

# HOUSE BILL No. 4579

March 12, 2009, Introduced by Reps. Warren, Leland, Hansen, Terry Brown, Scripps, Lipton, Liss, Young, Tlaib, Durhal, Meadows and Miller and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 41301 (MCL 324.41301), as amended by 2005 PA  
77.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 41301. (1) As used in this part:

2       (a) "Council" means the invasive species advisory council  
3       created in section 41321.

4       (b) "Department" means the department of natural resources.

5       (c) "Genetically engineered" refers to an organism whose  
6       genome, chromosomal or extrachromosomal, is modified permanently  
7       and heritably, using recombinant nucleic acid techniques, or the

1 progeny thereof **OF SUCH AN ORGANISM.**

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

6 (e) ~~"Prohibited aquatic plant species" means any of the~~  
7 ~~following or fragments or seeds thereof~~ **SPECIES" MEANS ANY OF THE**  
8 **FOLLOWING:**

9 (i) **ANY OF THE FOLLOWING PROHIBITED AQUATIC PLANT SPECIES,**  
10 **INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES**  
11 **OR A FRAGMENT OR SEED OF THE SPECIES OR OF A HYBRID OR GENETICALLY**  
12 **ENGINEERED VARIANT:**

13 (A) ~~(i) African oxygen weed (Lagarosiphon major). or a hybrid~~  
14 ~~or genetically engineered variant thereof.~~

15 (B) ~~(ii) Brazilian elodea (Egeria densa). or a hybrid or~~  
16 ~~genetically engineered variant thereof.~~

17 (C) ~~(iii) European frogbit (Hydrocharis morsus-ranae). or a~~  
18 ~~hybrid or genetically engineered variant thereof.~~

19 (D) ~~(iv) Giant hogweed (Heracleum mantegazzianum). or a hybrid~~  
20 ~~or genetically engineered variant thereof.~~

21 (E) ~~(v) Giant salvinia (Salvinia molesta, auriculata, biloba,~~  
22 ~~or herzogii). or a hybrid or genetically engineered variant~~  
23 ~~thereof.~~

24 (F) ~~(vi) Hydrilla (Hydrilla verticillata). or a hybrid or~~  
25 ~~genetically engineered variant thereof.~~

26 (G) ~~(vii) Japanese knotweed (Fallopia japonica). or a hybrid or~~  
27 ~~genetically engineered variant thereof.~~

1           (H) ~~(viii)~~ Parrot's feather (*Myriophyllum aquaticum*). ~~or a~~  
2 ~~hybrid or genetically engineered variant thereof.~~

3           (I) ~~(ix)~~ Water chestnut (*Trapa natans*). ~~or a hybrid or~~  
4 ~~genetically engineered variant thereof.~~

5           ~~—— (x) Yellow flag iris (*Iris pseudacorus*) or a hybrid or~~  
6 ~~genetically engineered variant thereof.~~

7           (J) ~~(xi)~~ Yellow floating heart (*Nymphoides peltata*). ~~or a~~  
8 ~~hybrid or genetically engineered variant thereof.~~

9           ~~—— (f) "Prohibited fish species" means any of the following or~~  
10 ~~the eggs thereof.~~

11           (ii) THE FOLLOWING PROHIBITED BIRD SPECIES, INCLUDING A HYBRID  
12 OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE  
13 SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT: EURASIAN  
14 COLLARED DOVE (*STREPTOPELIA DECAOCTO*).

15           (iii) THE FOLLOWING PROHIBITED CRUSTACEAN SPECIES, INCLUDING A  
16 HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG  
17 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:  
18 RUSTY CRAYFISH (*ORCONECTES RUSTICUS*).

19           (iv) ANY OF THE FOLLOWING PROHIBITED FISH SPECIES, INCLUDING A  
20 HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG  
21 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

22           (A) ~~(i)~~ Bighead carp (*Hypophthalmichthys nobilis*). ~~or a hybrid~~  
23 ~~or genetically engineered variant thereof.~~

24           (B) ~~(ii)~~ Bitterling (*Rhodeus sericeus*). ~~or a hybrid or~~  
25 ~~genetically engineered variant thereof.~~

26           (C) ~~(iii)~~ Black carp (*Mylopharyngodon piceus*). ~~or a hybrid or~~  
27 ~~genetically engineered variant thereof.~~

(D) EURASIAN RUFFE (GYMNOCEPHALUS CERNUUS).

~~(E) (iv) Grass carp (Ctenopharyngodon idellus). or a hybrid or genetically engineered variant thereof.~~

~~(F) (v) Ide (Leuciscus idus). or a hybrid or genetically engineered variant thereof.~~

~~(G) (vi) Japanese weatherfish (Misgurnus anguillicaudatus). or a hybrid or genetically engineered variant thereof.~~

(H) ROUND GOBY (NEOGOBIOUS MELANOSTOMUS).

~~(I) (vii) Rudd (Scardinius erythrophthalmus). or a hybrid or genetically engineered variant thereof.~~

~~(J) (viii) Silver carp (Hypophthalmichthys molitrix). or a hybrid or genetically engineered variant thereof.~~

~~(K) (ix) A fish of the snakehead family (family Channidae). or a genetically engineered variant thereof.~~

~~(L) (x) Tench (Tinca tinca). or a hybrid or genetically engineered variant thereof.~~

~~—— (g) "Prohibited insect species" means any of the following or the eggs thereof.~~

(M) TUBENOSE GOBY (PROTERORHINUS MARMORATUS).

(v) 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) (i) Asian longhorned beetle (Anoplophora glabripennis). or a hybrid or genetically engineered variant thereof.~~

~~(B) (ii) Emerald ash borer (Agrilus planipennis). or a hybrid or genetically engineered variant thereof.~~

~~—— (h) "Prohibited species" means any of the following:~~

1 ~~—— (i) A prohibited aquatic plant species.~~

2 ~~—— (ii) A prohibited fish species.~~

3 ~~—— (iii) A prohibited insect species.~~

4 (vi) THE FOLLOWING PROHIBITED MAMMAL SPECIES, INCLUDING A  
5 HYBRID OR GENETICALLY ENGINEERED VARIANT: NUTRIA (MYOCASTOR  
6 COYPUS) .

7 (vii) ANY OF THE FOLLOWING PROHIBITED MOLLUSK SPECIES,  
8 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES  
9 OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED  
10 VARIANT:

11 (A) GIANT AFRICAN SNAIL (ACHATINA FULICA) .

12 (B) GIANT POND SNAIL (HELIX ASPERSA) .

13 (F) ~~(i)~~ "Recombinant nucleic acid techniques" means laboratory  
14 techniques through which genetic material is isolated and  
15 manipulated in vitro and then inserted into an organism.

16 (G) ~~(j)~~ "Restricted aquatic plant species" means any of the  
17 following or fragments or seeds thereof **SPECIES" MEANS ANY OF THE**  
18 **FOLLOWING:**

19 (i) ANY OF THE FOLLOWING RESTRICTED AQUATIC PLANT SPECIES,  
20 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES  
21 OR A FRAGMENT OR SEED OF THE SPECIES OR OF A HYBRID OR GENETICALLY  
22 ENGINEERED VARIANT:

23 (A) ~~(i)~~ Curly leaf pondweed (Potamogeton crispus) . ~~or a hybrid~~  
24 ~~or genetically engineered variant thereof.~~

25 (B) ~~(ii)~~ Eurasian watermilfoil (Myriophyllum spicatum) . ~~or a~~  
26 ~~hybrid or genetically engineered variant thereof.~~

27 (C) ~~(iii)~~ Flowering rush (Butomus umbellatus) . ~~or a hybrid or~~

~~genetically engineered variant thereof.~~

(D) ~~(iv)~~ Phragmites or common reed (*Phragmites australis*). ~~or a hybrid or genetically engineered variant thereof.~~

(E) ~~(v)~~ Purple loosestrife (*Lythrum salicaria*), ~~or a hybrid or genetically engineered variant thereof,~~ except for **THAT** cultivars **OF PURPLE LOOSESTRIFE** developed and recognized to be sterile and approved by the director of **THE DEPARTMENT OF** agriculture under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a, **ARE NOT A RESTRICTED SPECIES.**

~~—— (k) "Restricted species" means a restricted aquatic plant species.~~

(ii) **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*).**

(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

1 organism.