STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

GRETCHEN WHITMER
GOVERNOR

SCOTT BOWEN
DIRECTOR

Registration to Sell Aquatic Organisms Frequently Asked Questions (FAQ)

Developed by: Michigan Department of Natural Resources
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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.

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 https://www2.dnr.state.mi.us/harvestreg/Survey/5

Do trade shows include auctions?

Yes

Completing the registration form

Click here for the registration form
(www.michigan.gov/invasives/laws/selling)

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.

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 and Reporting

Beyond registering, what else do I need to do?

A seller is required to adhere to the following reporting requirements:

- Registrants are required to report the name and number of individuals of each aquatic species sold using the online reporting form. Species that are unable to survive in freshwater or Michigan's climate are exempt from this requirement; however, all sellers must submit a report regardless of the species sold. The form provides additional information on species exemptions.
- The report should cover sales from Jan. 1 to Dec. 31.

How do I submit my report(s)?

The Department created an online tool for reporting. Please submit your annual report(s) using the Annual Reporting Form.

What is meant by "electronic records," and what information do I have to track?

Reports will need to be submitted through an online reporting tool. It is recommended that you store your sales records throughout the year to streamline annual reporting, you can use whichever electronic database or filing system you prefer. Be sure that it includes the following information for each registration:

- Registration confirmation number.
- Common name.
- Scientific name (Genus species).
- Number of each species sold for each registration.

What if I don't know if species I sell are able to survive in freshwater or in this state's climate?

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.

What if I lost my registration confirmation number?

If you have lost your confirmation number please contact Justin Bopp (BoppJ@michigan.gov). Beginning in December 2024, you should receive a registration certificate via email after your complete the registration application.

Interested in having a new species added to a drop-down menu?

Drop-down menus in the reporting tool are meant to streamline the process for registrants. If you have a species that is commonly sold in the trade and would like it added to the drop-down menu please contact BoppJ@michigam.gov.

Notification Requirement

Selling a new freshwater species that could survive in Michigan's climate that wasn't reported on previously submitted reports?

All registrants that sell or offer for sale a live aquatic species not previously reported are required to notify the Department. Notifications of new species should be sent to BoppJ@Michigan.gov and should include the common and scientific name.

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.

What if I have other questions about the registration or reporting requirements?

Please, direct questions to Justin Bopp (BoppJ@michigan.gov) or Lucas Nathan (NathanL@michigan.gov).