



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



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Registration to Sell Aquatic Organisms Frequently Asked Questions (FAQ)

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Registration

Who needs to register?

Per Sec. 41329 (1) A person shall not sell or offer for sale or possess for the purpose of sale or offering for sale a live, nonnative aquatic species except as authorized by a registration issued by the department of natural resources pursuant to part 13.

Therefore, anyone selling live, nonnative aquatic species is required to register. This includes wholesale and retail pet and plant suppliers doing business in Michigan as well as hobbyists engaged in sales at live trade show events or auctions.

The location description for the sale is linked with the registration requirements in the law. When registering for hobbyist events or auctions, the location of sale would be the location where the event occurs and where the sale actually takes place. The business location would not be your home address, because that is not where the sale is occurring. This may mean that individual sellers will have to register multiple times in a year if they sell organisms at multiple auctions throughout the year.

Exemptions to the registration requirement include:

- Activities authorized under the Michigan Aquaculture Development Act.
- Activities authorized under Part 459 of NREPA (i.e., Propagation of game fish in private waters).
- The sale or offering for sale of aquatic species, other than prohibited species or restricted species, for human consumption.
- The 1-time sale or offering for sale of aquatic species if the sale or offering for sale involves not more than 20 organisms of a single species.

What if I am a hobbyist who doesn't own a retail business but sometimes sells?

If you sell live nonnative aquatic species you are required to register unless one of the exemptions listed above applies.

What if I only sell aquatic organisms at auctions?

If you sell live nonnative aquatic species and none of the exemptions apply, you must register for each auction location.

Our organization hosts auctions – do we need to register? If so, who is the person responsible for registering?

If your organization is the auction host, the organization must register AND notify the Department of Natural Resources at least 10 days before the event (see “Notification of Trade Shows” below).

If all sales transactions are handled by the auction host and sale proceeds go to the host, not the donors, then individual club members or auction members are not required to register.

However, if individuals are selling organisms and handling the sales transactions at the auction, these individuals will have to register themselves, and the “Business Location” when registering will be the address where the auction is occurring.

What if I just trade with my friends?

If no money is exchanged, you don’t have to register because you are not technically “selling.”

I only sell tropical or marine organisms – do I need to register?

Yes, but your reporting requirements will be very limited (see “Recordkeeping” below). The department is in the process of developing an online reporting system.

I sell online to customers from many states – should I register?

If you have a business location or place of sale in Michigan, you must register even if all sales are completed online. Likewise, if you are out-of-state and sell to clients with addresses in Michigan, you must register.

What if I don’t live in Michigan but want to sell at a trade show?

Yes, if you are selling in Michigan you are required to register.

How do I know if species I sell are able to survive in freshwater or in this state’s climate?

Regardless of what live nonnative aquatic organisms, you are selling, you are required to register. If you are selling a freshwater species, and you are not sure if that species would survive in Michigan’s climate, we recommend that you report that species (see “Recordkeeping” below).

How long does my registration last?

Registration is valid until December 31 of the year you registered. You will need to register again in the next calendar year.

Completing the registration form

[Click here for the registration form](http://www.Michigan.gov/SellAquatics)

(www.Michigan.gov/SellAquatics)

[Click here for a copy of the Certificate of Registration](http://www.Michigan.gov/Invasives)

(www.Michigan.gov/Invasives and use “Laws” tab to find form)

Why do you want a description and photos of my business location?

The Department of Natural Resources is required by law to have sellers provide a description of the location of sale. Providing photos is optional.

What if I don't know what I might sell this year?

If you are selling live nonnative aquatic species you are required to register, so registration will be needed prior to selling those species. If you don't sell any organisms until later in the calendar year, you can register any time prior to making those sales.

Before March 1 of next year, you will need to report your inventory of what was purchased or sold (see “Recordkeeping” below). The first report shall cover records maintained since March 21, 2019.

What if I am an individual, not a business, what do I put in the “Business Name” line?

Your first and last name will be sufficient.

What information should I put in the “Description of Location?”

A short description of where the organisms are to be sold. Examples would include a retail shop, auction, tradeshow, personal residence if you sell organisms out of your house, etc.

How do I fill out the “Business Location” section?

This will likely be the same as “Description of Location” for retail shops. The “Business Location” for hobbyist events or auctions will be the location of sale (i.e., the location where the event occurs and where the sale actually takes place). It would not be the seller’s home address because that is not the location where the sale is occurring. This might mean that you would have to register multiple times in a year if you sell numerous organisms at multiple auctions throughout the year.

Recordkeeping

Beyond registering, what else do I need to do?

A seller is required to adhere to the following requirements “by March 1st each year, beginning in 2020

- submit to the department of natural resources a report consolidating the electronic records maintained under the subdivision (b) for the prior calendar year.
However, the first submission shall cover records maintained since the effective date of the 2018 amendatory act that added this section”.
- You will need to provide records of your 2019 purchases or sales by March 1, 2020.

What information do I have to track?

Registered sellers must maintain electronic records of all purchases or sales of aquatic species. These records should include:

- The genus and species (i.e., scientific name) and the number of individuals of each species purchased or sold.
- The date of purchase or sale – sellers may elect to track inventory by the purchase or sale date.

What is meant by “electronic records?”

This is a notification that records will need to be reported through an online platform that is in development. To store your records, you can use whichever electronic database or filing system you prefer. Be sure that it includes the required information listed above.

Do I need to list each purchaser?

No, you are not required to maintain records of purchasers.

If I breed organisms for sale or grow my own plants for sale, how do I list where I purchased them?

The location where an organism is purchased is not a reporting requirement.

How do I submit my electronic records?

The Department is in the process of developing an online platform to submit records.

Trade Show Notifications

How do I submit information about an upcoming trade show?

The Department recently developed an online platform to submit notifications of trade shows. The site can be accessed using www.Michigan.gov/AquaticTSN.

Please, direct questions to Seth Herbst (Herbsts1@michigan.gov) or Lucas Nathan (NathanL@michigan.gov).

Do trade shows include auctions?

Yes

Other

I just want to buy aquatic organisms – what do I need to do?

The new registration and reporting requirements only apply to the sale of live nonnative aquatic organisms.