

Table 2. Summary of requirements for possession of live prohibited and restricted organisms and penalties for violations, as taken from Part 413, Transgenic and Nonnative Organisms, Act 451 of 1994^a.

Requirements	Comments	Penalty for Violation (Sec. 41309)
<p>Sec. 41303 (1) Subject to subsection (2), a person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species, except under 1 or more of the following circumstances:</p>		<p>See Additional Requirement Violations Table Below.</p>
<p>(a) The person intends to present a specimen of the prohibited species or restricted species, for identification or similar purposes, to a person who is a certified applicator or registered applicator under part 83, to a public or private institution of higher education, or to the department or any other state, local, or federal agency with responsibility for the environment or natural resources.</p>		
<p>(b) The person has been presented with a specimen of a prohibited species or restricted species for identification or similar purposes under subdivision (a).</p>	<p>Sec. 41303 (2) [paraphrased] The person must notify the Department of Natural Resources (DNR), Department of Agriculture, or the Department of Environmental Quality if the prohibited species or restricted species was found at a location where it was not previously known to be present.</p>	<p>(1) Civil fine of not more than \$100.</p>
<p>(c) The person possesses the prohibited species or restricted species in conjunction with otherwise lawful activity to eradicate or control the prohibited species or restricted species.</p>	<p>Sec. 41303 (2) [paraphrased] The person must notify the DNR, Department of Agriculture, or the Department of Environmental Quality if the prohibited species or restricted species was found at a location where it was not previously known to be present.</p>	<p>(1) Civil fine of not more than \$100.</p>
<p>(d) If the prohibited species or restricted species is not an insect species, the possession is pursuant to a permit issued for education or research purposes by the DNR under section 41306. If the prohibited species or restricted species is an insect species, the possession is pursuant to a permit issued for education or research purposes by the department of agriculture under section 41306 or by the United States Department of Agriculture.</p>	<p>The person will be penalized if a condition of the permit is violated.</p>	<p>(2) Restricted species violation: Civil fine of not more than \$5,000.</p> <p>(2) Prohibited species violation: Civil fine of not more than \$10,000.</p>

<p>Sec. 41305 A person shall not introduce a prohibited species, a restricted species, or a genetically engineered or nonnative fish or aquatic plant unless the introduction is authorized by 1 of the following, as applicable:</p>		<p>See Additional Requirement Violations Table Below.</p>
<p>(a) For a fish, by a permit issued by the DNR under section 48735.</p>		
<p>(b) For a prohibited species or restricted species that is an insect, by a permit issued by the Department of Agriculture under section 41306.</p>		
<p>(c) For an aquatic plant, by a permit issued by the DNR under section 41306.</p>		

^a[http://www.legislature.mi.gov/\(mv2dnyiguque4cqrn5tkon45\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-451-1994-III-2-1-WILDLIFE-CONSERVATION-413](http://www.legislature.mi.gov/(mv2dnyiguque4cqrn5tkon45)/mileg.aspx?page=GetMCLDocument&objectname=mcl-451-1994-III-2-1-WILDLIFE-CONSERVATION-413)

Table 3. Summary of additional requirement violations regarding the possession of live prohibited and restricted organisms, as taken from Part 413, Transgenic and Nonnative Organisms, Act 451 of 1994^a.

Additional Violations (Sec. 41309)	Penalty	Comments
(2) A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a <i>restricted species</i> .	Civil fine of not more than \$5,000.	
(2) A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a <i>prohibited species</i> .	Civil fine of not more than \$10,000.	
(3) A person who violates section 41303(1) knowing the possession is unlawful or who willfully or in a grossly negligent manner violates a condition of a permit issued under this part is guilty as follows:		
<ul style="list-style-type: none"> ○ <i>Restricted species</i> violation 	Misdemeanor and possible imprisonment for not more than 1 year and fined not less than \$1,000 or more than \$10,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
<ul style="list-style-type: none"> ○ <i>Prohibited species</i> violation 	Felony and possible imprisonment for not more than 2 years and fined not less than \$2,000 or more than \$20,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
(4) A person who, with intent to damage natural, agricultural, or silvicultural resources:		
<ul style="list-style-type: none"> ○ Violates section 41303(1) with respect to a <i>restricted species</i> or possesses a nonnative fish or aquatic plant. 	Felony and possible imprisonment for not more than 2 years and fined not less than \$1,000 or more than \$250,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
<ul style="list-style-type: none"> ○ Violates section 41303(1) with respect to a <i>prohibited species</i> or possesses a genetically engineered fish or aquatic plant. 	Felony and possible imprisonment for not more than 4 years and fined not less than \$2,000 or more than \$500,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
(5) A person who sells or offers to sell a <i>restricted species</i> .	Civil fine of not less than \$1,000 or more than \$10,000.	
(5) A person who sells or offers to sell a <i>prohibited species</i> .	Civil fine of not less than \$2,000 or more than \$20,000.	

(6) A person who violates section 41305 is guilty as follows:		
<ul style="list-style-type: none"> ○ For a violation involving a <i>restricted species</i> or a nonnative fish or aquatic plant. 	Misdemeanor and possible imprisonment for not more than 6 months and fined not less than \$500 or more than \$5,000.	Does not apply before November 1, 2005.
<ul style="list-style-type: none"> ○ For a violation involving a <i>prohibited species</i> or a genetically engineered fish or aquatic plant. 	Misdemeanor and possible imprisonment for not more than 1 year and fined not less than \$1,000 or more than \$10,000.	Does not apply before November 1, 2005.
(7) A person who violates section 41305 with respect to a <i>restricted species</i> or nonnative fish or aquatic plant and who knows or should know the identity of the restricted species or that the organism, whether a restricted species or other fish or aquatic plant, is nonnative.	Misdemeanor and possible imprisonment for not more than 1 year and fined not less than \$1,000 or more than \$10,000.	Does not apply before November 1, 2005.
(8) A person who violates section 41305 with respect to a <i>prohibited species</i> or a genetically engineered fish or aquatic plant and who knows or should know the identity of the prohibited species or that the fish or aquatic plant is genetically engineered, respectively.	Felony and possible imprisonment for not more than 2 years and fined not less than \$2,000 or more than \$20,000.	Does not apply before November 1, 2005.
(9) A person who violates section 41305 knowing the introduction is unlawful.		
<ul style="list-style-type: none"> ○ Violation involving a <i>restricted species</i> or nonnative fish or aquatic plant. 	Felony and possible imprisonment for not more than 2 years and fined not less than \$1,000 or more than \$250,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
<ul style="list-style-type: none"> ○ Violation involving a <i>prohibited species</i> or genetically engineered fish or aquatic plant. 	Felony and possible imprisonment for not more than 4 years and fined not less than \$2,000 or more than \$500,000.	Does not apply before November 1, 2005 to violations involving species other than fish.
(10) A person who, with intent to damage natural, agricultural, or silvicultural resources, violates section 41305 is guilty as follows:		
<ul style="list-style-type: none"> ○ For a violation involving a <i>restricted species</i> or nonnative fish or aquatic plant. 	Felony and possible imprisonment for not more than 3 years and fined not less than \$1,000 or more than \$500,000.	Does not apply before November 1, 2005.
<ul style="list-style-type: none"> ○ For a violation involving a <i>prohibited species</i> or a genetically engineered fish or aquatic plant. 	Felony and possible imprisonment for not more than 5 years and fined not less than \$2,000 or more than \$100,000, 000.	Does not apply before November 1, 2005.

^a[http://www.legislature.mi.gov/\(mv2dnyiguque4cgrn5tkon45\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-451-1994-III-2-1-WILDLIFE-CONSERVATION-413](http://www.legislature.mi.gov/(mv2dnyiguque4cgrn5tkon45)/mileg.aspx?page=GetMCLDocument&objectname=mcl-451-1994-III-2-1-WILDLIFE-CONSERVATION-413)