

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.41301 Definitions; possession of live organism.

Sec. 41301.

(1) As used in this part:

(a) "Amphibian" means any frog, toad, or salamander of the class Amphibia.

(b) "Aquatic", except as used in subdivision (q), describes an amphibian, crustacean, fish, mollusk, reptile, wiggler, or aquatic plant.

(c) "Aquatic plant" means a submergent, emergent, obligate wetland, facultative wetland, or floating-leaf plant or a fragment thereof, including a seed or other propagule. Aquatic plant does not include wild rice (*Zizania aquatica* or *Zizania palustris*).

(d) "Crustacean" means freshwater crayfish, shrimp, or prawn of the order Decapoda.

(e) "Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny of such an organism.

(f) "Introduce", with reference to an organism, means to knowingly and willfully stock, place, plant, release, or allow the release of the organism in this state at any specific location where the organism is not already naturalized.

(g) "Mollusk" means any mollusk of the classes Bivalvia and Gastropoda.

(h) "Native" means indigenous to any location in this state.

(i) "Nonaquatic" describes a bird, insect other than a wiggler, or mammal.

(j) "Nonnative" means not native.

(k) "Prohibited species", subject to section 41302, means any of the following:

(i) Any of the following prohibited species of aquatic plant, including a hybrid or genetically engineered variant of the species:

(A) African oxygen weed (*Lagarosiphon major*).

(B) Brazilian elodea (*Egeria densa*).

(C) Cyllindro (*Cylindrospermopsis raciborskii*).

(D) European frogbit (*Hydrocharis morsus-ranae*).

(E) Fanwort (*Cabomba caroliniana*).

(F) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*).

(G) Hydrilla (*Hydrilla verticillata*).

(H) Parrot's feather (*Myriophyllum aquaticum*).

(I) Starry stonewort (*Nitellopsis obtusa*).

(J) Water chestnut (*Trapa natans*).

(K) Yellow floating heart (*Nymphoides peltata*).

(ii) Any of the following prohibited species of terrestrial plant, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) Giant hogweed (*Heracleum mantegazzianum*).

(B) Japanese knotweed (*Fallopia japonica*).

(iii) The following prohibited bird species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: Eurasian collared dove (*Streptopelia decaocto*).

(iv) The following prohibited crustacean species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: rusty crayfish (*Faxonius resticus*, formerly *Orconectes rusticus*).

(v) Any of the following prohibited fish species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Bighead carp (*Hypophthalmichthys nobilis*).

(B) Bitterling (*Rhodeus sericeus*).

(C) Black carp (*Mylopharyngodon piceus*).

(D) Eurasian ruffe (*Gymnocephalus cernuus*).

(E) Grass carp (*Ctenopharyngodon idellus*).

(F) Ide (*Leuciscus idus*).

(G) Japanese weatherfish (*Misgurnus anguillicaudatus*).

(H) Round goby (*Neogobius melanostomus*).

(I) Rudd (*Scardinius erythrophthalmus*).

(J) Silver carp (*Hypophthalmichthys molitrix*).

- (K) A fish of the snakehead family (family Channidae).
- (L) Tench (*Tinca tinca*).
- (M) Tubenose goby (*Proterorhinus marmoratus*).
- (vi) Any of the following prohibited insect species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
 - (A) Asian longhorned beetle (*Anoplophora glabripennis*).
 - (B) Emerald ash borer (*Agrilus planipennis*).
- (vii) The following prohibited mammal species, including a hybrid or genetically engineered variant: nutria (*Myocastor coypus*).
- (viii) Any of the following prohibited mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
 - (A) Brown garden snail (*Helix aspersa*).
 - (B) Carthusian snail (*Monacha cartusiana*).
 - (C) Giant African snail (*Achatina fulica*).
 - (D) Girdled snail (*Hygromia cinctella*).
 - (E) Heath snail (*Xerolenta obvia*).
 - (F) Wrinkled dune snail (*Candidula intersecta*).
- (I) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.
- (m) "Relevant commission", "relevant department", or "relevant director" means the following:
 - (i) With respect to a species other than a plant or insect, but including a wiggler, the natural resources commission, department of natural resources, or the director of the department of natural resources, respectively.
 - (ii) With respect to a plant species or insect species, other than a wiggler, the commission of agriculture and rural development, the department of agriculture and rural development, or the director of the department of agriculture and rural development, respectively.
- (n) "Reptile" means any turtle, snake, or lizard of the class Reptilia.
- (o) "Restricted species", subject to section 41302, means any of the following:
 - (i) Any of the following restricted species of aquatic plant, including a hybrid or genetically engineered variant of the species:
 - (A) Curly leaf pondweed (*Potamogeton crispus*).
 - (B) Eurasian watermilfoil (*Myriophyllum spicatum*).
 - (C) Flowering rush (*Butomus umbellatus*).
 - (D) Phragmites or common reed (*Phragmites australis*).
 - (E) Purple loosestrife (*Lythrum salicaria*), except that cultivars of purple loosestrife developed and recognized to be sterile and approved by the director of the department of agriculture and rural development under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a, are not a restricted species.
 - (ii) The following restricted species of terrestrial plant, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant: autumn olive (*Elaeagnus umbellata*).
 - (iii) Any of the following restricted mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
 - (A) Quagga mussel (*Dreissena bugensis*).
 - (B) Zebra mussel (*Dreissena polymorpha*).
- (p) "Watercraft" means any conveyance used or designed for navigation on water, including, but not limited to, any vessel, ship, boat, motor vessel, steam vessel, vessel operated by machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat.
- (q) "Wiggler" means an aquatic egg, nymph, or larva of an insect.
- (2) For the purposes of this part:
 - (a) A person is not considered to possess a live organism simply because the organism is present on land or in waters owned by that person unless the person has knowingly introduced that live organism on that land or in those waters.
 - (b) A person is not considered to possess a live organism if the organism was obtained from the environment and the person only possesses the organism at the specific location at which it was obtained from the environment.
 - (c) A person is not considered to possess a live organism if the possession is for the purpose of promptly destroying the organism.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 77, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 51, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 358, Imd. Eff. Dec. 9, 2014 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019

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