

ANIMAL INDUSTRY ACT (EXCERPT)
Act 466 of 1988

***** 287.703.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 19, 2020 *****

287.703.amended Definitions; A to W.

Sec. 3. As used in this act:

(a) "Accredited veterinarian" means a veterinarian approved by the administrator of the United States Department of Agriculture, Animal and Plant Health Inspection Service in accordance with 9 CFR part 161, and considered preapproved to perform certain functions of federal and cooperative state/federal programs.

(b) "Animal" means mollusks, crustaceans, and vertebrates other than human beings including, but not limited to, livestock, exotic animals, aquaculture species, and domestic animals.

(c) "Animal movement certificate" means animal movement authorization established in a manner approved and issued by the director that contains, at a minimum, the following information regarding animals or an animal:

(i) The point of origin and point of destination.

(ii) Official identification.

(iii) Anticipated movement date.

(iv) Any required official test results.

(d) "Animal welfare" means the well-being of animals based upon animal husbandry, animal science, and veterinary science practices and standards.

(e) "Approved laboratory" means a state, federal, or private veterinary diagnostic laboratory approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, veterinary services, to conduct approved official laboratory tests for a specific reportable animal disease.

(f) "Approved vaccine" means a veterinary biological as described in 9 CFR subchapter E that is administered to livestock or other animals to induce immunity in the recipient and approved by the state veterinarian.

(g) "Aquaculture" means the propagation and rearing of aquaculture species on the approved list of aquaculture species under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884, in controlled or selected environments. Aquaculture includes, but is not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of aquaculture products.

(h) "Aquaculture facility" means that term as defined in the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

(i) "Aquaculture lot" means a group of aquatic animals that share approximately the same risk of exposure to a pathogenic agent or toxin within a defined location due to common management or sharing a common aquatic environment.

(j) "Aquaculture species" means that term as defined in the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

(k) "Autogenous veterinary biological" means all bacteria, viruses, serums, toxins, or analogous products from a specific herd that are custom-made with herd-specific antigens.

(l) "Carcasses" means the dead bodies of domestic animals. Carcasses do not include rendered products.

(m) "Cattle" means all bovine (genus bos) animals, bovinelike animals (genus bison) also commonly referred to as American buffalo or bison, and any cross of these species unless otherwise specifically provided.

(n) "Commingling" means concurrently or subsequently sharing or subsequent use by livestock or other domestic animals of the same pen or same section in a facility or same section in a transportation unit where there is physical contact or contact with bodily excrements, aerosols, or fluids from other livestock or domestic animals.

(o) "Consignee" means a person receiving animals at the point of destination named on an official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.

(p) "Consignor" means a person moving animals from a point of origin named on an official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.

(q) "Dealer" means a person required to be licensed under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the

sale, resale, exchange, transportation, or transfer of livestock.

(r) "Department" means the department of agriculture and rural development.

(s) "Direct movement" means transfer of animals to a destination without unloading the animals en route.

(t) "Director" means the director of the department or his or her authorized representative.

(u) "Disease" means any animal health condition with potential for economic impact, public or animal health concerns, or food safety concerns.

(v) "Disease free zone" means an area in this state with a defined dimension determined by the director to be free of a specific reportable animal disease.

(w) "Distribute" means to deliver other than by administering or dispensing a veterinary biological.

(x) "Domestic animal" means a species of animal that lives under the husbandry of humans.

(y) "Equidae" means all animals of the equine family and includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras.

(z) "Exhibition or exposition" means a congregation, gathering, or collection of animals that are presented or exposed to public view for show, display, swap, exchange, entertainment, educational event, instruction, advertising, or competition. Exhibition or exposition does not include livestock for sale at public stockyards, auctions, saleyards, or livestock yards licensed under 1937 PA 284, MCL 287.121 to 287.131.

(aa) "Exhibition facility" means a facility used or intended to be used for public view, show, display, swap, exchange, entertainment, advertisement, educational event, or competition involving animals. Exhibition facility does not include a public stockyard, an auction saleyard, or an animal yard where animals are accepted on consignment and the auction method is used in the marketing of the animals.

(bb) "Exhibitor" means a person that presents an animal for public display, exhibition, or competition or enters an animal in a fair, show, exhibition, or exposition.

(cc) "Exotic animal" means a species of animal that is not native to the United States.

(dd) "Fair" means a competition and educational exhibition of agricultural commodities and manufactured products for which premiums may be paid.

(ee) "Feral swine" means swine that have lived their life or any part of their life as free roaming.

(ff) "Fish disease inspection report" means a document prepared by a fish health laboratory approved by the director, a veterinarian, or a fish health official giving evidence of inspections and diagnostic work performed.

(gg) "Fish health official" means a veterinarian or a fish health specialist approved by the director who is responsible for conducting aquaculture facility inspections and issuing fish disease inspection reports.

(hh) "Flock" means all of the poultry on 1 premises or, in the discretion of the department, a group of poultry that is segregated from all other poultry on the same premises.

(ii) "Garbage" means any animal origin products, including those of poultry and fish origin, or other animal material resulting from the handling, processing, preparation, cooking, or consumption of foods. Garbage includes, but is not limited to, any refuse of any type that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food. Garbage does not include rendered products or manure.

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

(kk) "Grade" means an animal for which no proof of registration with an appropriate breed registry is provided.

(ll) "Herd" means an isolated group of livestock maintained on common ground for any purpose, or 2 or more groups of livestock under common ownership or supervision that are geographically separated but that have an interchange or movement of livestock without regard to health status as determined by the director.

(mm) "Herd or flock of origin" means any herd or flock in which animals are born and remain until movement or any herd or flock in which animals remain for at least 30 days immediately following direct movement into the herd or flock from another herd or flock. Herd or flock of origin includes the place of origin, premises of origin, and farm of origin.

(nn) "High-risk area" means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease has been diagnosed in domesticated animals.

(oo) "Infectious disease" means a disorder caused by an organism, including, but not limited to, a bacteria, virus, fungus, parasite, prion, or analogous organism, and that can be directly or indirectly passed from animal to animal.

(pp) "Infected zone" means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease is present in animals and separated from a disease-free zone by a surveillance zone.

(qq) "Intrastate movement" means movement from 1 premises to another within this state.

(rr) "Isolated" means the physical separation of animals by a physical barrier or geographical distance in such a manner that other animals do not have access to the isolated animals' bodies, excrement, aerosols, or discharges, as approved by the director.

(ss) "Law enforcement agency" means the department of state police, the department of natural resources, a law enforcement agency of a county, township, city, or village, or a tribal law enforcement agency that is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.

(tt) "Livestock" means those species of animals used for human food or for fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, old world camelids, goats, bison, privately owned cervids, ratites, swine, equids, poultry, aquaculture species, and rabbits. Livestock does not include dogs or cats.

(uu) "Livestock auction market" means a livestock market where livestock is accepted on consignment and the auction method is used in the marketing of consigned livestock as defined in 1937 PA 284, MCL 287.121 to 287.131.

(vv) "National Poultry Improvement Plan" means a plan for the control or eradication of certain poultry diseases that is published in 9 CFR parts 56, 145, 146, and 147.

(ww) "Native" means an animal born and raised in this state, or legally imported into this state and having complied with entry requirements prescribed by the director, and having been maintained in this state for at least 30 days.

(xx) "New world camelids" means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(yy) "Offal" means the waste parts resulting from the processing of animals, poultry, fish, and aquaculture species. Offal does not include rendered products.

(zz) "Official identification" means an identification ear tag, tattoo, electronic identification, or other identification approved by the United States Department of Agriculture or the department.

(aaa) "Official interstate health certificate" or "official interstate certificate of veterinary inspection" means a form in paper or electronic format approved by the director with a unique identifier that documents the information required under section 20 and that is issued for animals that are being imported to or exported from this state not more than 30 days prior to the importation or exportation of those animals. A photocopy of an official interstate health certificate or an official interstate certificate of veterinary inspection is considered an official copy if certified as a true copy by the issuing veterinarian or animal health official of the state of origin.

(bbb) "Official intrastate health certificate" or "official intrastate certificate of veterinary inspection" means a form in paper or electronic format approved by the director with a unique identifier that documents the information required under section 20 and that is issued for animals that are being moved within this state not more than 30 days prior to the movement of those animals. A photocopy of an official intrastate health certificate of veterinary inspection is considered an official copy if certified as a true copy by the issuing veterinarian or animal health official.

(ccc) "Official test" means a sample of specific material collected from an animal with official identification by an accredited veterinarian, state or federal veterinary medical officer, or other person authorized by the director and analyzed by a laboratory certified by the United States Department of Agriculture or the department to conduct the test, or a diagnostic injection administered and analyzed by an accredited veterinarian or a state or federal veterinary medical officer. An official test is conducted only by an accredited veterinarian or a state or federal veterinary medical officer except under special permission by the director.

(ddd) "Official vaccination" means a vaccination that the director has designated for a reportable animal disease, administered by an accredited veterinarian or a state or federal veterinary medical officer, and documented on a form supplied by the department.

(eee) "Old world camelid" means a Bactrian or an Arabian or dromedary camel.

(fff) "Originate" means the direct movement of animals from a herd or flock of origin.

(ggg) "Person" means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity including, but not limited to, contractual relationships.

(hhh) "Potential high-risk area" means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease has been diagnosed in wild animals.

(iii) "Poultry" means, but is not limited to, chickens, guinea fowl, turkeys, waterfowl, pigeons, doves, peafowl, and game birds that are propagated and maintained under the husbandry of humans.

(jjj) "Prior entry permit" means a code that is obtained from the department for specific species of animals imported into this state that is recorded on the official interstate health certificate, official interstate certificate of veterinary inspection, or fish disease inspection report before entry into this state.

(kkk) "Prior movement permit" means prior documented permission given by the director before intrastate movement of an animal.

(lll) "Privately owned cervid" means all species of the cervid family including, but not limited to, deer, elk, moose, and all other members of the family cervidae propagated and maintained under the husbandry of humans for the production of meat and other agricultural products, sport, exhibition, or any other purpose approved by the director. A privately owned cervid at large remains a privately owned cervid as long as it bears visible identification and is recovered by its owner within 48 hours after the time the cervid is discovered.

(mmm) "Pullorum-typhoid" means a disease of poultry caused by *Salmonella pullorum* or *Salmonella gallinarum*.

(nnn) "Pullorum-typhoid clean flock" means a flock that receives and maintains this status by fulfilling the requirements prescribed in the National Poultry Improvement Plan.

(ooo) "Quarantine" means enforced isolation of an animal or group of animals or restriction of movement of an animal or group of animals, equipment, feed and food products, or vehicles to or from any structure, premises, or area of this state, including the entirety of this state, determined by the director.

(ppp) "Ratite" means flightless birds having a flat breastbone without the keellike prominence characteristic of most flying birds. Ratites include, but are not limited to, cassowaries, kiwis, ostriches, emus, and rheas.

(qqq) "Reasonable assistance" means safely controlling an animal by corraling, stabling, kenneling, holding, tying, chemically restraining, or confining by halter or leash or crowding the animal in a safe and sensible manner so an examination or testing procedure considered necessary by the director can be performed.

(rrr) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(sss) "Rendered products" means waste material derived in whole or in part from meat of an animal or other animal material and other refuse of any character that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food that has been ground and heat-treated to a minimum temperature of 170 degrees Fahrenheit for a minimum of 30 minutes to make products including, but not limited to, animal protein meal, poultry protein meal, fish protein meal, grease, or tallow. Rendered products also include bakery wastes, eggs, candy wastes, and domestic dairy products including, but not limited to, milk.

(ttt) "Reportable animal disease" means an animal disease on the current reportable animal disease list maintained by the state veterinarian that poses a serious threat to the animal industry, public health, or animal health.

(uuu) "Slaughter premises" means all facilities, buildings, structures, including all immediate grounds where slaughtering occurs under federal or state inspection, or otherwise authorized by the director.

(vvv) "Sow" means a female swine that has farrowed or given birth to or aborted 1 litter or more.

(www) "State veterinarian" means the chief animal health official of this state as appointed by the director under section 7, or his or her authorized representative.

(xxx) "Surveillance zone" means an area in this state that has a defined dimension determined by the director to be at risk for a specific reportable animal disease and is located adjacent and contiguous to an infected zone.

(yyy) "Swine" means any of the ungulate mammals of the family suidae.

(zzz) "Toxic substance" means a natural or synthetic chemical or radiologic material in concentrations that alone or in combination with other natural or synthetic chemicals presents a threat to the health, safety, or welfare of human or animal life or that has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

(aaaa) "Toxicological disease" means any condition caused by or related to a toxic substance.

(bbbb) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a state or federal law applicable to that person.

(cccc) "Veterinary biological" means all bacteria, viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, or the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(dddd) "Wild animal" means that term as defined in section 43508 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43508.

History: 1988, Act 466, Eff. Mar. 28, 1989;—Am. 1994, Act 41, Imd. Eff. Mar. 14, 1994;—Am. 1996, Act 369, Imd. Eff. July 3, 1996;—Am. 1998, Act 552, Imd. Eff. Jan. 27, 1999;—Am. 2000, Act 323, Imd. Eff. Oct. 31, 2000;—Am. 2002, Act 458, Imd. Eff. June 21, 2002;—Am. 2019, Act 132, Eff. Feb. 19, 2020.