

HOUSE BILL No. 5255

January 27, 2016, Introduced by Reps. Bumstead, Pscholka, McCready, Kivela, Garcia, Pettalia, Cochran, Irwin and Rendon and referred to the Committee on Natural Resources.

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 2 (MCL 286.872), as amended by 2003 PA 272, and by adding section 6a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Aquacultural products" means any products, coproducts, or
3 by-products of aquaculture species.

4 (b) "Aquaculture" means the commercial husbandry of
5 aquaculture species on the approved list of aquaculture species,
6 including, but not limited to, the culturing, producing, growing,
7 using, propagating, harvesting, transporting, importing, exporting,
8 or marketing of aquacultural products under an appropriate permit
9 or registration.

1 (c) "Aquaculture facility" means a farm or farm operation
2 engaged in any aspect of aquaculture in privately controlled waters
3 capable of holding all life stages of aquaculture species with a
4 barrier or enclosure to prevent their escape into waters of the
5 state.

6 (d) "Aquaculture facility registration" means a registration
7 issued by the director allowing a facility to engage in
8 aquaculture.

9 (e) "Aquaculture research permit" means a permit issued by the
10 director to researchers to study and culture aquaculture species
11 not included on the approved list of aquaculture species for the
12 evaluation of aquacultural potential and to provide a scientific
13 basis for including the aquaculture species on the approved list.

14 (f) "Aquaculture species" means aquatic animal organisms
15 including, but not limited to, fish, crustaceans, mollusks,
16 reptiles, or amphibians reared or cultured under controlled
17 conditions in an aquaculture facility.

18 (g) "Aquaculturist" means a person involved in or engaged in
19 any aspect of aquaculture.

20 (h) "Aquarium" means any park, building, cage, enclosure, or
21 other structure or premises in which aquaculture species are kept
22 for public exhibition or viewing, regardless of whether
23 compensation is received.

24 (i) "Confinement research facility" means a facility holding
25 an aquaculture research permit, enclosed in a secure structure, and
26 separated from other aquaculture facilities and in which
27 aquaculture species are isolated and maintained in complete and

1 continuous confinement to prevent their escape into the environment
2 and to prevent the release of any possible pathogens into the
3 environment.

4 (J) "CONNECTING WATERS" MEANS THE ST. MARY'S RIVER, THE
5 DETROIT RIVER, LAKE ST. CLAIR, AND THE ST. CLAIR RIVER.

6 (K) ~~(j)~~"Department" means the Michigan department of
7 agriculture AND RURAL DEVELOPMENT.

8 (L) ~~(k)~~"Director" means the director of the Michigan
9 department of agriculture AND RURAL DEVELOPMENT or his or her
10 designee.

11 (M) ~~(l)~~"Farm" or "farm operation" means those terms as
12 defined in the Michigan right to farm act, 1981 PA 93, MCL 286.471
13 to 286.474.

14 (N) ~~(m)~~"Genetically engineered" refers to an organism whose
15 genome, chromosomal or extrachromosomal, is modified permanently
16 and heritably using recombinant nucleic acid techniques, or the
17 progeny thereof.

18 (O) "GREAT LAKES" MEANS LAKE SUPERIOR, LAKE MICHIGAN, LAKE
19 HURON, LAKE ERIE, AND LAKE ONTARIO.

20 (P) ~~(n)~~"Law enforcement officer" means a person appointed by
21 the state or a local governmental unit who is responsible for the
22 enforcement of the criminal laws of this state.

23 (Q) "NET PEN AQUACULTURE FACILITY" MEANS A FACILITY OR
24 OPERATION ENGAGED IN ANY ASPECT OF AQUACULTURE, IN ANY TYPE OR SIZE
25 ENCLOSURES THAT ARE ANCHORED TO BOTTOMLANDS, ATTACHED TO THE SHORE,
26 OR LOCATED IN OPEN WATER.

27 (R) "OPENLY CONNECTED" MEANS CONNECTED THROUGH OPEN WATERS TO

1 THE GREAT LAKES OR THE CONNECTING WATERS OF THE GREAT LAKES UP TO
2 THE FIRST DAM, TO WHICH WATERS GREAT LAKES FISH HAVE UNIMPEDED
3 ACCESS.

4 (S) ~~(e)~~—"Person" means an individual, corporation, limited
5 liability company, partnership, association, joint venture, or
6 other legal entity.

7 (T) ~~(p)~~—"Privately controlled waters" means waters controlled
8 within ponds, vats, raceways, tanks, and any other indoor or
9 outdoor structure wholly within or on land owned or leased by an
10 aquaculturist and used with an aquaculture facility or confinement
11 research facility. Privately controlled waters includes those
12 waters diverted for use in an aquaculture facility by an
13 aquaculturist exercising his or her riparian rights.

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

17 (V) ~~(r)~~—"Retail bait outlet" means a facility that sells
18 directly to the consumer any live or dead organism, edible or
19 digestible material, organic or processed food, or scented material
20 each of which may be used to attract fish, including, but not
21 limited to, worms, leeches, aquatic insects, crayfish, amphibians,
22 fish eggs, minnows or other fish, marshmallows, cheese, pork rinds,
23 or any part thereof.

24 (W) ~~(s)~~—"Retail ornamental fish facility" means a facility in
25 which a person sells, imports or exports at wholesale or retail,
26 leases, or loans ornamental species of aquatic organisms that may
27 live in fresh, brackish, or saltwater environments to the general

1 public for home or public display purposes.

2 (X) ~~(t)~~—"Waters of the state" means groundwaters, lakes,
3 rivers, and streams and all other watercourses and waters within
4 the jurisdiction of the state and also the Great Lakes bordering
5 the state.

6 (Y) ~~(u)~~—"Zoo" means any park, building, cage, enclosure, or
7 other structure or premises in which a live animal is kept for
8 public exhibition or viewing, regardless of whether compensation is
9 received.

10 SEC. 6A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR
11 RULES PROMULGATED UNDER THIS ACT, A PERSON SHALL NOT OPERATE A NET
12 PEN AQUACULTURE FACILITY WITHIN THE GREAT LAKES OR THE CONNECTING
13 WATERS OF THE GREAT LAKES OR IN ANY WATER BODY THAT IS OPENLY
14 CONNECTED TO THE GREAT LAKES OR THE CONNECTING WATERS OF THE GREAT
15 LAKES.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.