHICH IS HEREBY INCORPORATED BY REFERENCE.
7 THESE REGULATIONS APPLY IN DETERMINING WHETHER A COMMERCIAL FEED
8 MEETS EITHER OF THE FOLLOWING:

9 (i) IS ADULTERATED WITHIN THE MEANING OF SECTION 8.

10 (ii) HAS BEEN PRODUCED, PREPARED, PACKED, OR HELD UNDER
11 UNSANITARY CONDITIONS THROUGH WHICH IT MAY HAVE BECOME CONTAMINATED
12 WITH FILTH OR RENDERED UNWHOLESOME OR UNSAFE TO ANIMAL OR PUBLIC
13 HEALTH.

14 (B) THE REQUIREMENTS IN 21 CFR 558.6 FOR A VETERINARY FEED
15 DIRECTIVE DRUG AS DEFINED IN 21 CFR 558.3.

16 (C) THE FOLLOWING REQUIREMENTS OF MANUFACTURING OR
17 DISTRIBUTING COMMERCIAL FEEDS CONTAINING DRUGS:

18 (i) THE REGULATION PRESCRIBING GOOD MANUFACTURING PRACTICES FOR
19 TYPE B AND TYPE C MEDICATED FEEDS IN 21 CFR 225.1 TO 225.202.

20 (ii) THE REGULATIONS PRESCRIBING GOOD MANUFACTURING PRACTICES
21 FOR TYPE A MEDICATED ARTICLES IN 21 CFR 226.1 TO 226.115.

22 ~~Sec. 14. A person who violates this act or a rule promulgated~~
23 ~~under this act is guilty of a misdemeanor. This act shall not~~
24 ~~require the director to revoke or suspend a license, report for~~
25 ~~prosecution, institute seizure proceedings, or issue an order for~~
26 ~~withdrawal from distribution as a result of a minor violation of~~
27 ~~this act, if he believes the public interest will best be served by~~

1 ~~suitable notice of warning in writing.~~ A PERSON SHALL NOT DO OR
2 SHALL NOT CAUSE ANY OF THE FOLLOWING:

3 (A) MANUFACTURE OR DISTRIBUTE ANY COMMERCIAL FEED THAT IS
4 ADULTERATED OR MISBRANDED.

5 (B) ADULTERATE OR MISBRAND ANY COMMERCIAL FEED.

6 (C) DISTRIBUTE AGRICULTURAL COMMODITIES SUCH AS WHOLE GRAIN,
7 WHOLE SEED, HAY, STRAW, STOVER, SILAGE, COBS, AND HUSKS, WHICH ARE
8 ADULTERATED WITHIN THE MEANING OF SECTION 8. UPON PRIOR APPROVAL BY
9 THE DIRECTOR, COMMODITIES DESCRIBED IN THIS SUBDIVISION MAY BE
10 DISTRIBUTED IF REWORKED TO ACCEPTABLE LEVELS FOR SAFE USE TO BE FED
11 TO ANIMALS.

12 (D) REMOVE OR DISPOSE OF, WITHOUT AUTHORIZATION FROM THE
13 DIRECTOR, COMMERCIAL FEED SUBJECT TO A SEIZURE ORDER.

14 (E) FAIL OR REFUSE TO OBTAIN A LICENSE REQUIRED UNDER SECTION
15 4.

16 (F) FAIL TO MAKE RECORDS AVAILABLE, FURNISH REPORTS, PERMIT
17 THE EXAMINATION OF RECORDS, OR PAY AN INSPECTION FEE AS REQUIRED
18 UNDER SECTION 6.

19 (G) REFUSE, OR CAUSE ANOTHER PERSON TO REFUSE, TO PERMIT
20 ENTRY, INSPECTION, SAMPLING, OR EXAMINATION AND COPYING OF
21 PRODUCTION AND DISTRIBUTION RECORDS AND PRODUCTION AND CONTROL
22 PROCEDURES AUTHORIZED UNDER SECTION 7.

23 (H) PROVIDE FALSE INFORMATION IN A MATTER PERTAINING TO THIS
24 ACT OR RESIST, IMPEDE, OR HINDER THE DIRECTOR OR AUTHORIZED
25 REPRESENTATIVES IN THE DISCHARGE OF THEIR DUTIES.

26 (I) VIOLATE SECTION 16(8).

27 (J) VIOLATE A RULE PROMULGATED UNDER SECTION 11.

1 (K) REUSE BAGS, TOTES, OR OTHER CONTAINERS FOR COMMERCIAL
2 FEEDS, INCLUDING CUSTOMER-FORMULA FEEDS, UNLESS THE CONTAINER IS
3 IN, ON, OR UPON A PORTABLE DEVICE AND CAN BE FILLED WITHOUT
4 ENTERING THE MANUFACTURING FACILITY. CONTAINERS THAT HAVE BEEN USED
5 TO DIRECTLY FEED LIVESTOCK, SUCH AS TUBS, TROUGHS, LICKS, OR OTHER
6 CONTAINERS, SHALL NOT BE REFILLED WITH FEED.

7 Sec. 15. (1) ~~Act No. 242 of the Public Acts of 1959, being~~
8 ~~sections 287.501 to 287.519 of the Compiled Laws of 1970, and~~
9 ~~section 18 of Act No. 211 of the Public Acts of 1893, being section~~
10 ~~289.48 of the Compiled Laws of 1970, are repealed.~~ THE FOLLOWING
11 ADMINISTRATIVE ORDERS MAY BE ISSUED BY THE DIRECTOR TO ENFORCE THIS
12 ACT:

13 (A) A CEASE ORDER IN COMPLIANCE WITH THIS SUBDIVISION. WHEN
14 THE DIRECTOR HAS PROBABLE CAUSE TO BELIEVE THAT A COMMERCIAL FEED
15 OPERATION IS MANUFACTURING OR DISTRIBUTING ADULTERATED OR
16 MISBRANDED FEED OR FAILS TO COMPLY WITH THIS ACT OR ANY OF THE
17 RULES PROMULGATED UNDER THIS ACT, THE DIRECTOR MAY AT ANY TIME
18 ORDER THE RESPONSIBLE PARTY TO CEASE MANUFACTURING OR DISTRIBUTING
19 COMMERCIAL FEED ENTIRELY OR WITH LIMITATIONS. THE CEASE ORDER MAY
20 BE EITHER ORAL OR WRITTEN AND SHALL INFORM THE MANUFACTURER,
21 DISTRIBUTOR, OR OTHER SELLER OF THE REASON FOR THE ORDER. AN ORAL
22 RESCINDING ORDER SHALL BE FOLLOWED BY A WRITTEN RESCINDING ORDER AS
23 FOLLOWS:

24 (i) UPON RECEIPT OF THE ORDER, THE RESPONSIBLE PARTY SHALL
25 IMMEDIATELY COMPLY WITH THE ORDER. FAILURE TO COMPLY SHALL SUBJECT
26 THE RESPONSIBLE PARTY TO THE PENALTIES IMPOSED UNDER SECTION 16.

27 (ii) THE DIRECTOR SHALL RESCIND THE ORDER IMMEDIATELY UPON

1 BEING SATISFIED BY INSPECTION THAT THE ORDER HAS BEEN COMPLIED
2 WITH. THE INSPECTION SHALL BE CONDUCTED AS SOON AS POSSIBLE AT THE
3 ORAL OR WRITTEN REQUEST OF THE RESPONSIBLE PARTY. THE RESCINDING
4 ORDER OF THE DIRECTOR MAY BE ORAL, AND THE RESPONSIBLE PARTY MAY
5 RELY ON THE ORAL RESCINDING ORDER. HOWEVER, AN ORAL RESCINDING
6 ORDER SHALL BE FOLLOWED BY A WRITTEN RESCINDING ORDER.

7 (B) A SEIZURE ORDER IN COMPLIANCE WITH THIS SUBDIVISION. WHEN
8 NECESSARY FOR THE ENFORCEMENT OF THIS ACT, THE DIRECTOR MAY SEIZE
9 WITHOUT FORMAL WARRANT ANY COMMERCIAL FEED BEING DISTRIBUTED IN
10 VIOLATION OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT AS
11 FOLLOWS:

12 (i) THE DIRECTOR MAY ISSUE AND ENFORCE A WRITTEN SEIZURE ORDER
13 WHEN THE DIRECTOR FINDS OR HAS PROBABLE CAUSE TO BELIEVE THAT
14 COMMERCIAL FEED IS UNLICENSED, ADULTERATED, OR MISBRANDED, FAILS TO
15 MEET GUARANTEES, OR IS BEING DISTRIBUTED IN VIOLATION OF THIS ACT
16 OR RULES PROMULGATED UNDER THIS ACT. WHEN THE DIRECTOR ISSUES A
17 SEIZURE ORDER, THE DISTRIBUTOR MUST HOLD THE LOT OF COMMERCIAL FEED
18 AT THE LOCATION WHERE THE SEIZURE ORDER WAS ISSUED AND NOT DISPOSE
19 OF THE LOT OF COMMERCIAL FEED IN ANY MANNER UNTIL PERMISSION IS
20 GIVEN BY THE DIRECTOR.

21 (ii) THE DIRECTOR SHALL RELEASE THE LOT OF SEIZED COMMERCIAL
22 FEED WHEN THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT HAVE
23 BEEN COMPLIED WITH. IF COMPLIANCE IS NOT OBTAINED WITHIN 30 DAYS,
24 THE DIRECTOR MAY, OR, UPON REQUEST OF THE LICENSEE, SHALL, BEGIN
25 ADMINISTRATIVE PROCEEDINGS FOR DISPOSAL OR OTHER USE OF THE
26 COMMERCIAL FEED.

27 (C) AN EMBARGO ORDER IN COMPLIANCE WITH THIS SUBDIVISION. IF

1 THE DIRECTOR FINDS OR HAS PROBABLE CAUSE TO BELIEVE THAT ANY
2 COMMERCIAL FEED IS ADULTERATED OR MISBRANDED OR POSES A THREAT TO
3 ANIMAL OR HUMAN HEALTH, THE DIRECTOR MAY ISSUE AN EMBARGO ORDER ON
4 THE COMMERCIAL FEED PRODUCT. A PERSON SHALL NOT REMOVE OR DISPOSE
5 OF THE COMMERCIAL FEED THAT IS SUBJECT TO AN EMBARGO ORDER UNTIL
6 PERMISSION FOR REMOVAL OR DISPOSAL IS GIVEN BY THE DIRECTOR OR A
7 COURT OF COMPETENT JURISDICTION.

8 (2) IF PROPER PROCESSING OR RELABELING WILL CORRECT A
9 VIOLATION OF THIS ACT, THE COMMERCIAL FEED MAY BE DELIVERED TO THE
10 LICENSEE FOR PROCESSING OR RELABELING UNDER THE SUPERVISION OF THE
11 DIRECTOR.

12 (3) A LICENSEE THAT IS NOT IN COMPLIANCE WITH THIS ACT IS
13 RESPONSIBLE FOR ALL COSTS INCURRED IN REPROCESSING OR RELABELING
14 THE COMMERCIAL FEED INTENDED TO CORRECT THE VIOLATION AND IS
15 RESPONSIBLE FOR ALL COSTS INVOLVED IN THE TRANSPORTATION AND
16 DISPOSAL OF ANY COMMERCIAL FEED NOT IN COMPLIANCE WITH THIS ACT.
17 DISPOSAL SHALL BE IN A MANNER CONSISTENT WITH THE QUALITY OF THE
18 COMMERCIAL FEED AND THE LAWS OF THIS STATE.

19 (4) A COURT SHALL NOT ALLOW THE RECOVERY OF DAMAGES BY A
20 PERSON AGAINST WHOM AN ADMINISTRATIVE ACTION WAS BROUGHT RESULTING
21 IN AN ORDER REQUIRING SEIZURE OR EMBARGO OF COMMERCIAL FEED IF THE
22 COURT FINDS THAT THERE WAS PROBABLE CAUSE FOR THE ACTION OR ORDER.

23 (5) IF THE DIRECTOR FINDS ANY ADULTERATED FEED THAT THE
24 DIRECTOR DECLARES TO BE A NUISANCE, THE DIRECTOR SHALL IMMEDIATELY
25 CONDEMN, DESTROY, OR IN ANY OTHER MANNER RENDER THE FEED UNSALEABLE
26 AS COMMERCIAL FEED. IF ADULTERATED OR MISBRANDED FEED IS A
27 NUISANCE, IS DANGEROUS TO ANIMAL OR HUMAN HEALTH, OR IS FRAUDULENT

1 AND REQUIRES THE DIRECTOR'S SUPERVISION, OR IF THE FEED
2 ESTABLISHMENT REQUESTS THE SUPERVISION OF THE DIRECTOR FOR SORTING,
3 DESTRUCTION, RECONDITIONING, OR OTHER DISPOSITION, THE FEED
4 ESTABLISHMENT THAT IS IN POSSESSION OF THE FEED AT THE TIME OF THE
5 SEIZURE OR EMBARGO IS LIABLE FOR THE COSTS OF SUCH SUPERVISION.

6 (6) IF STORAGE OF SEIZED COMMERCIAL FEED IS NOT POSSIBLE
7 WITHOUT RISK TO ANIMAL OR HUMAN HEALTH, THE DIRECTOR SHALL ORDER
8 IMMEDIATE DESTRUCTION OF THE FEED TO BE ACCOMPLISHED WITHOUT DELAY
9 BY THE OWNER, OPERATOR, OR PERSON IN CHARGE OF THE FEED
10 ESTABLISHMENT. THE FEED SHALL BE DESTROYED AS SPECIFIED IN THE
11 ORDER FOR DESTRUCTION.

12 SEC. 16. (1) A PERSON THAT VIOLATES THIS ACT OR RULES
13 PROMULGATED UNDER THIS ACT IS SUBJECT TO THE PENALTIES AND REMEDIES
14 PROVIDED IN THIS ACT REGARDLESS OF WHETHER THE PERSON ACTED ALONE
15 OR THROUGH AN EMPLOYEE OR AGENT.

16 (2) UPON A FINDING BY THE DIRECTOR, AFTER NOTICE AND AN
17 OPPORTUNITY FOR AN ADMINISTRATIVE HEARING, THAT A PERSON HAS
18 VIOLATED OR ATTEMPTED TO VIOLATE THIS ACT OR A RULE PROMULGATED
19 UNDER THIS ACT, THE DIRECTOR MAY IMPOSE AN ADMINISTRATIVE FINE OF
20 NOT MORE THAN \$1,000.00 FOR EACH VIOLATION OR ATTEMPTED VIOLATION.

21 (3) IF THE DIRECTOR FINDS THAT A VIOLATION OR ATTEMPTED
22 VIOLATION HAS OCCURRED DESPITE THE EXERCISE OF DUE CARE OR DID NOT
23 RESULT IN SIGNIFICANT HARM TO HUMAN OR ANIMAL HEALTH OR THE
24 ENVIRONMENT, OR IF THE DIRECTOR BELIEVES THE PUBLIC INTEREST WILL
25 BEST BE SERVED, THE DIRECTOR MAY ISSUE A WARNING INSTEAD OF
26 IMPOSING AN ADMINISTRATIVE FINE.

27 (4) THE DIRECTOR SHALL ADVISE THE ATTORNEY GENERAL OF THE

1 FAILURE OF A PERSON TO PAY AN ADMINISTRATIVE FINE IMPOSED UNDER
2 THIS SECTION. THE ATTORNEY GENERAL SHALL BRING AN ACTION IN A COURT
3 OF COMPETENT JURISDICTION TO RECOVER THE ADMINISTRATIVE FINE.

4 (5) A PERSON THAT VIOLATES OR ATTEMPTS TO VIOLATE THIS ACT OR
5 A RULE PROMULGATED UNDER THIS ACT IS GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
7 NOT MORE THAN \$5,000.00, OR BOTH, FOR EACH VIOLATION OR ATTEMPTED
8 VIOLATION, IN ADDITION TO ANY ADMINISTRATIVE FINES IMPOSED.

9 (6) A PERSON THAT KNOWINGLY AND WITH MALICIOUS INTENT VIOLATES
10 OR ATTEMPTS TO VIOLATE THIS ACT OR A RULE PROMULGATED UNDER THIS
11 ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
12 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH,
13 FOR EACH OFFENSE.

14 (7) THE DIRECTOR MAY BRING AN ACTION TO ENJOIN A VIOLATION OR
15 THREATENED VIOLATION OF THIS ACT OR A RULE PROMULGATED UNDER THIS
16 ACT IN A COURT OF COMPETENT JURISDICTION IN THE COUNTY IN WHICH THE
17 VIOLATION OCCURS OR IS ABOUT TO OCCUR.

18 (8) A PERSON THAT USES TO HIS OR HER OWN ADVANTAGE OR REVEALS
19 TO A PERSON, OTHER THAN THE DIRECTOR, OFFICERS OF THE DEPARTMENT,
20 THE ATTORNEY GENERAL, OR THE DEPARTMENT OF TREASURY, OR THE COURTS
21 WHEN RELEVANT IN ANY JUDICIAL PROCEEDING, ANY INFORMATION ACQUIRED
22 UNDER THIS ACT CONCERNING ANY METHOD, RECORD, FORMULATION, OR
23 PROCESS THAT AS A TRADE SECRET IS ENTITLED TO PROTECTION, IS GUILTY
24 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
25 DAYS AND SHALL BE FINED NOT LESS THAN \$500.00. THIS PROHIBITION
26 SHALL NOT BE CONSIDERED AS PROHIBITING THE DIRECTOR FROM EXCHANGING
27 INFORMATION OF A REGULATORY NATURE WITH APPOINTED OFFICIALS OF THE

1 UNITED STATES GOVERNMENT, OR OF OTHER STATES, WHO ARE SIMILARLY
2 PROHIBITED BY LAW FROM REVEALING THIS INFORMATION.

3 (9) THE ATTORNEY GENERAL MAY FILE A CIVIL ACTION FOR A
4 VIOLATION OF THIS ACT. A PERSON THAT VIOLATES THIS ACT OR A RULE
5 PROMULGATED UNDER THIS ACT MAY BE ORDERED TO PAY A CIVIL FINE OF
6 NOT MORE THAN \$5,000.00 FOR EACH VIOLATION OR ATTEMPTED VIOLATION.
7 IN ADDITION, THE ATTORNEY GENERAL MAY BRING AN ACTION IN CIRCUIT
8 COURT TO RECOVER THE REASONABLE COSTS OF THE INVESTIGATION FROM ANY
9 PERSON THAT VIOLATED THIS PART OR ATTEMPTED TO VIOLATE THIS PART.
10 MONEY RECOVERED UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE
11 STATE TREASURER FOR DEPOSIT INTO THE FUND.

12 (10) AS AN AFFIRMATIVE DEFENSE OF AN ACTION FILED UNDER THIS
13 SECTION, IN ADDITION TO ANY OTHER LAWFUL DEFENSE, A PERSON MAY
14 PRESENT EVIDENCE THAT, AT THE TIME OF THE ALLEGED VIOLATION OR
15 ATTEMPTED VIOLATION, THE PERSON WAS IN COMPLIANCE WITH THIS ACT AND
16 THE RULES PROMULGATED UNDER THIS ACT.

17 (11) A PERSON THAT VIOLATES THIS ACT IS LIABLE FOR ALL DAMAGES
18 SUSTAINED BY A PURCHASER OF A PRODUCT SOLD IN VIOLATION OF THIS
19 ACT. IN AN ENFORCEMENT ACTION, A COURT, IN ADDITION TO OTHER
20 REMEDIES OR PENALTIES PROVIDED BY LAW, MAY ORDER RESTITUTION TO A
21 PERSON INJURED BY THE PURCHASE OF A PRODUCT SOLD IN VIOLATION OF
22 THIS ACT.

23 SEC. 17. (1) THE FEED CONTROL FUND IS CREATED WITHIN THE STATE
24 TREASURY.

25 (2) THE STATE TREASURER SHALL RECEIVE FOR DEPOSIT IN THE FUND
26 ALL FEES, ADMINISTRATIVE OR CIVIL FINES, AND PAYMENTS FOR THE COSTS
27 OF INVESTIGATIONS INCURRED BY THE DIRECTOR COLLECTED UNDER THIS

1 ACT. IN ADDITION, THE STATE TREASURER MAY RECEIVE MONEY OR OTHER
2 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
3 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
4 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
5 INVESTMENTS.

6 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
7 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

8 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
9 AUDITING PURPOSES.

10 (5) THE DIRECTOR SHALL EXPEND MONEY FROM THE FUND, UPON
11 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

12 (A) THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

13 (B) TRAINING PROGRAMS AND OUTREACH AND EDUCATIONAL MATERIALS
14 TO ENSURE THE PROPER USE AND HANDLING OF ANIMAL FEED.

15 SEC. 18. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
16 THIS ACT PREEMPTS ANY LOCAL ORDINANCE, REGULATION, OR RESOLUTION
17 THAT WOULD IN ANY MANNER DUPLICATE, EXTEND, REVISE, CONTRADICT, OR
18 CONFLICT WITH THE PROVISIONS OF THIS ACT. EXCEPT AS OTHERWISE
19 PROVIDED IN THIS SECTION, A LOCAL UNIT OF GOVERNMENT SHALL NOT
20 ADOPT, MAINTAIN, OR ENFORCE AN ORDINANCE, REGULATION, OR RESOLUTION
21 THAT IN ANY MANNER DUPLICATES, EXTENDS, REVISES, CONTRADICTS, OR
22 CONFLICTS WITH THIS ACT.

23 (2) IF A LOCAL UNIT OF GOVERNMENT IS UNDER CONTRACT WITH THE
24 DEPARTMENT TO ACT AS ITS AGENT OR THE LOCAL UNIT OF GOVERNMENT HAS
25 RECEIVED PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT, THAT
26 LOCAL UNIT OF GOVERNMENT MAY ADOPT AN ORDINANCE THAT IS IDENTICAL
27 TO THIS ACT AND RULES PROMULGATED UNDER THIS ACT, EXCEPT AS

1 PROHIBITED IN SUBSECTION (6). THE LOCAL UNIT OF GOVERNMENT'S
2 ENFORCEMENT RESPONSE FOR A VIOLATION OF THE ORDINANCE THAT INVOLVES
3 THE MANUFACTURING, STORAGE, DISTRIBUTION, SALE, OR AGRICULTURAL USE
4 OF PRODUCTS REGULATED BY THIS ACT IS LIMITED TO ISSUING A CEASE
5 ORDER IN THE MANNER PRESCRIBED IN SECTION 15.

6 (3) A LOCAL UNIT OF GOVERNMENT MAY ADOPT AN ORDINANCE
7 PRESCRIBING STANDARDS DIFFERENT FROM THOSE CONTAINED IN THIS ACT
8 AND RULES PROMULGATED UNDER THIS ACT AND THAT REGULATES THE
9 MANUFACTURING, STORAGE, DISTRIBUTION, SALE, OR AGRICULTURAL USE OF
10 A PRODUCT REGULATED BY THIS ACT ONLY UNDER EITHER OR BOTH OF THE
11 FOLLOWING CIRCUMSTANCES:

12 (A) THE LOCAL UNIT OF GOVERNMENT HAS DETERMINED THAT
13 UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR PUBLIC HEALTH
14 WILL OTHERWISE EXIST WITHIN THE LOCAL UNIT OF GOVERNMENT, TAKING
15 INTO CONSIDERATION SPECIFIC POPULATIONS WITHIN THAT LOCAL UNIT OF
16 GOVERNMENT WHOSE HEALTH MAY BE ADVERSELY AFFECTED.

17 (B) THE LOCAL UNIT OF GOVERNMENT HAS DETERMINED THAT THE
18 MANUFACTURING, STORAGE, DISTRIBUTION, SALE, OR AGRICULTURAL USE OF
19 A PRODUCT REGULATED BY THIS ACT WITHIN THAT UNIT OF GOVERNMENT HAS
20 RESULTED OR WILL RESULT IN THE VIOLATION OF OTHER EXISTING STATE OR
21 FEDERAL LAWS.

22 (4) AN ORDINANCE ADOPTED UNDER SUBSECTION (2) OR (3) SHALL NOT
23 CONFLICT WITH EXISTING STATE LAWS OR FEDERAL LAWS. AN ORDINANCE
24 ADOPTED UNDER SUBSECTION (3) SHALL NOT BE ENFORCED BY A LOCAL UNIT
25 OF GOVERNMENT UNTIL APPROVED BY THE COMMISSION. THE COMMISSION
26 SHALL PROVIDE A DETAILED EXPLANATION OF THE BASIS OF A DENIAL
27 WITHIN 60 DAYS.

1 (5) WITHIN 60 DAYS AFTER THE LEGISLATIVE BODY OF A LOCAL UNIT
2 OF GOVERNMENT SUBMITS TO THE DEPARTMENT A RESOLUTION IDENTIFYING
3 UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR PUBLIC HEALTH AS
4 PROVIDED FOR IN SUBSECTION (3) (A), THE DIRECTOR SHALL HOLD A LOCAL
5 PUBLIC MEETING TO DETERMINE THE NATURE AND EXTENT OF UNREASONABLE
6 ADVERSE EFFECTS ON THE ENVIRONMENT OR PUBLIC HEALTH DUE TO THE
7 MANUFACTURING, STORAGE, DISTRIBUTION, SALE, OR AGRICULTURAL USE OF
8 A PRODUCT REGULATED BY THIS ACT. WITHIN 30 DAYS AFTER THE LOCAL
9 PUBLIC MEETING, THE DIRECTOR SHALL ISSUE A DETAILED OPINION
10 REGARDING THE EXISTENCE OF UNREASONABLE ADVERSE EFFECTS ON THE
11 ENVIRONMENT OR PUBLIC HEALTH AS IDENTIFIED BY THE RESOLUTION OF THE
12 LOCAL UNIT OF GOVERNMENT.

13 (6) THE DIRECTOR MAY CONTRACT WITH A LOCAL UNIT OF GOVERNMENT
14 TO ACT AS ITS AGENT FOR THE PURPOSE OF ENFORCING THIS ACT AND THE
15 RULES PROMULGATED UNDER THIS SECTION. THE DIRECTOR HAS SOLE
16 AUTHORITY TO ASSESS FEES AND LICENSE FEE MANUFACTURERS AND
17 DISTRIBUTORS.

18 (7) A LOCAL UNIT OF GOVERNMENT THAT ADOPTS AN ORDINANCE UNDER
19 SUBSECTION (2) OR (3) SHALL REQUIRE PERSONS ENFORCING THE ORDINANCE
20 TO COMPLY WITH TRAINING AND ENFORCEMENT REQUIREMENTS DETERMINED
21 APPROPRIATE BY THE DIRECTOR.

22 SEC. 19. TO FACILITATE CONTINUED ACCESS TO MARKETS FOR FEED
23 AND FEED INGREDIENTS, THE DIRECTOR MAY DO 1 OR MORE OF THE
24 FOLLOWING:

25 (A) AT THE REQUEST OF A LICENSEE OR BASED UPON RECORDS
26 VOLUNTARILY SUPPLIED BY A LICENSEE, INSPECT, AUDIT, OR CERTIFY
27 LOCATIONS WHERE FEED REGULATED UNDER THIS ACT IS STORED OR BUSINESS

1 RECORDS ARE KEPT.

2 (B) ISSUE CERTIFICATES PURSUANT TO SUBDIVISION (A), INCLUDING,
3 BUT NOT LIMITED TO, CERTIFICATES OF EXPORT FROM THIS STATE.

4 (C) PROMULGATE RULES TO INSPECT, AUDIT, OR CERTIFY AND ISSUE
5 CERTIFICATES PURSUANT TO THIS SECTION.

6 (D) INCLUDE A SCHEDULE OF FEES THAT ADDRESSES ALL ACTIVITIES
7 REQUIRED UNDER THIS SECTION. THE SCHEDULE OF FEES SHALL NOT
8 DUPLICATE THOSE PROVIDED IN OTHER SECTIONS OF THIS ACT.

9 Enacting section 1. R 285.635.15, R 285.635.16, and R
10 285.635.17 of the Michigan administrative code are rescinded.

11 Enacting section 2. This amendatory act takes effect upon the
12 expiration of 90 days after the date it is enacted into law.