

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

***** 324.41409 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015

324.41409 Prevention of introduction and spread of AIS through trade; report; recommendations.

Sec. 41409. (1) Within 240 days after the effective date of the amendatory act that added this section, the council shall submit a report with recommendations for legislation or rules to prevent the introduction and spread of AIS through trade. The council shall submit the report to the governor, the senate majority leader, the speaker of the house of representatives, and the standing committees of the senate and house with primary responsibility for natural resources, conservation, agriculture, and commerce. In preparing the report, the council shall review the AIS laws of this state and other jurisdictions, including the other Great Lakes states.

(2) In the report under subsection (1), the council shall make recommendations on all of the following:

(a) The definition of aquatic invasive species. Before making recommendations under this subdivision, the council shall consider and address issues related to the domestication and cultivation of and potential beneficial effects of nonnative species and consider the "Invasive Species Definition Clarification and Guidance White Paper" submitted by the definitions subcommittee of the national invasive species advisory committee (ISAC) and approved by ISAC on April 27, 2006.

(b) Risk assessment processes to screen aquatic species proposed for trade and to screen pathways of introduction and spread. The risk assessment processes shall consider potential net harm to public health and safety, the environment and natural resources, and the economy. The processes shall place the burden to demonstrate the harmlessness of an aquatic species or pathway on the importer or other person responsible for introduction or distribution. The risk assessment process for species shall classify species into 3 lists: "prohibited", "permitted", and "restricted".

(c) Harmonizing federal and state law so that aquatic species on federal lists of either prohibited or permitted species of plants and animals are placed on the appropriate lists of this state.

(d) Establishing a program for aquatic species in trade to certify that the organisms are free of disease, insect pests, and incidental contamination by other species.

(e) An education program on safe-usage practices directed to both buyers and sellers of aquatic species in trade.

(f) Connecting regulations and education on aquatic species in trade to the protection of this state's natural resources as a component of the pure Michigan tourism advertising campaign.

(g) Financial and other resources for implementing recommendations under this subsection.

(h) Proposals for collaborating with other Great Lakes states and Canadian provinces to create or strengthen regional programs or coordinate state and provincial programs to achieve the goals set forth in subsection (1).

(3) In preparing the report required by this section, the council shall consult with representatives of organizations and businesses that deal with organisms in trade, including the aquarium, bait, pet, water garden, horticulture, aquaculture, and shipping trades.

History: Add. 2011, Act 286, Imd. Eff. Dec. 21, 2011.

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