

SENATE BILL NO. 176

March 07, 2019, Introduced by Senator DALEY and referred to the Committee on Agriculture.

A bill to amend 1937 PA 284, entitled

"An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,"

by amending sections 4 and 7 (MCL 287.124 and 287.127), as amended

by 2012 PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. If a person fails or refuses to comply with this act,
 2 the department may refuse to issue a license or may suspend or
 3 revoke the license held by the licensee. Before refusing,
 4 suspending, or revoking the license, the department shall give
 5 written notice of a hearing ~~to be had thereon~~ **on the refusal,**
 6 **suspension, or revocation** to the **affected** licensee. ~~affected.~~The
 7 notice shall ~~appoint~~ **provide** a time of hearing at the department
 8 and shall be mailed by certified or registered mail to the
 9 licensee. On the day of the hearing, the licensee may present
 10 evidence to the director ~~as he or she considers appropriate~~
 11 regarding the violations charged, and after the hearing the
 12 director shall ~~render~~ **make** a decision. A licensee who ~~feels~~ **is**
 13 aggrieved ~~at~~ **by** the decision of the director may appeal the
 14 decision within 10 days to the circuit court of the county where
 15 the licensee resides. The following reasons are cause for refusal
 16 to issue a license or for the suspension or revocation of a
 17 license:

18 (a) The applicant or licensee has failed to pay in full any
 19 amounts due on livestock purchased, or has violated the laws of ~~the~~
 20 **this** state or rules promulgated by the director governing the
 21 interstate or intrastate movement, shipment, or transportation of
 22 animals.

23 (b) There have been intentionally false or misleading
 24 statements to the purchaser concerning the identity or the physical
 25 condition of an animal, any test intended to establish the health
 26 status of an animal, ~~or as to~~ the ownership of an animal, the
 27 quantity of animals, or other matter in connection with the buying,

1 receiving, selling, exchanging, soliciting, or negotiating the
2 sale, resale, exchange, transport, transfer, weighing, or shipment
3 of animals.

4 (c) The licensee has engaged in buying or receiving animals,
5 or receiving, selling, exchanging, soliciting, or negotiating the
6 sale, resale, exchange, transport, or transfer of animals that do
7 not comply with official identification, testing, permitting, or
8 intrastate or interstate animal movement requirements under the
9 animal industry act, 1988 PA 466, MCL 287.701 to ~~287.746~~**287.745**.

10 (d) The licensee has failed to practice measures of
11 sanitation, disinfection, **or** dead animal disposal as required in
12 1982 PA 239, MCL 287.651 to 287.683, **or the requirements of this**
13 **act regarding** bodies of dead animals, animal handling, or
14 inspection ~~as required by this act~~, related to the premises or
15 vehicles used for the stabling or transportation of animals.

16 (e) ~~There has been a failure or refusal on the part of the~~**The**
17 licensee ~~, upon the request of the department,~~ **has failed or**
18 **refused** to produce records **requested by the department that are**
19 required under this act.

20 Sec. 7. (1) For the purpose of preventing the spread of
21 infection or communicable diseases of livestock, all animals sold,
22 transferred, or exchanged from any yards or premises by any dealer,
23 broker, or agent may be inspected by the director. The director may
24 prescribe the proper tests or treatment of any animal when tests or
25 treatment are considered necessary to prevent the spread of a
26 communicable disease or undue suffering of livestock. The test or
27 treatment shall be made by a veterinarian approved by the director,
28 and the director may require fees for the test or treatment to be
29 paid by the dealer, broker, livestock trucker, or agent.

1 (2) A dealer, broker, agent, livestock trucker, or owner of an
2 animal shall not under an assumed or fictitious name sell or offer
3 for sale the animal or make any false or misleading statements as
4 to the identity or the physical condition of the animal or with
5 regard to any test that is supposed to establish the health status
6 of the animal offered for sale or sold.

7 (3) Animals that enter a livestock auction, collection point,
8 or buying station, licensed under this act, are considered to have
9 moved from 1 premises to another within this state. The livestock
10 auction, collection point, or buying station is considered the
11 immediate point of destination of the animals and the licensee is
12 responsible for ensuring that requirements for any necessary
13 official identification, permitting, testing, or certification as
14 required under the animal industry act, 1988 PA 466, MCL 287.701 to
15 ~~287.746,~~**287.745**, are met prior to allowing animals to be unloaded
16 from the conveyance vehicle.

17 (4) The department may confer with the licensee of a livestock
18 auction, collection point, or buying station that is to be used by
19 the licensee for the purpose of selling, trading, or delivering
20 livestock and define an area surrounding the premises that shall be
21 known as the market zone of the premises. All livestock brought
22 into the market zone and sold or traded shall be handled and sold
23 through the livestock auction or buying station within the market
24 zone in compliance with state laws and rules.

25 (5) A licensee of a livestock auction, collection point, or
26 buying station shall ensure that pens and buildings are available
27 to protect livestock handled from injury and inclement weather. The
28 pens and buildings shall be of ~~such-a~~ construction ~~as will~~
29 ~~facilitate~~**that facilitates** cleaning and disinfection and shall be

1 regularly cleaned and disinfected and kept free of mud and
2 accumulations of manure and filth. A licensee shall ensure that all
3 of the following are complied with:

4 (a) Flooring materials that are appropriate for the health and
5 safety of livestock shall be installed in all pens and alleys in
6 all licensed livestock auctions and in the loading and unloading
7 areas immediately adjacent to the structure.

8 (b) All pens, alleys, and dock areas shall be constructed to
9 facilitate drainage. Water shall not be permitted to accumulate in
10 pens, alleys, or the loading and unloading areas, except in
11 approved lagoons.

12 (c) Manure may be stored on the premises of any licensed
13 livestock auction and shall be disposed of according to normal
14 agricultural practices, or as otherwise required by the director.

15 (d) The walls of all primary animal enclosures shall be kept
16 clean and free of accumulations of filth.

17 (e) The area in front of the unloading dock, for a distance of
18 15 feet, shall be of concrete or impervious material ~~so as to~~
19 facilitate the cleaning of manure and debris from the unloading
20 trucks.

21 (f) All auction rings, docks, pens, scales, and alleys used
22 for holding livestock shall be thoroughly cleaned after each sale
23 day. In addition, auction rings and pens used to hold animals with
24 an infectious or contagious disease shall also be thoroughly
25 disinfected with a disinfectant approved by the director after each
26 sale before being used again.

27 (g) Water shall be offered at least every 12 hours, or as
28 needed in inclement weather. If an animal is to be housed for more
29 than 24 hours, feed must be offered at least once a day, or as

1 appropriate for species and age of the animal.

2 (h) Livestock housed for more than 24 hours shall be able to
3 lie down, turn around, and stand in accordance with normal
4 agricultural management practices. A person who purchases cattle
5 under 3 months of age shall remove the cattle from the premises by
6 noon the day following the sale.

7 (6) Trucks or vehicles, and transportation cages, used by
8 livestock dealers, brokers, or livestock truckers for
9 transportation and handling of livestock shall be properly
10 constructed to adequately protect handled livestock from injury and
11 undue exposure to inclement weather and shall be regularly cleaned
12 and disinfected.

13 (7) Animals under quarantine shall not be sold through a
14 livestock auction unless approved by the director.

15 (8) A licensee shall ensure that all pens used for confinement
16 of animals with a contagious or infectious disease are in a
17 location that prevents contact with healthy animals. The pens shall
18 be of smooth tight siding construction and of sufficient height
19 that they will not permit the contact of any other livestock. The
20 pens shall be drained in such a manner as to prevent contamination
21 of the alley. Pens used for livestock infected with contagious or
22 infectious diseases shall be properly identified and shall not be
23 used to confine any other livestock.

24 (9) Except upon a permit from the director, swine shall not be
25 sold or removed from a livestock auction, collection point, or
26 buying station except for immediate slaughter. Swine shall not be
27 allowed to contact any swine not used for immediate slaughter or
28 delivery as indicated in this section.

29 (10) Healthy swine not subject to quarantine that are within

1 this state and handled in compliance with department rules and
2 state law may be sold and removed from livestock auction facilities
3 referred to in this section for purposes other than immediate
4 slaughter when unloaded from vehicles and delivered directly to
5 vehicles in which the swine are transported from the sale premises.

6 (11) As used in this section, "immediate slaughter" means
7 killed or delivered to a licensed livestock facility, where state
8 or federal veterinary inspection is maintained daily, within 72
9 hours following removal from the livestock auction, collection
10 point, or buying station.

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

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.174 of the 100th Legislature is enacted into
15 law.