

Michigan State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. Mich. Comp. Laws Ann. § 288.539
 - 3. Mich. Comp. Laws Ann. § 289.8107
 - ii. Sale of Expired Foods
 - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 - 2. Mich. Comp. Laws Ann. § 288.539
 - 3. Mich. Comp. Laws Ann. § 289.8107
 - b. Meat
 - i. Date Labeling and Sale of Expired
 - 1. These laws either provide specific date labeling requirements or restrict the sale of meat to customers past the expiration date provided.
 - 2. Mich. Comp. Laws Ann. § 289.8107
 - c. Dairy
 - i. Date Labels
 - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - 2. Mich. Comp. Laws Ann. § 288.539
 - d. Ginseng
 - i. Import Certification Requirements
 - 1. These laws require that ginseng imported from out of state be accompanied by documentation from the state where it was harvested. These laws are intended to prevent trafficking in illegally obtained or poached wild ginseng.
 - 2. MI ST 290.777
 - e. Prepackaged Foods
 - i. Date Labels
 - 1. These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.
 - 2. Mich. Comp. Laws Ann. § 289.8107
 - f. Cottage Food Production
 - i. Labeling, Production, and Restriction of Sale
 - 1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial

kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.

2. MI ST 289.4102

II. Alcohol

a. None

III. Drugs

a. Recreational

i. Salvia

1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.

2. MI ST 333.7212

b. Tobacco

i. Fire Safety Standards

1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.

2. Mich. Comp. Laws Ann. § 29.495

3. Mich. Comp. Laws Ann. § 29.497

4. Mich. Comp. Laws Ann. § 29.499

5. Mich. Comp. Laws Ann. § 29.501

IV. Fishing

a. None

V. Wood and Lumber

a. None

VI. Home Goods and Products

a. Children’s Products and Upholstery

i. Brominated Flame Retardants

1. These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children’s products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.

2. 38 M.R.S.A. § 1609

VII. Live Animal Imports

a. Aquaculture

i. Aquaculture Import and Disease Reporting

1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
2. Mich. Stat. 287.729a (sections 701-747)
3. Mich. Stat. 324.48735

ii. Viral Hemorrhagic Septicemia

1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
2. Mich. Stat. 287.729a (sections 701-747)
3. Mich. Stat. 324.48735

b. Genetically Modified Organisms

i. Import

1. These laws place restrictions on the importation into the state of genetically modified plants or animals that may adversely impact human health or safety as well as local agriculture or wildlife.
2. M.C.L.A. 287.712
3. Mich. Comp. Laws § 287.731

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
2. M.C.L.A. 287.720
3. http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a

voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. Mich. Admin. Code R 287.712
3. MI ST 287.730a

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
2. Mich. Admin. Code R 287.712

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
2. M.C.L.A. 287.720
3. http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
2. MI ST 287.730a

e. Bees

i. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
2. M.C.L.A. 286.811

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- f. Horses
 - i. Equine Infectious Anemia
 - 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
 - 2. M.C.L.A. 287.726a
 - g. Sheep and Goats
 - i. Scrapie
 - 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
 - 2. M.C.L.A. 287.719
 - 3. MI ST 287.728
 - 4. MI ST 287.727
 - ii. Scabies
 - 1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
 - 2. Miss. Admin. Code 2-101-2:12
- h. Swine
 - i. Pseudorabies
 - 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
 - 2. MI ST 287.837
 - 3. MI ST 287.839
 - ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. M.C.L.A. 287.720
 3. http://www.michigan.gov/documents/mdard/2017DiseaseReport_615164_7.pdf
- VIII. Companion Animals
- a. Dogs and Cats
 - i. Minimum Age at Sale
 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. M.C.L. 287.335a
- IX. Products for Animals
- a. Pet Food
 - i. Ingredients
 1. These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.
 2. Mich. Admin. Code R 285.635.3
 - ii. Nutritional Labeling
 1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.
 2. Mich. Admin. Code R 285.635.3
 - iii. Flavor Labeling
 1. These regulations govern flavor designation and labeling on pet food packaging.
 2. Mich. Admin. Code R 285.635.4
- X. Dead Animals and Animal Parts
- a. Animal Carcasses and Grease
 - i. Transport Requirements: Use of Leakproof Container
 1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be

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carried out prior to transport. These laws are intended to provide for public health and sanitation.

2. Mich. Admin. Code R. 287.653

XI. Invasive Pests, Plants, and Disease

a. Noxious Weeds

i. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.

ii. Mich. Admin. Code R. 285.715.7

XII. Procurement

a. Agricultural Goods

1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

2. M.C.L.A. §18.1261

XIII. General Prohibitions

a. None

XIV. Miscellaneous

a. None