

MICHIGAN COMMERCIAL FEED LAW (EXCERPT)
Act 120 of 1975

***** 287.536.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2015 *****

287.536.added Violation of act or rules; administrative fine; warning; penalty; injunction; protection of information as trade secret; civil action; affirmative defense; liability; restitution.

Sec. 16. (1) A person that violates this act or rules promulgated under this act is subject to the penalties and remedies provided in this act regardless of whether the person acted alone or through an employee or agent.

(2) Upon a finding by the director, after notice and an opportunity for an administrative hearing, that a person has violated or attempted to violate this act or a rule promulgated under this act, the director may impose an administrative fine of not more than \$1,000.00 for each violation or attempted violation.

(3) If the director finds that a violation or attempted violation has occurred despite the exercise of due care or did not result in significant harm to human or animal health or the environment, or if the director believes the public interest will best be served, the director may issue a warning instead of imposing an administrative fine.

(4) The director shall advise the attorney general of the failure of a person to pay an administrative fine imposed under this section. The attorney general shall bring an action in a court of competent jurisdiction to recover the administrative fine.

(5) A person that violates or attempts to violate this act or a rule promulgated under this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00, or both, for each violation or attempted violation, in addition to any administrative fines imposed.

(6) A person that knowingly and with malicious intent violates or attempts to violate this act or a rule promulgated under this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$25,000.00, or both, for each offense.

(7) The director may bring an action to enjoin a violation or threatened violation of this act or a rule promulgated under this act in a court of competent jurisdiction in the county in which the violation occurs or is about to occur.

(8) A person that uses to his or her own advantage or reveals to a person, other than the director, officers of the department, the attorney general, or the department of treasury, or the courts when relevant in any judicial proceeding, any information acquired under this act concerning any method, record, formulation, or process that as a trade secret is entitled to protection, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days and shall be fined not less than \$500.00. This prohibition does not prohibit the director from exchanging information of a regulatory nature with appointed officials of the United States government, or of other states, who are similarly prohibited by law from revealing this information.

(9) The attorney general may file a civil action for a violation of this act. A person that violates this act or a rule promulgated under this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation or attempted violation. In addition, the attorney general may bring an action in circuit court to recover the reasonable costs of the investigation from any person that violated this act or attempted to violate this act. Money recovered under this subsection shall be forwarded to the state treasurer for deposit into the fund.

(10) As an affirmative defense of an action filed under this section, in addition to any other lawful defense, a person may present evidence that, at the time of the alleged violation or attempted violation, the person was in compliance with this act and the rules promulgated under this act.

(11) A person that violates this act is liable for all damages sustained by a purchaser of a product sold in violation of this act. In an enforcement action, a court, in addition to other remedies or penalties provided by law, may order restitution to a person injured by the purchase of a product sold in violation of this act.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015.