

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 795
95TH GENERAL ASSEMBLY

4396L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 196.316, 265.300, 266.355, 267.565, 267.600, 270.260, 270.400, 273.327, 273.329, 281.260, 311.297, 311.550, 319.306, and 319.321, RSMo, and to enact in lieu thereof fifty-seven new sections relating to animals and agriculture, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 196.316, 265.300, 266.355, 267.565, 267.600, 270.260, 270.400, 273.327, 273.329, 281.260, 311.297, 311.550, 319.306, and 319.321, RSMo, are repealed and fifty-seven new sections enacted in lieu thereof, to be known as sections 196.316, 226.1120, 261.200, 261.325, 261.328, 262.005, 262.880, 265.300, 265.700, 265.703, 265.709, 265.712, 265.715, 265.721, 265.724, 265.727, 265.730, 265.733, 265.736, 265.739, 265.742, 265.745, 265.748, 265.751, 265.754, 266.355, 267.565, 267.600, 267.810, 270.260, 270.400, 273.327, 273.329, 281.260, 311.297, 311.550, 319.306, 319.321, 537.850, 537.853, 537.856, 537.859, 537.862, 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, and 1, to read as follows:

196.316. 1. All persons engaged in buying, selling, trading or trafficking in, or processing eggs, except those listed in section 196.313, shall be required to be licensed under sections 196.311 to 196.361. Such persons shall file an annual application for such license on forms to be prescribed by the director, and shall obtain an annual license for each separate place of business from the director. The following types of licenses shall be issued:

(1) A "retailer's license" shall be required of any person defined as a retailer in section 196.311. A holder of a retailer's license shall not, by virtue of such license, be permitted or authorized to buy eggs from any person other than a licensed dealer, and any retailer desiring to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 buy eggs from persons other than licensed dealers, shall obtain a dealer's license in addition to
10 a retailer's license.

11 (2) A "dealer's license" shall be required of any person defined as a dealer in section
12 196.311. A holder of a dealer's license shall not, by virtue of such license, be authorized or
13 permitted to sell eggs to consumers, and any dealer desiring to sell eggs to consumers shall
14 obtain a retailer's license in addition to a dealer's license.

15 (3) A "processor's license" shall be required of any person defined as a processor in
16 section 196.311. A holder of a processor's license shall not, by virtue of such license, be
17 authorized or permitted to sell eggs in the shell to other persons, and any person desiring to sell
18 eggs in the shell to other persons, shall obtain a dealer's license in addition to a processor's
19 license.

20 2. The annual license fee shall be:

21 (1) Retailers \$ 5.00

22 (2) Dealers--License fees for dealers shall be determined on the basis of cases (30 dozen
23 per case) of eggs sold in the shell in any one week, as follows:

24 (a) 1 to 25 cases \$ 5.00

25 (b) 26 to 50 cases 12.50

26 (c) 51 to 100 cases 25.00

27 (d) more than 100 cases 50.00

28 (3) Processors--License fees for processors shall be determined on the basis of cases (30
29 dozen per case) of eggs, or the equivalent in liquid or frozen eggs, processed in any one day, as
30 follows:

31 (a) Less than 50 cases \$ 25.00

32 (b) More than 50 and less than 250 cases 50.00

33 (c) More than 250 and less than 1000 cases 75.00

34 (d) More than 1000 cases 100.00

35 3. All licenses shall be conspicuously posted in the place of business to which it applies.
36 The license year shall be twelve months, or any fraction thereof, beginning July first and ending
37 June thirtieth.

38 4. No license shall be transferable, but it may be moved from one place to another by the
39 consent of the director.

40 5. All moneys received from license fees collected hereunder shall be deposited in the
41 state treasury to the credit of the [agricultural fees] **agriculture protection fund created in**
42 **section 261.200.**

**226.1120. 1. The provisions of this section shall be known as the "Show-Me
2 Harvest Initiative".**

3 **2. Notwithstanding any law, the highway and transportation commission may allow**
4 **persons or entities to submit bids to mow grass or vegetation along state roadways.**
5 **Persons or entities awarded contracts under this section shall use their own equipment for**
6 **mowing and, in addition to being awarded hay rights in the section they mow, may, if**
7 **deemed appropriate by the commission, receive monetary compensation. Any monetary**
8 **compensation shall be accommodated within the limits of the amount appropriated**
9 **annually.**

10 **3. Notwithstanding any other law, the highway and transportation commission may**
11 **enter into contracts with persons or entities to plant and harvest switchgrass, or other**
12 **grasses or produce approved by the commission, on the right-of-way of any state roadway.**
13 **Any such contract shall be for a duration of at least five years.**

14 **4. The highway and transportation commission may promulgate rules necessary**
15 **to carry out the purpose of this section. Any rule or portion of a rule, as that term is**
16 **defined in section 536.010, that is created under the authority delegated in this section shall**
17 **become effective only if it complies with and is subject to all of the provisions of chapter**
18 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and**
19 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
20 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
21 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
22 **after August 28, 2010, shall be invalid and void.**

261.200. 1. Any laws to the contrary notwithstanding, there is hereby created in
2 **the state treasury the "Agriculture Protection Fund", which shall consist of any monies or**
3 **fees appropriated to the fund as well as all fees assessed and collected by the department**
4 **of agriculture which are not otherwise placed in the state treasury to the credit of the**
5 **particular purpose or fund for which the fees are collected. The state treasurer shall be**
6 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
7 **may approve disbursements of the fund. Upon appropriation by the general assembly,**
8 **money in the fund shall be used solely by the department of agriculture for the purposes**
9 **of carrying out its functions and responsibilities, and no money shall be paid out of the**
10 **fund created under this section except by appropriation of the general assembly for the**
11 **administration of the program or supporting programs from which the fee was collected.**

12 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
13 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
14 **general revenue fund.**

15 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
16 **funds are invested. Any interest and moneys earned on such investments shall be credited**
17 **to the fund.**

261.325. 1. Sections 261.325 and 261.328 shall be known and may be cited as the
2 **"Farm to Institution Initiative".**

3 **2. For the purposes of sections 261.325 and 261.328, the following terms shall mean:**

4 **(1) "Food system", the network of agricultural production, food processing,**
5 **distribution, retail, and consumption related to our food supply, and the transformation**
6 **of raw materials into foods for human consumption in which actions in one food system**
7 **sector influences all others;**

8 **(2) "Small agribusiness", an independent agribusiness that produces or processes**
9 **Missouri food products with gross annual sales of less than five million dollars;**

10 **(3) "Small farm" or "small farmer", an independent family-owned farm in the**
11 **state of Missouri with at least one family member working in the day-to-day operation of**
12 **the farm.**

13 **3. There is hereby created the "Farm to Institution Initiative" within the**
14 **agriculture business development division within the department of agriculture. Subject**
15 **to appropriation, the division may employ staff to carry out the functions of sections**
16 **261.325 and 261.328.**

17 **4. The mission of the farm to institution initiative created in this section shall be to**
18 **improve public awareness of and access to the agricultural products that are produced or**
19 **processed by small farmers and small agribusinesses, to promote a sustainable Missouri**
20 **food system, and to enable more food dollars to stay within the state's economy. To**
21 **accomplish this mission, the division will provide technical and financial assistance to small**
22 **farmers and small agribusinesses for the branding, marketing, and distribution of locally-**
23 **grown Missouri agricultural products. The division may coordinate with the departments**
24 **of elementary and secondary education, health and senior services, corrections, mental**
25 **health, and economic development to promote the economic benefits as well as health**
26 **benefits of the initiative.**

27 **5. The duties of the farm to institution initiative shall be to:**

28 **(1) Administer the Missouri farm to institution program created under section**
29 **261.328;**

30 **(2) Collaborate with the AgriMissouri brand program created under section**
31 **261.230 by:**

32 **(a) Assisting small farmers and small agribusinesses in marketing locally grown**
33 **and processed agricultural products within this state;**

34 **(b) Supporting a marketing plan for Missouri-grown and -processed agricultural**
35 **products produced by small farmers and small agribusinesses;**

36 **(3) Collaborate with the university extension and other state and regional programs**
37 **that promote state and regional programs that promote diversification of agricultural**
38 **production by local farmers to expand local food production to meet increased consumer**
39 **demands in Missouri;**

40 **(4) Seek funding for the initiative by gift, bequest, donation, and other sources for**
41 **the issuance of grants. All moneys shall be held in the farm to institution initiative fund**
42 **created under subsection 5 of section 261.328;**

43 **(5) Administer funding for the initiative's operations and programs; and**

44 **(6) Promulgate rules for the programs in this section. Any rule or portion of a rule,**
45 **as that term is defined in section 536.010, that is created under the authority delegated in**
46 **this section shall become effective only if it complies with and is subject to all of the**
47 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
48 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
49 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
50 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
51 **proposed or adopted after August 28, 2010, shall be invalid and void.**

261.328. 1. The department of agriculture, in collaboration with the departments
2 **of elementary and secondary education, health and senior services, and economic**
3 **development, shall create the "Farm to Institution Program" to reduce obesity and**
4 **improve nutrition and public health, as well as strengthen local agricultural economies by**
5 **increasing access to and promoting the consumption of locally grown foods and enabling**
6 **more food dollars to stay within this state.**

7 **2. The first phase of the farm to institution program shall be the establishment of**
8 **the "Farm Fresh Schools Program" which shall:**

9 **(1) Link schools with local and regional farms in order to provide schools with**
10 **locally grown foods for inclusion in school meals, vending machines, salad bars, and**
11 **snacks;**

12 **(2) Develop nutritional awareness, healthy eating habits, and physical activity for**
13 **overall wellness of students;**

14 **(3) Emphasize the purchase of locally grown foods by schools to improve child**
15 **nutrition, strengthen local and regional farm economies, and enable food dollars to stay**
16 **within Missouri;**

17 **(4) Establish a goal of ten percent by 2013, increasing to twenty percent by 2018 of**
18 **total food purchased by school cafeterias being procured from local small farmers and**
19 **small agribusinesses; and**

20 **(5) Identify existing resources for processing foods locally and identify funding**
21 **sources for expanding local food processing facilities to meet increased demands for locally**
22 **processed foods.**

23 **3. The second phase of the farm to institution program shall be the establishment**
24 **of a "Farm to Cafeteria Program", which shall:**

25 **(1) Build partnerships required to reform state institution food procurement**
26 **policies to facilitate the purchase of locally grown foods to the maximum extent practical;**

27 **(2) Link state institution cafeterias with local and regional small farms to provide**
28 **cafeterias with locally grown foods for inclusion in meals, salad bars, and snacks;**

29 **(3) Emphasize and promote the purchase of locally grown foods by state institution**
30 **cafeterias to improve access to Missouri-grown and -processed food products, develop the**
31 **local food system, strengthen local and regional farm economies, and enable more food**
32 **dollars to stay within Missouri;**

33 **(4) Establish a goal of ten percent by 2020, increasing to twenty percent by 2028 of**
34 **total food purchased by state institution cafeterias being procured from local small farmers**
35 **and small agribusinesses; and**

36 **(5) Identify and update existing resources for processing foods locally and identify**
37 **funding sources for expanding local food processing facilities to meet increased demands**
38 **for locally grown foods.**

39 **4. In implementing the farm to institution program, the departments of agriculture,**
40 **elementary and secondary education, health and senior services, corrections, mental health,**
41 **and economic development shall:**

42 **(1) Amend school and state institution cafeteria procurement regulations to:**

43 **(a) Include in the department's website a mechanism to link farmers, processors,**
44 **schools, and institutions for the purpose of locally grown food procurement;**

45 **(b) Coordinate with local and federal authorities to obtain resources necessary to**
46 **accomplish the goal of building a farm and food network which facilitates the expansion**
47 **of the numbers of farmers growing local food products, food processing, and**
48 **transportation, distribution mechanisms for locally grown foods, and marketing to create**
49 **awareness of the benefits of supporting a locally grown and sustainable food system;**

50 **(c) Revise food procurement procedures to remove barriers and maximize the**
51 **purchase of locally grown foods by schools and state institutions; and**

52 (d) Encourage state food contracts to include a plan to maximize the purchase of
53 locally grown food;

54 (2) Facilitate workshops, training sessions, and technical assistance to farm, food
55 processing, and school food service personnel;

56 (3) Assist schools in developing and implementing nutrition education curricula
57 that include locally grown foods and gardening; and

58 (4) Promote development of school gardens and encourage local authorities to
59 permit school-grown foods to be served in school cafeterias.

60 5. (1) There is hereby created in the state treasury the "Farm to Institution
61 Initiative Fund", which shall consist of moneys appropriated for the program, and any
62 gifts, bequests, or donations to the program. The state treasurer shall be custodian of the
63 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
64 disbursements. Upon appropriation, money in the fund shall be used solely for the
65 administration of this section.

66 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
67 remaining in the fund at the end of the biennium shall not revert to the credit of the
68 general revenue fund.

69 (3) The state treasurer shall invest moneys in the fund in the same manner as other
70 funds are invested. Any interest and moneys earned on such investments shall be credited
71 to the fund.

72 6. The department of agriculture shall develop a request for proposals (RFP) for
73 grants to expand the ability to produce, process, and distribute locally grown foods. The
74 department of agriculture shall collaborate with the departments of elementary and
75 secondary education, health and senior services, corrections, mental health, and economic
76 development to jointly administer a process to review grant proposals and award grants
77 from the farm to institution initiative fund on a competitive bid basis to eligible
78 participants to implement the farm to institution program. The first six grants awarded
79 under the program shall be awarded in counties with a significant agricultural economy
80 based on need.

81 7. The department of agriculture, in consultation with the departments of
82 elementary and secondary education, health and senior services, corrections, mental health,
83 and economic development, shall promulgate rules to implement the provisions of this
84 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
85 created under the authority delegated in this section shall become effective only if it
86 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
87 section 536.028. This section and chapter 536 are nonseverable and if any of the powers

88 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
90 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
91 shall be invalid and void.

92 **8. Under section 23.253 of the Missouri sunset act:**

93 (1) The provisions of the new program authorized under this section shall
94 automatically sunset six years after the effective date of this section unless reauthorized by
95 an act of the general assembly; and

96 (2) If such program is reauthorized, the program authorized under this section
97 shall automatically sunset twelve years after the effective date of the reauthorization of this
98 section; and

99 (3) This section shall terminate on September first of the calendar year immediately
100 following the calendar year in which the program authorized under this section is sunset.

**262.005. 1. Agriculture which provides food, energy, and security is the foundation
2 and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's
3 economy, it shall be the right of citizens to raise domesticated animals in a humane manner
4 without the state imposing an undue economic burden on animal owners.**

5 **2. As used in this section, the following terms shall mean:**

6 (1) "Generally accepted scientific principles", agricultural standards and practices
7 established by the University of Missouri, and the most current industry standards and
8 practices;

9 (2) "Humane manner", care of animals regarding the animals' health and
10 environment in compliance with generally accepted scientific principles;

11 (3) "Undue economic burden", expenses incurred resulting from changes in
12 agricultural practices deemed legal under current state or local laws or ordinances.

**262.880. 1. There is hereby established within the department of agriculture an
2 "Urban Farming Task Force". The task force shall consist of fifteen members, as follows:**

3 (1) The director of the department of agriculture, who shall serve as chair of the
4 task force;

5 (2) The chair of the agriculture policy committee, or its successor committee, of the
6 house of representatives;

7 (3) The chair of the agriculture, food production and outdoor resources committee,
8 or its successor committee, of the senate;

9 (4) One representative of the University of Missouri extension services;

10 (5) One member of the house of representatives representing an urban district,
11 appointed by the speaker of the house;

12 **(6) One member of the senate representing an urban district, appointed by the**
13 **president pro tem of the senate;**

14 **(7) The director of the University of Missouri Center for Sustainable Energy;**

15 **(8) One representative of the Missouri Botanical Garden;**

16 **(9) One representative of the Missouri Farm Bureau;**

17 **(10) One representative of the Missouri Sustainable Agriculture Association;**

18 **(11) A current operator of an urban farm or community garden;**

19 **(12) One member having expertise or participating in vertical farming;**

20 **(13) One representative of an agricultural organization in this state;**

21 **(14) One representative of the Kansas City Center for Urban Agriculture; and**

22 **(15) One member who is a citizen of this state.**

23 **2. All members of the Missouri general assembly not appointed or listed in**
24 **subsection 1 of this section shall be ex officio members of the task force.**

25 **3. The members of the task force, other than the director of the department of**
26 **agriculture and the members of the general assembly, shall be appointed by the governor**
27 **with the advice and consent of the senate. Members shall serve on the task force without**
28 **compensation.**

29 **4. The task force shall study and make recommendations regarding the impact of**
30 **urban farm cooperatives, vertical farming, and sustainable living communities in this state.**

31 **5. The task force shall include an examination of the following in its study and**
32 **recommendations required to be completed under subsection 3 of this section:**

33 **(1) Trends in urban farming, including vertical farming, urban farm cooperatives,**
34 **and sustainable living communities;**

35 **(2) Existing services, resources, and capacity for such urban farming;**

36 **(3) The impact on communities and populations affected; and**

37 **(4) Any needed state legislation or policies.**

38 **6. The task force shall hold a minimum of one meeting at three urban regions in the**
39 **state of Missouri during the calendar year to seek public input.**

40 **7. The task force shall submit an initial report of its findings and recommendations**
41 **to the general assembly and the governor no later than December 31, 2010.**

42 **8. The task force shall continue to meet at the request of the chair and at a**
43 **minimum of one time annually for the purpose of evaluating the implementation and**
44 **impact of the task force recommendations and provide annual supplemental reports on the**
45 **findings to the governor and the general assembly.**

46 **9. The provisions of this section shall expire on December 31, 2013.**

265.300. The following terms as used in sections 265.300 to 265.470, unless the context otherwise indicates, mean:

3 (1) "Adulterated", any meat or meat product under one or more of the circumstances
4 listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or
5 hereafter amended;

6 (2) "Capable of use as human food", any carcass, or part or product of a carcass, of any
7 animal unless it is denatured or otherwise identified, as required by regulation prescribed by the
8 director, to deter its use as human food, or is naturally inedible by humans;

9 (3) "Cold storage warehouse", any place for storing meat or meat products which
10 contains at any one time over two thousand five hundred pounds of meat or meat products
11 belonging to any one private owner other than the owner or operator of the warehouse;

12 (4) "Commercial plant", any establishment in which livestock or poultry are slaughtered
13 for transportation or sale as articles of commerce intended for or capable of use for human
14 consumption, or in which meat or meat products are prepared for transportation or sale as articles
15 of commerce, intended for or capable of use for human consumption;

16 (5) "Director", the director of the department of agriculture of this state, or his authorized
17 representative;

18 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to
19 ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas, alpaca, buffalo,
20 elk, **whitetail deer from June first through August first** documented as obtained from a legal
21 source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement
22 for human consumption;

23 (7) "Meat", any edible portion of livestock or poultry carcass or part thereof;

24 (8) "Meat product", anything containing meat intended for or capable of use for human
25 consumption, which is derived, in whole or in part, from livestock or poultry;

26 (9) "Misbranded", any meat or meat product under one or more of the circumstances
27 listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or
28 hereafter amended;

29 (10) "Official inspection mark", the symbol prescribed by the director stating that an
30 article was inspected and passed or condemned;

31 (11) "Poultry", any domesticated bird intended for human consumption;

32 (12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or otherwise
33 manufactured or processed;

34 (13) "Unwholesome":

35 (a) Processed, prepared, packed or held under unsanitary conditions;

36 (b) Produced in whole or in part from livestock or poultry which has died other than by
37 slaughter.

265.700. As used in sections 265.700 to 265.754, the following terms shall mean:

- 2 (1) "Wholesale", for use or consumption by the purchaser and for resale;
- 3 (2) "Carcass", the dressed body of a horse;
- 4 (3) "Department", the Missouri department of agriculture;
- 5 (4) "Director", the director of the Missouri department of agriculture;
- 6 (5) "Establishment", all premises where horses or parts thereof are processed or
7 sold, or exposed and offered for sale at wholesale for human food, such as canneries,
8 sausage factories, rendering, salting, curing, and smoking houses or plants, and similar
9 places;
- 10 (6) "Horse", an animal of the equine family;
- 11 (7) "Horse meat", the meat of a horse;
- 12 (8) "Horse meat food product", any article intended for human food that is derived
13 in whole or in part from horse meat;
- 14 (9) "Horse meat market", any establishment in which the parts of horses are
15 processed and sold, or exposed and offered for sale at wholesale for human food other than
16 a horse slaughterhouse;
- 17 (10) "Inspection", the examination, checking, or testing necessary to determine the
18 wholesomeness, sanitary conditions, adulteration, misbranding, quality, and purity of
19 horse meat products, or the sanitary condition of horse meat processing establishments;
- 20 (11) "Processing", to perform any act incidental to the manufacture, preparation,
21 development, or changing of horse meat to convert it into marketable form to be sold or
22 offered for sale at wholesale;
- 23 (12) "USDA inspection", the horse meat inspection service maintained by the
24 United States Department of Agriculture.

265.703. 1. Any person responsible for the operation of any establishment in which
2 **horses or parts thereof are processed and sold, exposed, or offered for sale at wholesale for**
3 **human food shall register with the Missouri department of agriculture and secure from the**
4 **director a certificate of registration to operate each separate establishment in which horses**
5 **or parts thereof are processed and sold, exposed, or offered for sale at wholesale. No**
6 **person responsible for the operation of such a processing establishment shall operate**
7 **without first securing a certificate of registration to engage in such business. All**
8 **certificates shall be valid to and including the thirtieth day of June following the date of**
9 **issuance.**

10 **2. Any person required to be registered under this section shall file with the**
11 **director an application for a certificate of registration to engage in the business of**
12 **processing horses or parts thereof for sale at wholesale for human food setting forth such**
13 **information covering the ownership, location, operation, equipment, facilities, and sanitary**
14 **condition of the establishment, the health of the horses, or the commodities to be processed,**
15 **as required by the director and the Federal Meat Inspection Act. If examination of the**
16 **information provided in the application and other pertinent information available to the**
17 **director indicates that the parts of horses to be processed are fit for human food, and the**
18 **processing establishment to be operated complies with the sanitary standards prescribed**
19 **by the Federal Meat Inspection Act and in sections 265.700 to 265.754, and all rules**
20 **promulgated thereunder, the director shall accept the application and issue a certificate**
21 **of registration.**

22 **3. The director may refuse to issue a certificate of registration to any applicant if**
23 **the director determines that any information provided by the applicant is false or**
24 **misleading, or the establishment to be operated fails to comply with the sanitary or**
25 **wholesomeness standards established by the Federal Meat Inspection Act or in sections**
26 **265.700 to 265.754, or any rules promulgated thereunder. The director may suspend or**
27 **revoke any certificate for flagrant violation of the Federal Meat Inspection Act or sections**
28 **265.700 to 265.754 or any rule promulgated thereunder. The director shall not refuse to**
29 **issue, suspend, or revoke a certificate of registration until the applicant or registrant is**
30 **given an opportunity to be heard by the director in regard to the refusal, suspension, or**
31 **revocation.**

32 **4. An annual registration fee of fifty dollars and an annual inspection fee to cover**
33 **the costs of inspection based on the number of horses processed at an establishment in**
34 **which horse meat or horse meat products are processed and sold at wholesale shall be paid**
35 **to the director by each applicant under this section. Registration shall be renewed**
36 **annually and the registration and inspection fees paid with the application for annual**
37 **renewal.**

265.709. The director of the department of agriculture shall use the annual
2 **inspection fees to pay for USDA inspection of horse meat products and horse meat**
3 **processing facilities.**

265.712. No person shall deface, alter, or remove any slaughterer or processor
2 **identification labels, or any impression made by a horse meat inspection stamp affixed on**
3 **any horse carcass, horse meat, or on any horse meat food product by any qualified official**
4 **of the United States Department of Agriculture, so as in any manner to cause the**
5 **commodities to be unbranded or misbranded.**

265.715. Whenever the director or the United States Department of Agriculture
2 finds or has reasonable cause to believe that any horse carcass, horse meat, or horse meat
3 food product being sold or exposed for sale at wholesale for human consumption is
4 misbranded, unbranded, or that any horse meat food product is adulterated, within the
5 meaning of the Federal Meat Inspection Act or sections 265.700 to 265.754, a detention tag
6 shall be affixed to the product giving notice that the carcass, meat, or product is or is
7 suspected of being unfit for human food, or is misbranded, unbranded, or adulterated, and
8 has been detained. The detention tag shall warn all persons not to dispose of the carcass,
9 meat, or product in any manner or to remove the carcass, meat, or product from the
10 premises where detained until permission is given to do so in writing by the director, the
11 United States Department of Agriculture, or court order.

265.721. Any establishment or place where horse meat or horse meat food products
2 are processed, handled, transported, sold, exposed, or offered for sale at wholesale for
3 human food shall be maintained and operated in a sanitary manner to prevent
4 contamination of the food commodities that may render them unfit for human
5 consumption. If such an establishment is maintained or operated in an unsanitary manner
6 that causes or permits contamination of the food commodities, rendering them unfit for
7 human consumption, the person responsible for the maintenance or operation is in
8 violation of the Federal Meat Inspection Act or sections 265.700 to 265.754 and his or her
9 registration to operate the establishment may be suspended or revoked. The period of
10 suspension of a registration to operate any horse meat or horse meat food processing
11 establishment that is caused by violation of the sanitary provisions of the United States
12 Department of Agriculture's Federal Meat Inspection Act, or sections 265.700 to 265.754
13 or rules promulgated thereunder relating to the unsanitary condition of the establishment
14 or the unsanitary condition of any horse carcass, horse meat, or horse meat food product
15 processed therein shall be contingent upon the correction by the registrant of the causes
16 for the suspension.

265.724. 1. The director shall make all necessary inspections and investigations
2 pertinent to enforcement of the Federal Meat Inspection Act or sections 265.700 to 265.754.
3 The director and the United States Department of Agriculture shall have access at all
4 reasonable times to any building, room, vehicle, boat, or other premises in which any horse
5 carcass, horse meat, or horse meat food product is processed, packed, transported, sold,
6 exposed, or offered for sale at wholesale. No person shall deny access to the director or the
7 United States Department of Agriculture, or hinder, thwart, or defeat any inspection or
8 investigation by misrepresentation or concealment of facts or conditions.

9 **2. Samples or specimens of any horse carcass, horse meat, or horse meat food**
10 **product may be secured upon paying or offering to pay, and shall make an examination**
11 **or an analysis of the sample in order to determine whether there has been or exists any**
12 **violation of the Federal Meat Inspection Act, or USDA inspection regulations, or sections**
13 **265.700 to 265.754 or any rules promulgated thereunder.**

265.727. 1. Any horse meat food product is adulterated if it includes:

2 **(1) Any ingredient which is foreign to or in excess of standards prescribed for the**
3 **product in rules promulgated by the director;**

4 **(2) Any artificial coloring, flavoring, chemicals, or preservatives not approved by**
5 **rule of the director;**

6 **(3) Any meat of other animals; or**

7 **(4) Any substance unfit for human food or dangerous to human health.**

8 **2. The director may seize and destroy, without compensation to the owner, any**
9 **unlawful ingredient, chemical, preservative, or product to which any unlawful ingredient**
10 **has been added.**

265.730. 1. No person shall mix horse meat with the parts of any other animal, sell,
2 **offer, or expose for sale any such mixture for human consumption within this state.**

3 **2. No person shall sell for human consumption the tongue, diaphragm, heart,**
4 **esophagus, lips, ears, or glands of a horse, nor shall such parts of a horse be included in a**
5 **horse meat food product intended for human consumption.**

6 **3. Any horse carcass, horse meat, or horse meat food product sold, offered, or**
7 **exposed for sale which is unlabeled as to use or is labeled as pet or animal food shall be**
8 **decharacterized with charcoal or green food dye. Suggestive pictures or designs on the**
9 **label shall be considered as indicative of the use of the product. However, any horse meat**
10 **or horse meat food product whose label bears an approved inspection stamp, or which is**
11 **packed in hermetically sealed retort-processed conventional wholesale-sized container and**
12 **is labeled as pet or animal food shall not be decharacterized.**

265.733. Any person who sells at wholesale any horse carcass or horse meat for
2 **human consumption in a lot exceeding five pounds in weight in any one day to any**
3 **individual shall make and keep for one year from such date a record of each sale including**
4 **the date of sale, the name and address of the purchaser, and the quantity sold. All such**
5 **records shall be open for inspection by the director of the department of agriculture during**
6 **any regular business hours.**

265.736. The director of the department of agriculture shall promulgate rules
2 **consistent with the Federal Meat Inspection Act for the implementation and enforcement**
3 **of sections 265.700 to 265.754. Any rule or portion of a rule, as that term is defined in**

4 section 536.010, that is created under the authority delegated in sections 265.700 to 265.754
5 shall become effective only if it complies with and is subject to all of the provisions of
6 chapter 536 and, if applicable, section 536.028. Sections 265.700 to 265.754 and chapter
7 536 are nonseverable and if any of the powers vested with the general assembly pursuant
8 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after August 28, 2010, shall be invalid and void.

265.739. Possession by any person of any horse carcass, dressed horse meat, or any
2 horse meat food product constitutes prima facie evidence that such commodity is for sale;
3 provided that, this section does not apply to any person who has purchased dressed horse
4 meat or horse meat food products for his or her personal consumption.

265.742. 1. The attorney general or prosecuting attorney to whom the director
2 reports any violation of sections 265.700 to 265.754 shall institute prosecution proceedings
3 in any court of competent jurisdiction in which the defendant resides, where his or her
4 registered place of business is located, or where the violation occurs.

5 2. Nothing in this section shall require the director to report any information
6 concerning a suspected violation for prosecution when the director believes the public
7 interest will be served adequately by a notice of warning.

8 3. In prosecutions arising incidental to the enforcement of sections 265.700 to
9 265.754, neither the director nor any of the director's authorized assistants, deputies, or
10 agents shall be required to advance or secure costs.

265.745. The director may act in conjunction with the federal Food and Drug
2 Administration in the regulation of the movement and sale of any horse carcass, horse
3 meat, or horse meat food product intended for human food which may affect the health
4 and welfare of this state.

265.748. 1. All registration and inspection fees collected under sections 265.700 to
2 265.754 shall be paid to the director of agriculture and deposited into the "Horse Meat and
3 Product Fund" which is hereby created in the state treasury. The state treasurer shall be
4 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
5 may approve disbursements. Upon appropriation, money in the fund shall be used solely
6 for the administration of sections 265.700 to 265.754, including but not limited to payment
7 of USDA inspections.

8 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
9 remaining in the fund at the end of the biennium shall not revert to the credit of the
10 general revenue fund.

11 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
12 **funds are invested. Any interest and moneys earned on such investments shall be credited**
13 **to the fund.**

265.751. No proprietor of a market shall place horse meat or a horse meat food
2 **product which is intended as a pet or animal food in a refrigerated compartment with food**
3 **for human consumption.**

265.754. Any person who violates the provisions of sections 265.700 to 265.754 is
2 **guilty of a class A misdemeanor. Any second or subsequent violation of this section is a**
3 **class D felony.**

 266.355. Unless provided for by federal law, rule or regulation, the director of the
2 department of agriculture shall promulgate, pursuant to chapter 536, RSMo, and enforce
3 regulations setting forth minimum general standards covering the design, construction, location,
4 installation, and operation of equipment for storing, handling, transporting by tank truck, tank
5 trailer, tank car and utilizing anhydrous ammonia. The provisions of this section shall not apply
6 to equipment which is in use for storing anhydrous ammonia as of [September 28, 1983] **August**
7 **28, 2010**, and which is found by the department to be in substantial compliance with generally
8 accepted standards of safety regarding life and property. **The department shall adopt the**
9 **minimum general safety standards for the storage and handling of anhydrous ammonia**
10 **set forth in ANSI Standard K61.1-1981, Safety Requirements for the Storage and Handling**
11 **of Anhydrous Ammonia; except that, ANSI Standard K61.6 shall not be adopted by the**
12 **department prior to December 1, 2015. For purposes of this section, "ANSI" means the**
13 **American National Standards Institute.**

 267.565. Unless the context requires otherwise, as used in sections 267.560 to 267.660,
2 the following terms mean:

3 (1) "Accredited approved veterinarian", a veterinarian who has been accredited by the
4 United States Department of Agriculture and approved by the state department of agriculture and
5 who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine,
6 or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri,
7 duly licensed under laws of the state in which he resides, accredited by the United States
8 Department of Agriculture, and approved by the chief livestock sanitary official of that state;

9 (2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or species
10 domesticated or semidomesticated;

11 (3) "Approved laboratory", a laboratory approved by the department;

12 (4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under the license
13 of the United States Department of Agriculture and approved by the department for the
14 immunization of animals against infectious and contagious disease;

15 (5) "Bird", a bird of the avian species;

16 (6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep or birds which
17 has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as
18 required by the department and as recommended by the United States Department of Agriculture,
19 and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep
20 or birds in another state which has met those minimum requirements and conditions under the
21 supervision of the livestock sanitary authority of the state in which said animals or birds are
22 domiciled, and as recommended by the United States Department of Agriculture for such status
23 for a specific disease;

24 (7) **"Condition", upon examination of any animal or bird in this state by the state**
25 **veterinarian or his or her duly authorized representative, the findings of which indicate**
26 **the presence or suspected presence of a toxin in such animal or bird that warrants further**
27 **examination or observation for confirmation of the presence or nonpresence of such toxin;**

28 (8) "Department" or "department of agriculture", the department of agriculture of the
29 state of Missouri, and when by this law the said department of agriculture is charged to perform
30 a duty, it shall be understood to authorize the performance of such duty by the director of
31 agriculture of the state of Missouri, or by the state veterinarian of the state of Missouri or his duly
32 authorized deputies acting under the supervision of the director of agriculture;

33 (9) **"Holding period", restriction of movement of animals or birds into or out of a**
34 **premise under such terms and conditions as may be designated by order of the state**
35 **veterinarian or his or her duly authorized representative prior to confirmation of a**
36 **contagious disease or condition;**

37 [(8)] (10) "Infected animal" or "infected bird", an animal or bird which shows a positive
38 reaction to any recognized serological test or growth on culture or any other recognized test for
39 the detection of any disease of livestock or poultry as approved by the department or when
40 clinical symptoms and history justifies designating such animal or bird as being infected with a
41 contagious or infectious disease;

42 [(9)] (11) "Isolated" or "isolation", a condition in which animals or birds are quarantined
43 to a certain designated premises and quarantined separately and apart from any other animals or
44 birds on adjacent premises;

45 [(10)] (12) "Licensed market", a market as defined and licensed under chapter 277,
46 RSMo;

47 [(11)] (13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including but not
48 limited to ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas,
49 alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised

50 in confinement for human consumption or animal husbandry, poultry and other domesticated
51 animals or birds;

52 [(12)] (14) "Official health certificate" is a legal record covering the requirements of the
53 state of Missouri executed on an official form of the standard size from the state of origin and
54 approved by the proper livestock sanitary official of the state of origin or an equivalent form
55 provided by the United States Department of Agriculture and issued by an approved, accredited,
56 licensed, graduate veterinarian;

57 [(13)] (15) "Public stockyards", any public stockyards located within the state of
58 Missouri and subject to regulations of the United States Department of Agriculture or the
59 Missouri department of agriculture;

60 [(14)] (16) "Quarantine", a condition in which an animal or bird of any species is
61 restricted in movement to a particular premises under such terms and conditions as may be
62 designated by order of the state veterinarian or his duly authorized deputies;

63 [(15)] (17) "Traders" or "dealers", any person, firm or corporation engaged in the
64 business of buying, selling or exchange of livestock on any basis other than on a commission
65 basis at any sale pen, concentration point, farm, truck or other conveyance including persons,
66 firms or corporations employed as an agent of the vendor or purchaser excluding public
67 stockyards under federal supervision or markets licensed under sections 267.560 to 267.660 and
68 under the supervision of the department, breed association sales or any private farm sale.

267.600. 1. Animals, livestock or birds under test **or investigation** for a contagious and
2 infectious disease **or condition** may not be removed from the premises until the results of the
3 tests are known and the owner of such animals, livestock or birds receives a record of the test
4 from the veterinarian certifying that the animals or birds are free of the disease **or specified**
5 **condition** and until any infected animals or birds are sold for slaughter on permit and as may be
6 required by the state veterinarian, or until such animals or birds are recovered and incapable of
7 spreading the disease **or condition** or until the animals or birds in the herd or flock have been
8 released by the state veterinarian or his representative. The method of eradicating the disease
9 **or condition** shall be at the discretion of the state veterinarian and in accordance with such
10 procedures as may be outlined by the state veterinarian or his representative.

11 2. **The state veterinarian or his or her representative may implement a holding**
12 **period for the premise until the investigation and confirmation of the contagious and**
13 **infectious disease or condition is completed.**

14 3. **Once investigation and testing is complete, animals or birds shall be released**
15 **from the holding period or placed under permanent quarantine by the state veterinarian**
16 **or his or her representative.**

267.810. 1. There is hereby established within the department of agriculture the
2 "Missouri Animal Care Advisory Committee". The Missouri animal care advisory
3 committee shall have the authority to review and make recommendations on the welfare
4 of poultry, livestock, and licensed dog breeding facilities in this state.

5 2. The committee shall be comprised of the following members:

6 (1) The director of the department of agriculture, who shall be a nonvoting member
7 and serve as chair of the board;

8 (2) The chair of the Missouri Senate Agriculture Committee, who shall be a
9 nonvoting member;

10 (3) The chair of the Missouri House Agriculture Committee, who shall be a
11 nonvoting member;

12 (4) The state veterinarian;

13 (5) The chair of the University of Missouri Animal Sciences Division;

14 (6) The chair of the Missouri State University Animal Sciences Division;

15 (7) The University of Missouri Food Animal Veterinary Extension Specialist;

16 (8) A producer member representative of the Missouri Cattlemen's Association;

17 (9) A producer member representative of the Missouri Pork Association;

18 (10) A producer member representative of the Missouri Egg Council;

19 (11) A producer member representative of the Missouri Dairy Association;

20 (12) A producer member representative of the Poultry Federation;

21 (13) A producer member representative of the Missouri Corn Growers Association;

22 (14) A producer member representative of the Missouri Soybean Association;

23 (15) A producer member representative of the Missouri Farm Bureau;

24 (16) A member representative of the Equine Council;

25 (17) A member representative of the Missouri Livestock Marketing Association;

26 and

27 (18) A member representative of the Missouri Federation of Animal Owners.

28 3. The committee shall review the animal care practices related to poultry,
29 livestock, and licensed dog breeding facilities in this state and, when necessary, make
30 recommendations to the general assembly. When reviewing such practices, the committee
31 shall consider all of the following:

32 (1) The health and husbandry of poultry, livestock, and dogs at licensed dog
33 breeding facilities;

34 (2) Generally accepted farm management practices;

35 (3) Generally accepted veterinary standards and practices;

36 **(4) The economic impact on poultry and livestock farmers, licensed dog breeders,**
37 **consumers, and the affected sector as a whole;**

38 **(5) Species specific animal care guidelines established by the respective national**
39 **poultry, livestock, and licensed dog breeders organizations.**

40 **4. The committee shall review national species specific animal care guidelines once**
41 **every five years.**

42 **5. Members of the committee shall not be compensated for their service on the**
43 **committee. Members of the committee shall serve as long as they hold their respective**
44 **positions or until they are replaced on the committee by their respective organizations.**

45 **6. The department of agriculture shall provide technical support to the board and**
46 **provide a meeting place for the committee.**

47 **7. All meetings, business, and activities of the board shall be subject to the**
48 **provisions of chapter 610.**

 270.260. **1. Any person who knowingly releases any swine to live in a wild or feral state**
2 **upon any public land or private land not completely enclosed by a fence capable of containing**
3 **such animals is guilty of a class A misdemeanor and shall be subject to the following**
4 **administrative penalties:**

5 **(1) For a first offense, one thousand dollars for each swine so released;**

6 **(2) For a second offense, two thousand dollars for each swine so released; and**

7 **(3) For a third and any subsequent offense, three thousand dollars for each swine**
8 **so released.**

9

10 Each swine so released shall be a separate offense. **Any person who is assessed an**
11 **administrative penalty under this subsection shall be notified in writing of his or her right**
12 **to appeal. Such person may request a hearing before the director of the department of**
13 **agriculture. Such request shall be made in writing no later than thirty days after the date**
14 **on which the person was notified of the violation.**

15 **(4) Nothing in this section shall be construed to criminalize the accidental release**
16 **of domestic swine.**

17 **2. Any person possessing or transporting live Russian and European wild boar or**
18 **wild-caught swine on or through public land without a Missouri department of agriculture**
19 **permit is guilty of a class A misdemeanor. Each violation of this subsection shall be a**
20 **separate offense.**

21 **3. Nothing in this section shall be construed to criminalize the accidental escape of**
22 **domestic swine.**

23 **4. Any law enforcement officer, any agent of the conservation commission, or the**
24 **state veterinarian is authorized to enforce the provisions of this section and section 270.400.**

270.400. 1. For purposes of this section, the term "feral hog" means any hog, including
2 Russian and European wild boar, that is not conspicuously identified by ear tags or other forms
3 of identification and is roaming freely upon public or private lands without the landowner's
4 permission.

5 2. A person may kill a feral hog roaming freely upon such person's land and shall not be
6 liable to the owner of the hog for the loss of the hog.

7 3. Any person may take or kill a feral hog on public land or private land with the consent
8 of the landowner; except that, during the firearms deer and turkey hunting season the regulations
9 of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog
10 for the loss of such hog.

11 4. No person except a landowner or such landowner's agent on such landowner's property
12 shall take, **attempt to take**, or kill a feral hog with the use of an artificial light.

13 **5. The director of the department of agriculture shall promulgate rules for fencing**
14 **and health standards for Russian and European wild boar and wild-caught swine held**
15 **alive on private land. Any person holding Russian and European wild boar or wild-caught**
16 **swine on private land shall annually submit an application to the department for a permit.**
17 **Any applicant that successfully meets the requirements under this section as determined**
18 **by the department and pays an application fee shall be issued a permit.**

19 **6. Russian and European wild boar and wild-caught swine may move only from a**
20 **farm to a farm or directly to slaughter or to a slaughter-only market. The department**
21 **shall promulgate rules for exemption permits and a fee structure to offset the actual and**
22 **necessary costs incurred to enforce the provisions of this section.**

23 **7. (1) There is hereby created in the state treasury the "Animal Health Fund",**
24 **which shall consist of all fees collected by the department of agriculture under this section**
25 **and section 270.260. The state treasurer shall be custodian of the fund. In accordance with**
26 **sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon**
27 **appropriation, moneys in the fund shall be used for the administration of this section and**
28 **section 270.260.**

29 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
30 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
31 **general revenue fund.**

32 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
33 **funds are invested. Any interest and moneys earned on such investments shall be credited**
34 **to the fund.**

35 **8. Any person who violates subsection 2 of section 270.260 may, in addition to the**
36 **penalty imposed under section 270.260, be assessed an administrative penalty of up to one**
37 **thousand dollars per violation. Any person who is assessed an administrative penalty**
38 **under this section shall be notified in writing of the right to appeal. Such person may**
39 **request a hearing before the director of the department of agriculture. Such request shall**
40 **be made in writing no later than thirty days after the date on which the person was notified**
41 **of the violation of subsection 2 of section 270.260.**

42 **9. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
43 **created under the authority delegated in this section shall become effective only if it**
44 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
45 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
46 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
47 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
48 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
49 **shall be invalid and void.**

50 **10. Nothing in this section shall be construed to apply to domestic swine.**

 273.327. No person shall operate an animal shelter, pound or dog pound, boarding
2 kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited
3 show or exhibit, or act as a dealer or commercial breeder, unless [he] **such person** has obtained
4 a license for such operations from the director. An applicant shall obtain a separate license for
5 each separate physical facility subject to sections 273.325 to 273.357 which is operated by the
6 applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357
7 may voluntarily apply for a license. Application for such license shall be made in the manner
8 provided by the director. The license shall expire annually unless revoked. As provided by rules
9 to be promulgated by the director, the license fee shall range from one hundred to five hundred
10 dollars per year. Pounds[,] or dog pounds [and animal shelters] shall be exempt from payment
11 of such fee. License fees shall be levied for each license issued or renewed on or after January
12 1, 1993.

 273.329. 1. The director may refuse to issue or renew or may revoke a license on any
2 one or more of the following grounds:

3 (1) Material and deliberate misstatement in the application for any original license or for
4 any renewal license under sections 273.325 to 273.357;

5 (2) Disregard or violation of sections 273.325 to 273.357 or of any rules promulgated
6 pursuant thereto;

7 (3) Conviction of any violation of any state or federal law relating to the disposition or
8 treatment of animals;

9 (4) Failure to provide adequate food, water, housing or sanitary facilities for animals
10 under the control of an animal shelter, boarding kennel, commercial breeder, commercial kennel,
11 contract kennel, dealer, pet shop, pound, or exhibitor as defined by regulations of the USDA.

12 **2. The department of agriculture shall not retain, contract with, or otherwise utilize**
13 **the services of the personnel of any nonprofit organization for the purpose of inspection**
14 **or licensing of any animal shelter, pound, or dog pound, boarding kennel, commercial**
15 **kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under**
16 **sections 273.325 to 273.357.**

17 **3. Operation of an animal shelter, pound or dog pound, boarding kennel, commercial**
18 **kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder or**
19 **dealer without a valid license shall constitute a class A misdemeanor.**

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale
2 within this state, or which is delivered for transportation or transported in intrastate commerce
3 or between points within this state through any point outside of this state, shall be registered in
4 the office of the director, and the registration shall be renewed annually.

5 2. The registrant shall file with the director a statement including:

6 (1) The name and address of the registrant and the name and address of the person whose
7 name will appear on the label, if other than the registrant;

8 (2) The name of the pesticide;

9 (3) Classification of the pesticide; and

10 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
11 claims to be made for it, including directions for use.

12 3. The registrant shall pay an annual fee of [fifteen] **one hundred fifty** dollars for each
13 product registered in any calendar year or part thereof. The fee shall be deposited in the state
14 treasury to the credit of the [general revenue fund] **agriculture protection fund created in**
15 **section 261.200.** All such registrations shall expire on December thirty-first of any one year,
16 unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this
17 section, which is disapproved by the federal government, shall expire on the effective date of the
18 disapproval.

19 4. Any registration approved by the director and in effect on the thirty-first day of
20 December for which a renewal application has been made and the proper fee paid shall continue
21 in full force and effect until such time as the director notifies the applicant that the registration
22 has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this
23 section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the
24 expiration date.

25 5. If the renewal of a pesticide registration is not filed prior to January first of any one
26 year, an additional fee of [five] **fifty** dollars shall be assessed and added to the original fee and
27 shall be paid by the applicant before the registration renewal for that pesticide shall be issued;
28 provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying
29 that he did not distribute such unregistered pesticide during the period of nonregistration. The
30 payment of such additional fee is not a bar to any prosecution for doing business without proper
31 registry. **The fee shall be credited to the agriculture protection fund created under section**
32 **261.200 to be used solely to administer the pest and pesticide programs of the department**
33 **of agriculture. If the funding exceeds the reasonable cost to administer the programs as**
34 **set forth herein, the department of agriculture shall have the authority to set reduced fees**
35 **for all registrants if the fees derived exceed the reasonable cost of administering pest and**
36 **pest-related programs.**

37 6. Provided the state complies with requirements of the federal government to register
38 pesticides to meet special local needs, the director shall require that registrants comply with
39 sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more
40 pesticides meet the requirements of this subsection, one shall not be registered in preference to
41 the other.

42 7. The director may require the submission of the complete formula of any pesticide to
43 approve or deny product registration. If it appears to the director that the composition and
44 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and
45 its labeling and other material required to be submitted comply with the requirements of sections
46 281.210 to 281.310, he shall register the pesticide.

47 8. Provided the state is authorized to issue experimental use permits, the director may:

48 (1) Issue an experimental use permit to any person applying for an experimental use
49 permit if he determines that the applicant needs such permit in order to accumulate information
50 necessary to register a pesticide under sections 281.210 to 281.310. An application for an
51 experimental use permit may be filed at the time of or before or after an application for
52 registration is filed;

53 (2) Prescribe terms, conditions, and period of time for the experimental permit which
54 shall be under the supervision of the director;

55 (3) Revoke any experimental permit, at any time, if he finds that its terms or conditions
56 are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse
57 effects on the environment.

58 9. If it does not appear to the director that the pesticide is such as to warrant the proposed
59 claims for it or if the pesticide and its labeling and other material required to be submitted do not
60 comply with the provisions of sections 281.210 to 281.310 or with federal laws, he shall notify

61 the registrant of the manner in which the pesticide, labeling, or other material required to be
62 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford
63 the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice,
64 the registrant insists that such corrections are not necessary and requests in writing that the
65 pesticide be registered or, in the case of a pesticide that is already registered, that it not be
66 canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide
67 in question should be registered or canceled. If, after such hearing, it is determined that the
68 pesticide should not be registered or that its registration should be canceled, the director may
69 refuse registration or cancel an existing registration until the required label changes are
70 accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310
71 and federal laws, the pesticide will be registered. Any appeals resulting from administrative
72 decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.
73

74 10. Notwithstanding any other provision of sections 281.210 to 281.310, registration is
75 not required in the case of a pesticide shipped from one plant or warehouse within this state to
76 another plant or warehouse within this state when such plants are operated by the same persons.

77 11. The director shall not make any lack of essentiality a criterion for denying
78 registration of a pesticide except where none of the labeled uses are present in the state. Where
79 two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be
80 registered in preference to the other.

81 12. Notwithstanding any other provision of law to the contrary, the director may allow
82 a reasonable period of time for the retailer to dispose of existing stocks of pesticides after the
83 manufacturer or distributor has ceased to register the product with the state. The method of
84 disposal shall be determined by the director.

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated
2 employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed
3 retail premises for tasting purposes provided no sales transactions take place. For purposes of
4 this section, a "sales transaction" shall mean an actual and immediate exchange of monetary
5 consideration for the immediate delivery of goods at the tasting site.

6 2. Notwithstanding any other provisions of this chapter to the contrary, any winery,
7 distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or
8 pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any
9 temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486,
10 or 311.487, or on any tax exempt organization's licensed premises as described in section
11 311.090.

12 **3. Notwithstanding any other provisions of this chapter to the contrary, any winery,**
13 **distiller, manufacturer, wholesaler, or brewer or designated employee may provide,**
14 **furnish, or pour distilled spirits, wine, or malt beverage samples on a licensed retail**
15 **premises for customer tasting purposes. The retail licensed premises where such product**
16 **tasting is provided shall maintain a special permit in accordance with section 311.294 or**
17 **hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money**
18 **or anything of value shall be given to the retailers for the privilege or opportunity of**
19 **conducting the on-the-premises product tasting.**

 311.550. 1. In addition to all other licenses and charges, there shall be paid to and
2 collected by the director of revenue charges as follows:

3 (1) For the privilege of selling in the state of Missouri spirituous liquors, including
4 brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol for beverage purposes,
5 there shall be paid, and the director of revenue shall be entitled to receive, the sum of two dollars
6 per gallon or fraction thereof;

7 (2) For the privilege of selling wines, the sum of thirty cents per gallon **to the credit of**
8 **the agriculture protection fund created under section 261.200 to be used solely for**
9 **agricultural business development and marketing-related functions of the department of**
10 **agriculture.**

11 2. The person who shall first sell such liquor to any person in this state shall be liable for
12 the payment, except that no refund of any tax collected and remitted to the director of revenue
13 by a retail seller upon gross receipts from a sale of beer, liquor or wine subject to the charges
14 contained in sections 311.520, 311.550 and 311.554 shall be claimed for refund under chapter
15 144, RSMo, for any amount illegally or erroneously overcharged or overcollected as a result of
16 imposition of sales tax by the retail seller upon amounts representing the charges imposed under
17 this chapter.

18 3. Any person who sells to any person within this state any intoxicating liquors
19 mentioned in subdivision (1) of subsection 1, unless the charge hereby imposed is paid, is guilty
20 of a felony and shall be punished by imprisonment by the state department of corrections for a
21 term of not less than two years nor more than five years, or by imprisonment in the county jail
22 for a term of not less than one month nor more than one year, or by a fine of not less than fifty
23 dollars nor more than one thousand dollars, or by both such fine and imprisonment.

24 4. It shall be unlawful for any person to remove the contents of any container containing
25 any of the intoxicating liquors mentioned in subdivision (1) of subsection 1 without destroying
26 such container, or to refill any such container, in whole or in part, with any of the liquors
27 mentioned in subdivision (1) of subsection 1. Any person violating the provisions of this
28 subsection shall be guilty of a misdemeanor.

29 5. Every manufacturer, out-state solicitor and wholesale dealer licensed under this
30 chapter shall make a true duplicate invoice of the same, showing the date, amount and value of
31 each class of such liquors shipped or delivered, and retain a duplicate thereof, subject to the use
32 and inspection of the supervisor of liquor control and his representatives for two years.

33 6. Any person who shall sell in this state any intoxicating liquor without first having
34 procured a license from the supervisor of liquor control authorizing him to sell such intoxicating
35 liquor is guilty of a felony and upon conviction shall be punished by imprisonment by the state
36 department of corrections for a term of not less than two years nor more than five years, or by
37 imprisonment in the county jail for a term of not less than three months nor more than one year,
38 or by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both
39 such fine and imprisonment.

 319.306. 1. Any individual who uses explosives in Missouri shall obtain a blaster's
2 license, except those exempted in subsection 18 of this section. A person using explosives shall
3 not be required to hold a blaster's license, but all blasting on behalf of a person using explosives
4 shall be performed only by licensed blasters. Applications for a blaster's license or renewal of
5 a blaster's license shall be on a form designated by the Missouri division of fire safety, and shall
6 contain the following:

- 7 (1) The applicant's full name;
- 8 (2) The applicant's home address;
- 9 (3) The applicant's date of birth;
- 10 (4) The applicant's sex;
- 11 (5) The applicant's physical description;
- 12 (6) The applicant's driver's license number;
- 13 (7) The applicant's current place of employment;
- 14 (8) A listing of any other blasting license or certification held by the applicant, to include
15 the name, address, and phone number of the regulatory authority that issued the license or
16 certification;
- 17 (9) Any other information required to fulfill the obligations of sections 319.300 to
18 319.345.

19 2. Any individual who has met the qualifications set forth in subsection 4 of this section
20 may apply for a blaster's license.

21 3. An applicant for a blaster's license shall submit an application fee and two copies of
22 the applicant's photograph with the application submitted to the division of fire safety. The
23 amount of such fee shall be established by rule promulgated by the division of fire safety. The
24 fee established by rule shall be no greater than the cost of administering this section, but shall
25 not exceed one hundred dollars.

- 26 4. An applicant for a blaster's license shall:
- 27 (1) Be at least twenty-one years of age;
- 28 (2) Not have willfully violated any provisions of sections 319.300 to 319.345;
- 29 (3) Not have knowingly withheld information or [has not] **have** made any false or
- 30 fictitious statement intended or likely to deceive in connection with the application;
- 31 (4) Have familiarity and understanding of relevant federal and state laws relating to
- 32 explosives materials;
- 33 (5) Not have been convicted in any court of, or pled guilty to, a felony;
- 34 (6) Not be a fugitive from justice;
- 35 (7) Not be an unlawful user of any controlled substance in violation of chapter 195,
- 36 RSMo;
- 37 (8) Except as provided in subsections 11 and 13 of this section, have completed an
- 38 approved blaster's training course that meets the requirements of subsection 14 of this section
- 39 and [has] **have** successfully passed the licensing examination under the provisions of
- 40 subdivisions (1) to (5) of subsection 15 of this section;
- 41 (9) Have accumulated at least one thousand hours of experience directly relating to the
- 42 use of explosives within two years immediately prior to applying for a blaster's license and shall
- 43 provide signed documentation from an employer, supervisor, or other responsible party verifying
- 44 the applicant's experience;
- 45 (10) Not have been adjudicated as mentally defective; and
- 46 (11) Not advocate or knowingly belong to any organization or group that advocates
- 47 violent action against any federal, state, or local government, or against any person.
- 48 5. Any individual holding a blaster's license under the provisions of this section shall
- 49 promptly notify the division of fire safety if he or she has had any change of material fact relating
- 50 to any qualification for holding a blaster's license.
- 51 6. If the division of fire safety finds that the requirements for a blaster's license have been
- 52 satisfied, a license shall be issued to the applicant.
- 53 7. A blaster's license shall expire three years from the date of issuance. To qualify for
- 54 a renewal of a blaster's license, an individual will be required to provide documentation of
- 55 completing eight hours of training in an explosives-related course of instruction that is approved
- 56 by the division of fire safety, at least half of which shall have been completed within the year
- 57 prior to renewal. The remainder of such training for renewal of the license may be acquired at
- 58 any time during the three-year period that a license is valid. Additional training beyond an
- 59 accumulated eight hours during any three-year period is not valid for more than one subsequent
- 60 renewal of the license.

61 8. Each license issued under the provisions of this section shall provide documentation
62 to the license holder in the form of a letter or letter-sized certificate and a card that is
63 approximately two inches by three inches in size. Each shall specify a unique license number,
64 the name of the individual, his or her driver's license number, the individual's photograph, the
65 blaster's license's effective date and its expiration date, and any other record-keeping information
66 needed by the division of fire safety. In addition, the card form of the license shall contain a
67 photographic image of the license holder.

68 9. Each individual required to have a blaster's license shall keep at least one form of
69 license documentation on his or her person or at the site of blasting and shall provide
70 documentation that he or she has a currently valid license to a representative of the division of
71 fire safety upon a written or verbal request. No enforcement action shall be taken against any
72 individual that cannot comply with such a request so long as the division of fire safety's records
73 provide documentation that the individual has a valid blaster's license.

74 10. (1) A blaster's license issued under the provisions of this section may be suspended
75 or revoked by the division of fire safety upon substantial proof that the individual holding the
76 license has:

77 (a) Knowingly failed to monitor the use of explosives as provided in section 319.309;

78 (b) Negligently or habitually exceeded the limits established under section 319.312;

79 (c) Knowingly or habitually failed to create a record of blasts as required by section
80 319.315;

81 (d) Had a change in material fact relating to their qualifications for holding a blaster's
82 license as described in subsection 4 of this section;

83 (e) Failed to advise the division of fire safety of any change of material fact relating to
84 his or her qualifications for holding a blaster's license; or

85 (f) Knowingly made a material misrepresentation of any information by any means of
86 false pretense, deception, fraud, misrepresentation, or cheating for the purpose of obtaining
87 training or otherwise meeting the qualifications of obtaining a license.

88 (2) The division of fire safety shall provide any notice of suspension or revocation, as
89 provided in subdivision (1) of this subsection, in writing, sent by certified mail to the last known
90 address of the holder of the license. The notice may also be verbal, but this does not eliminate
91 the requirement for written notice. Upon receipt of a verbal or written notice of suspension or
92 revocation from the division of fire safety, the individual holding the license shall immediately
93 surrender all copies of the license to a representative of the division of fire safety and shall
94 immediately cease all blasting activity.

95 (3) The individual holding the license may appeal any suspension or revocation to the
96 state blasting safety board established under section 319.324 within forty-five days of the date

97 written notice was received. The division of fire safety shall immediately notify the chairman
98 of the board that an appeal has been received and a hearing before the board shall be held. The
99 board shall consider and make a decision on any appeal received by the division of fire safety
100 within thirty days of the date the appeal is received by the division of fire safety. The board shall
101 make a decision on the appeal by majority vote of the board and shall immediately notify the
102 licensee of its decision in writing. The written statement of the board's decision shall be prepared
103 by the division of fire safety or its designee and shall be approved by the chairman of the board.
104 The approved statement of the board's decision shall be sent by certified mail to the last known
105 address of the holder of the license.

106 11. Any individual whose license has been expired for a period of three years or less
107 shall be required to successfully pass the examination as provided in subdivisions (1) to (5) of
108 subsection 15 of this section and attend the eight hours of training required for renewal of a
109 license as minimum qualifications for submitting an application for reinstatement of the license.
110 Any individual whose license has been expired for a period of more than three years shall meet
111 the qualifications set forth in subsection 4 of this section, including completing twenty hours of
112 training and passing the examination, prior to applying for a blaster's license.

113 12. A license may be granted to applicants who within the last three years have held a
114 valid license or certification from any other source if all of the qualifications for obtaining the
115 license or certification meet or exceed the provisions of this section. It is the duty of the division
116 of fire safety to investigate the qualifications required for obtaining a license or certification from
117 any other source. Licenses or certification held prior to the effective date of the rule required by
118 subsection 19 of this section shall be deemed to meet requirements for this subsection, provided
119 that they meet requirements of the rule.

120 13. A license may be granted upon the application of an individual employed as a blaster
121 on or before December 31, 2000, [and] who has accumulated one thousand hours of training or
122 education pertaining to blasting and experience working for a specific person using explosives
123 within two years immediately prior to applying for a license. The application shall include a
124 statement of hours of experience in the form of an affidavit signed by the person using explosives
125 who has employed or contracted with the blaster for the preceding two years. Such applicant
126 also shall meet the requirement of subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of
127 subsection 4 of this section. Any individual granted a license under this subsection shall be
128 limited to blasting performed for the person using explosives submitting the affidavit required
129 by this subsection. Such licensee shall meet the requirements for continuing training required
130 by subsection 7 of this section.

131 14. (1) The division of fire safety or its authorized agent shall offer annually at least two
132 courses of instruction that fulfill the training requirement [of qualifying] **to qualify** for a blaster's

133 license and two courses that fulfill the training requirement for renewal of a blaster's license. In
134 addition, any person may apply to the division of fire safety for approval of a course of
135 instruction that meets the training requirement of obtaining a blaster's license or renewal of a
136 blaster's license. The application shall include a description of the qualifications of the
137 instructor, a description of instructional materials to be used in the course, and an outline of the
138 subject matter to be taught, including minimum hours of instruction on each topic. The division
139 of fire safety shall review the application regarding the knowledge and experience of proposed
140 instructors, the total hours of training and the adequacy of proposed training in subject matter
141 with regard to the provisions of sections 319.300 to 319.345. If the division of fire safety
142 determines that training proposed by the applicant is adequate, a letter of approval shall be issued
143 to the applicant. The letter of approval shall be effective for a period of three years. If at any
144 time the division of fire safety determines that an approved training course no longer meets the
145 standards of this section, the letter of approval may be revoked with written notice. The division
146 of fire safety or any person providing a course of instruction may charge an appropriate fee to
147 recover the cost of conducting such instruction.

148 (2) To be approved by the division of fire safety, a blaster's training course shall contain
149 at least twenty hours of instruction to prepare attendees for obtaining a blaster's license the first
150 time, or eight hours of instruction to prepare attendees for obtaining a license renewal.

151 (3) Any person providing training in a course of instruction approved by the division of
152 fire safety shall submit a list of individuals that attended any such course to the division of fire
153 safety within ten business days after completion of the course.

154 (4) The division of fire safety shall maintain a current list of persons who provide
155 approved training and shall make this list available by any reasonable means to professional and
156 trade associations, labor organizations, universities, vocational schools, and others upon request.

157 15. (1) The division of fire safety shall approve a standard examination or examinations
158 for the purpose of qualifying an individual to obtain a blaster's license. Each individual taking
159 the examination shall pay a fee to the division of fire safety, or the division's agent, that is
160 established by rule. Testing fees shall be no greater than what is required to administer the
161 testing provisions of this section and shall not exceed fifty dollars per test.

162 (2) Except as provided in subsection 11 of this section, no individual shall be allowed
163 to take an examination for purposes of obtaining a blaster's license unless that individual has
164 completed a training course approved by the division of fire safety. The individual must have
165 completed an approved course of instruction as provided in subdivision (1) of subsection 14 of
166 this section no longer than two years prior to taking the examination. The examination may be
167 administered by any person approved to provide a course of instruction, as provided in
168 subdivision (1) of subsection 14 of this section, at the site of instruction, provided that any such

169 examination may, at the discretion of the state fire marshal, be conducted under the supervision
170 of the division of fire safety. The division of fire safety may also administer such examinations
171 at other times and locations.

172 (3) Standards for passing the examination shall be set by the division of fire safety by
173 rule.

174 (4) The division of fire safety or its authorized agent shall provide a written statement
175 within thirty days to the individual taking the examination as to whether that individual passed
176 or failed.

177 (5) Any individual failing to pass the examination may retake the examination within
178 six months without having to complete an additional approved course of instruction. If the
179 individual fails the second examination, the person must complete another course of instruction
180 as required in subdivision (1) of subsection 14 of this section before taking the examination
181 again. No limit will be placed on how many times any individual may take the examination,
182 subject to the provisions of this subdivision.

183 (6) Individuals having previously taken an approved blaster's training course, and **having**
184 passed an approved examination, and having taken an approved blaster's renewal training course,
185 or that have obtained a blaster's license as provided in subsections 12 and 13 of this section are
186 eligible for renewal of a blaster's license after meeting the requirements of subsection 7 of this
187 section. The fee for renewal of a license shall be the same as the fee specified in subsection 3
188 of this section.

189 16. No individual shall load or fire explosives or direct, order, or otherwise cause any
190 individual to load or fire explosives in this state unless that individual has a valid blaster's license
191 or is under the direct supervision and responsibility of an individual having a valid blaster's
192 license. For purposes of this section, "direct supervision" means the supervisor is physically
193 present on the same job site as the individual who is loading or firing explosives. An individual
194 without a blaster's license who is loading or firing explosives while under the direct supervision
195 and responsibility of someone having a blaster's license shall not be in violation of sections
196 319.300 to 319.345.

197 17. [Persons] **A person** found guilty of loading or firing explosives, or directing,
198 ordering, or otherwise causing any individual to load or fire explosives in this state without
199 having a valid blaster's license, or that loads and fires explosives without being under the direct
200 supervision and responsibility of an individual holding a blaster's license as provided in sections
201 319.300 to 319.345, [shall be] **is** guilty of a class B misdemeanor for the first offense or a class
202 A misdemeanor for a second or subsequent offense. Any individual convicted of a class A
203 misdemeanor under the provisions of sections 319.300 to 319.345 shall be permanently
204 prohibited from obtaining a blaster's license in this state.

- 205 18. The requirement for obtaining a blaster's license shall not apply to:
- 206 (1) Individuals employed by universities, colleges, or trade schools when the use of
207 explosives is confined to instruction or research;
- 208 (2) Individuals using explosive materials in the forms prescribed by the official U.S.
209 Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;
- 210 (3) Individuals conducting training or emergency operations of any federal, state, or local
211 government including all departments, agencies, and divisions thereof, provided they are acting
212 in their official capacity and in the proper performance of their duties or functions;
- 213 (4) Individuals that are members of the armed forces or any military unit of Missouri or
214 the United States who are using explosives while on official training exercises or who are on
215 active duty;
- 216 (5) Individuals using pyrotechnics, commonly known as fireworks, including signaling
217 devices such as flares, fuses, and torpedoes;
- 218 (6) Individuals using small arms ammunition and components thereof which are subject
219 to the Gun Control Act of 1968, 18 U.S.C., Section 44, and regulations promulgated thereunder;
- 220 (7) Any individual performing duties in underground mines regulated by 30 CFR Part
221 48, Subpart A, 30 CFR Part 57, or performing duties in coal mining regulated by 30 CFR Part
222 75, and 30 CFR Part 77 of the Code of Federal Regulations, as amended, or using explosives
223 within an industrial furnace;
- 224 (8) Any individual having a valid blaster's license or certificate issued under the
225 provisions of any requirement of the U.S. government in which the requirements for obtaining
226 the license or certificate meet or exceed the requirements of sections 319.300 to 319.345;
- 227 (9) Individuals using agricultural fertilizers when used for agricultural or horticultural
228 purposes;
- 229 (10) Individuals handling explosives while in the act of transporting them from one
230 location to another;
- 231 (11) Individuals assisting or training under the direct supervision of a licensed blaster;
- 232 (12) Individuals handling explosives while engaged in the process of explosives
233 manufacturing;
- 234 (13) Employees, agents, or contractors of rural electric cooperatives organized or
235 operating under chapter 394, RSMo; [and]
- 236 (14) Individuals discharging historic firearms and cannon or reproductions of historic
237 firearms and cannon; **and**
- 238 **(15) Individuals using explosive materials along with a well screen cleaning device**
239 **for the purpose of unblocking clogged screens of agricultural irrigation wells located**
240 **within the southeast Missouri regional water district as created in section 256.643.**

241 19. The division of fire safety shall promulgate rules under this section to become
242 effective no later than July 1, 2008. Any individual loading or firing explosives after the
243 effective date of such rule shall obtain a license within one hundred eighty days of the effective
244 date of such rule. Any experience or training prior to the effective date of such rule that meets
245 the standards established by the rule shall be deemed to comply with this section.

 319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply to:

- 2 (1) Universities, colleges, or trade schools when confined to the purpose of instruction
- 3 or research;
- 4 (2) The use of explosive materials in the forms prescribed by the official U.S.
- 5 Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;
- 6 (3) The training or emergency operations of any federal, state, or local government
- 7 including all departments, agencies, and divisions thereof, provided they are acting in their
- 8 official capacity and in the proper performance of their duties or functions;
- 9 (4) The use of explosives by the military or any agency of the United States;
- 10 (5) The use of pyrotechnics, commonly known as fireworks, including signaling devices
- 11 such as flares, fuses, and torpedoes;
- 12 (6) The use of small arms ammunition and components thereof which are subject to the
- 13 Gun Control Act of 1968, 18 U.S.C. Section 44, and regulations promulgated thereunder. Any
- 14 small arms ammunition and components thereof exempted by the Gun Control Act of 1968 and
- 15 regulations promulgated thereunder are also exempted from the provisions of sections 319.300
- 16 to 319.345;
- 17 (7) Any person performing duties using explosives within an industrial furnace;
- 18 (8) The use of agricultural fertilizers when used for agricultural or horticultural purposes;
- 19 (9) The use of explosives for lawful demolition of structures;
- 20 (10) The use of explosives by employees, agents, or contractors of rural electric
- 21 cooperatives organized or operating under chapter 394, RSMo; [and]
- 22 (11) Individuals discharging historic firearms and cannon or reproductions of historic
- 23 firearms and cannon; **and**
- 24 (12) **Any person using explosive materials along with a well screen cleaning device**
- 25 **for the purpose of unblocking clogged screens of agricultural irrigation wells located**
- 26 **within the southeast Missouri regional water district as created in section 256.643.**

537.850. 1. Sections 537.850 to 537.862 shall be known and may be cited as the
2 **"Agritourism Promotion Act".**

3 **2. As used in sections 537.850 to 537.862, the following terms shall mean:**

- 4 (1) **"Agritourism activity", any activity which allows members of the general public**
- 5 **for recreational, entertainment, or educational purposes to view or enjoy rural activities,**

6 including but not limited to farming activities, ranching activities, or historic, cultural, or
7 natural attractions. An activity may be an agritourism activity whether or not the
8 participant pays to participate in the activity. An activity is not an agritourism activity if
9 the participant is paid to participate in the activity;

10 (2) "Department", the state department of agriculture;

11 (3) "Director", the director of the department of agriculture;

12 (4) "Inherent risks of a registered agritourism activity", those dangers or
13 conditions which are an integral part of such agritourism activity, including but not limited
14 to certain hazards such as surface and subsurface conditions; natural conditions of land,
15 vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers
16 of structures or equipment ordinarily used in farming or ranching operations. Inherent
17 risks of a registered agritourism activity also includes the potential of a participant to act
18 in a negligent manner that may contribute to injury to the participant or others, such as
19 failing to follow instructions given by the registered agritourism operator or failing to
20 exercise reasonable caution while engaging in the registered agritourism activity;

21 (5) "Participant", any person who engages in a registered agritourism activity;

22 (6) "Registered agritourism activity", any agritourism activity registered with the
23 director of the department of agriculture under section 537.853, and any rules
24 promulgated thereunder;

25 (7) "Registered agritourism location", a specific parcel of land which is registered
26 with the director of the department of agriculture under section 537.853, and any rules
27 promulgated thereunder, and where a registered agritourism operator engages in
28 registered agritourism activities;

29 (8) "Registered agritourism operator", any person who is engaged in the business
30 of providing one or more agritourism activities and is registered with the director of the
31 department of agriculture under section 537.853, and any rules promulgated thereunder.

537.853. 1. Any person who is engaged in the business of providing one or more
2 agritourism activities may register with the director of the department of agriculture. The
3 registration shall contain all of the following:

4 (1) Information describing the agritourism activity which the person conducts or
5 intends to conduct;

6 (2) Information describing the location where the person conducts or intends to
7 conduct such agritourism activity.

8 2. The department shall maintain a list of all registered agritourism operators, the
9 registered agritourism activities conducted by each operator, and the registered
10 agritourism location where the operator conducts such activities. Such list shall be made

11 available to the public. The department shall promote and publicize registered agritourism
12 operators, activities, and locations to advance the purpose of sections 537.850 to 537.862
13 by promoting and encouraging tourism.

14 3. Registration under this section shall be for a period of two years.

15 4. A registration fee not to exceed one hundred dollars may be imposed on an
16 applicant to cover the actual administrative costs associated with such registration under
17 this section.

537.856. 1. At every registered agritourism location, the registered agritourism
2 operator shall post and maintain signage which contains the warning notice specified in
3 subsection 3 of this section. The requirements of this section shall be deemed satisfied if
4 such signage is placed in a clearly visible location at or near the registered agritourism
5 location. The warning notice shall appear on the sign in black letters, with each letter to
6 be at least one inch in height.

7 2. Every written contract entered into by a registered agritourism operator for the
8 providing of a registered agritourism activity shall contain in clearly readable print the
9 warning notice and language specified in subsection 3 of this section.

10 3. The required signage under this section shall contain the following warning
11 notice:

12 "WARNING: Under Missouri law, there is no liability for an injury or death of a
13 participant in a registered agritourism activity conducted at this registered agritourism
14 location if such injury or death results from the inherent risks of such agritourism activity.
15 Inherent risks of agritourism activities include, but are not limited to, the potential of you
16 as a participant to act in a negligent manner that may contribute to your injury or death
17 and the potential of another participant to act in a negligent manner that may contribute
18 to your injury or death. You are assuming the risk of participating in this registered
19 agritourism activity."

20 4. Upon request, the registered agritourism operator shall provide to any
21 participant a written description of the registered agritourism activity, as set forth in the
22 registration under section 537.853 for which sections 537.850 to 537.862 limits the
23 registered agritourism operator's liability at the registered agritourism location.

537.859. 1. Any participant is assuming the inherent risks of a registered
2 agritourism activity when such participant engages in such agritourism activity. Except
3 as provided in subsection 2 of this section, a registered agritourism operator is not liable
4 for injury to or death of a participant resulting from the inherent risks of agritourism
5 activities so long as the warning contained in section 537.856 is posted as required and,
6 except as provided in subsection 2 of this section, no participant or participant's

7 representative shall maintain an action against or recover from a registered agritourism
8 operator for injury, loss, damage, or death of the participant resulting exclusively from any
9 of the inherent risks of agritourism activities.

10 2. Nothing in sections 537.850 to 537.862 shall prevent or limit the liability of a
11 registered agritourism operator if the registered agritourism operator:

12 (1) Injures the participant by willful or wanton conduct; or

13 (2) Has actual knowledge of a dangerous condition in the land, facilities, or
14 equipment used in the registered agritourism activity or the dangerous propensity of a
15 particular animal used in such activity and does not make such dangerous condition known
16 to a participant and such dangerous condition causes the participant to sustain injuries.

17 3. In any action for damages for personal injury, death, or property damage arising
18 from the operation of a registered tourism activity in which an owner or operator is named
19 as a defendant, it shall be an affirmative defense to that liability that:

20 (1) The injured person assumed the risk;

21 (2) The injured person deliberately disregarded conspicuously posted signs, verbal
22 instructions, or other warnings regarding safety measures during the activity; or

23 (3) Any equipment, animals, or appliance used by the injured person during the
24 activity were used in a manner or for a purpose other than that for which a reasonable
25 person should have known they were intended.

537.862. 1. There is hereby created in the state treasury the "Agritourism Fee
2 Fund", which shall consist of any moneys appropriated to the fund and registration fees
3 collected under section 537.853. The state treasurer shall be custodian of the fund. In
4 accordance with sections 30.170 and 30.180, the state treasurer may approve
5 disbursements. Upon appropriation, money in the fund shall be used solely for the
6 administration of sections 537.850 to 537.862.

7 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund.

10 3. The state treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. Any interest and moneys earned on such investments shall be credited
12 to the fund.

578.600. 1. Sections 578.600 to 578.624 shall be known and may be cited as the
2 "Large Carnivore Act".

3 2. As used in sections 578.600 to 578.624, the following terms mean:

- 4 (1) "Circus", an incorporated, class C licensee that is licensed under Chapter I of
5 Title 9 of the Code of Federal Regulations, that is temporarily in this state, and that offers
6 skilled performances by live animals, clowns, and acrobats for public entertainment;
- 7 (2) "Department", the Missouri department of agriculture;
- 8 (3) "Division", the division of animal health of the Missouri department of
9 agriculture;
- 10 (4) "Facility", an indoor or outdoor cage, pen, or similar enclosure where a large
11 carnivore is kept;
- 12 (5) "Humane killing", the same meaning as such term is defined in section 578.005;
- 13 (6) "Large carnivore", either of the following:
- 14 (a) Any of the following large cats of the *Felidae* family that are nonnative to this
15 state held in captivity: tiger, lion, jaguar, leopard, snow leopard, clouded leopard, and
16 cheetah, including a hybrid cross with such cat, but excluding any unlisted nonnative cat,
17 or any common domestic or house cat; or
- 18 (b) A bear of a species that is nonnative to this state and held in captivity;
- 19 (7) "Livestock", the same meaning as such term is defined in section 267.565;
- 20 (8) "Permit", a permit issued under section 578.602;
- 21 (9) "Qualified veterinarian", a person licensed to practice veterinary medicine
22 under chapter 340.
- 578.602. 1. Except as permitted under sections 578.600 to 578.624, no person shall:
- 2 (1) Own or possess a large carnivore;
- 3 (2) Breed a large carnivore;
- 4 (3) Transfer ownership or possession of or receive a transfer of ownership or
5 possession of a large carnivore, with or without remuneration; or
- 6 (4) Transport a large carnivore.
- 7 2. The division shall implement and enforce the provisions of sections 578.600 to
8 578.624 for the following purposes:
- 9 (1) The standardization of ownership, transport, and breeding of large carnivores;
- 10 (2) Identification and location of large carnivores;
- 11 (3) Protection of members of the public from large carnivores; and
- 12 (4) Practice best husbandry and health care protocols to ensure the humane and
13 safe treatment of large carnivores on behalf of their physical well-being.
- 14 3. Any person possessing, breeding, or transporting a large carnivore on or after
15 January 1, 2012, shall apply for and obtain a permit from the division. Any person
16 possessing, breeding, or transporting a large carnivore as of January 1, 2012, shall apply
17 for a permit from the division within sixty days of such date. One permit shall be required

18 for each large carnivore. Any permit so issued by the division shall set forth all of the
19 following:

20 (1) The name and address of the permit holder and the address where each large
21 carnivore will be kept, if different from that of the permit holder;

22 (2) The identification number of each large carnivore required under section
23 578.604 for which a permit is sought;

24 (3) The name and address of the veterinarian who is expected to provide veterinary
25 care to the large carnivore and, if different, the name and address of the veterinarian who
26 has inserted the subcutaneous microchip required under section 578.604. The selected
27 veterinarian shall install the microchip, collect an appropriate sample for DNA
28 registration, provide a written summary of the physical examination, and provide a signed
29 health certificate as needed for transport; and

30 (4) Any other reasonable information as determined by the department, including
31 the amount of the permit fee, not to exceed two thousand five hundred dollars, as set by the
32 division to offset the actual and necessary costs incurred to enforce the provisions of
33 sections 578.600 to 578.624 and the amount of the annual renewal fee, not to exceed five
34 hundred dollars, for such permits.

35 4. No permit shall be issued to any person under the age of twenty-one years of age
36 or who has been found guilty of, or pled guilty to, a violation of any state or local law
37 prohibiting neglect or mistreatment of any animal or, within the previous ten years, any
38 felony.

578.604. The owner of a large carnivore shall have an identification number placed
2 in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under
3 the supervision of a veterinarian.

578.606. 1. Any person who owns, possesses, breeds, or sells a large carnivore shall
2 adhere to all United States Department of Agriculture regulations and standards.

3 2. Upon the death of a large carnivore, the owner shall notify the state department
4 of agriculture of such death within ten business days. Such notification shall include the
5 identification number from the animal's subcutaneous microchip.

578.608. 1. A law enforcement officer or other person may kill a large carnivore
2 if such officer or person observes or has reason to believe that the large carnivore is
3 chasing, attacking, injuring, or killing:

4 (1) A human being, whether the large carnivore is contained in or is outside of its
5 enclosure;

6 (2) Livestock;

7 (3) Poultry; or

8 **(4) A mammalian pet, only if the large carnivore is outside of its enclosure.**

9 **2. No law enforcement officer, animal control officer, or person shall be held civilly**
10 **liable for damages or otherwise for killing or attempting to kill a large carnivore under**
11 **subsection 1 of this section.**

12 **3. A large carnivore's entry onto a field or enclosure that is owned by or leased by**
13 **a person producing livestock or poultry constitutes a trespass, and the person who owns**
14 **or possesses the large carnivore is liable in damages.**

578.610. 1. Any person who owns or possesses a large carnivore is liable in a civil
2 **action for the death or injury of a human and for property damage, including but not**
3 **limited to the death or injury of another animal, caused by the large carnivore. Sections**
4 **578.600 to 578.624 do not limit the common law liability of the owner of a large carnivore**
5 **for the death or injury of a human or for property damage caused by the large carnivore.**

6 **2. Any person who owns or possesses a large carnivore shall maintain liability**
7 **insurance in an amount of not less than two hundred fifty thousand dollars. Each person**
8 **subject to the provisions of this subsection shall provide verification to the department on**
9 **an annual basis that such liability insurance is being maintained.**

10 **3. If a large carnivore escapes or is released, intentionally or unintentionally, the**
11 **person who owns or possesses the large carnivore shall immediately contact law**
12 **enforcement to report the loss, escape, or release. The person who owns or possesses the**
13 **large carnivore is liable for all expenses associated with efforts to recapture the large**
14 **carnivore that is released or escapes.**

578.612. A person lawfully in possession of a large carnivore under sections 578.600
2 **to 578.624 shall be required to obtain a permit to transport the large carnivore in a vehicle**
3 **in compliance with all federal and division requirements applicable to such large**
4 **carnivores.**

578.614. 1. Subject to subsection 2 of this section, any person who violates sections
2 **578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a**
3 **permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any**
4 **person who intentionally releases a large carnivore except to the care, custody, and control**
5 **of another person is guilty of a class D felony. In addition, a person who violates sections**
6 **578.600 to 578.624 may be punished by one or more of the following:**

7 **(1) Community service work for not more than five hundred hours;**

8 **(2) The loss of privileges to own or possess any animal.**

9 **2. Subsection 1 of this section does not apply to a law enforcement officer, animal**
10 **control officer, qualified veterinarian, or department of agriculture employee with respect**
11 **to the performance of the duties of a law enforcement officer, animal control officer,**

12 qualified veterinarian, or department of agriculture employee under sections 578.600 to
13 578.624.

578.616. 1. If a person who owns, possesses, breeds, or sells a large carnivore
2 violates sections 578.600 to 578.624, such large carnivore and any other large carnivore
3 owned or possessed by such person are subject to civil forfeiture.

4 2. The prosecuting attorney in an action under section 578.614 may file a petition
5 requesting that the court issue an order for civil forfeiture of all of the large carnivores
6 owned or possessed by the person violating sections 578.600 to 578.624.

578.618. A political subdivision may adopt an ordinance governing large carnivores
2 that is more restrictive than sections 578.600 to 578.624. The requirements of sections
3 578.600 to 578.624 are in addition to any other requirements governing a large carnivore
4 under state and federal law.

578.620. 1. Sections 578.602 and 578.604 shall not apply to any of the following:

2 (1) An animal control shelter or animal protection shelter that is providing
3 temporary care to a large carnivore for ninety days or less and has proper facilities to
4 handle the large carnivore;

5 (2) A law enforcement officer or department of agriculture employee acting under
6 the authority of sections 578.600 to 578.624;

7 (3) A veterinarian temporarily in possession of a large carnivore to provide
8 veterinary care for or humanely euthanize the large carnivore;

9 (4) A class C licensee that possesses and maintains a class C license under 9 C.F.R.
10 1.1 that meets the following conditions:

11 (a) The business is not conducted in connection with another business as a means
12 of attracting customers to such other business;

13 (b) The class C licensee currently owns or possesses a large carnivore on the
14 effective date of the large carnivore act; except that, any class C licensee whose license is
15 revoked after the effective date of sections 578.600 to 578.624 shall be required to obtain
16 a state permit. For any large carnivore acquired after the effective date of the large
17 carnivore act, the class C licensee shall obtain a state permit.

18 2. Sections 578.602 and 578.604 shall not apply to a person who is not a resident of
19 this state and who is in this state only for the purpose of travel between locations outside
20 of this state and is not exhibiting in this state.

578.622. Sections 578.600 to 578.624 shall not apply to a circus or the University of
2 Missouri-Columbia College of Veterinary Medicine.

578.624. 1. (1) There is hereby created in the state treasury the "Large Carnivore
2 Fund", which shall consist of moneys collected under sections 578.600 to 578.624, and any

3 gifts, donations, bequests, or appropriations. The state treasurer shall be custodian of the
4 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
5 disbursements. Upon appropriation, money in the fund shall be used solely for the
6 administration of sections 578.600 to 578.624.

7 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund.

10 (3) The state treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. Any interest and moneys earned on such investments shall be credited
12 to the fund.

13 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
14 created under the authority delegated in sections 578.600 to 578.624 shall become effective
15 only if it complies with and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. Sections 578.600 to 578.624 and chapter 536 are nonseverable
17 and if any of the powers vested with the general assembly pursuant to chapter 536 to
18 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
20 after August 28, 2010, shall be invalid and void.

Section 1. No moneys collected under section 273.327 shall be used to operate or
2 administer the large carnivore act.

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