

FIRST REGULAR SESSION

SENATE BILL NO. 178

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 30, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0161S.02I

AN ACT

To repeal sections 144.010, 262.900, 265.300, 265.420, 267.565, and 277.020, RSMo, and to enact in lieu thereof eight new sections relating to captive cervids.

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

Section A. Sections 144.010, 262.900, 265.300, 265.420, 267.565, and
2 277.020, RSMo, are repealed and eight new sections enacted in lieu thereof, to be
3 known as sections 144.010, 196.162, 262.900, 265.300, 265.420, 265.550, 267.565,
4 and 277.020, to read as follows:

144.010. 1. The following words, terms, and phrases when used in
2 sections 144.010 to 144.525 have the meanings ascribed to them in this section,
3 except when the context indicates a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and
5 other similar accommodations and charges made therefor and amount paid for
6 admission, exclusive of any admission tax imposed by the federal government or
7 by sections 144.010 to 144.525;

8 (2) "Business" includes any activity engaged in by any person, or caused
9 to be engaged in by him, with the object of gain, benefit or advantage, either
10 direct or indirect, and the classification of which business is of such character as
11 to be subject to the terms of sections 144.010 to 144.525. A person is "engaging
12 in business" in this state for purposes of sections 144.010 to 144.525 if such
13 person "engages in business in this state" or "maintains a place of business in
14 this state" under section 144.605. The isolated or occasional sale of tangible
15 personal property, service, substance, or thing, by a person not engaged in such
16 business, does not constitute engaging in business within the meaning of sections
17 144.010 to 144.525 unless the total amount of the gross receipts from such sales,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 exclusive of receipts from the sale of tangible personal property by persons which
19 property is sold in the course of the partial or complete liquidation of a
20 household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
21 calendar year. The provisions of this subdivision shall not be construed to make
22 any sale of property which is exempt from sales tax or use tax on June 1, 1977,
23 subject to that tax thereafter;

24 (3) "Captive wildlife", includes but is not limited to exotic partridges, gray
25 partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl,
26 captive [white-tailed deer,] **cervids and** captive elk **classified as wildlife and**
27 **not as livestock**, and captive furbearers held under permit issued by the
28 Missouri department of conservation for hunting purposes. The provisions of this
29 subdivision shall not apply to sales tax on a harvested animal;

30 (4) "Gross receipts", except as provided in section 144.012, means the total
31 amount of the sale price of the sales at retail including any services other than
32 charges incident to the extension of credit that are a part of such sales made by
33 the businesses herein referred to, capable of being valued in money, whether
34 received in money or otherwise; except that, the term "gross receipts" shall not
35 include the sale price of property returned by customers when the full sale price
36 thereof is refunded either in cash or by credit. In determining any tax due under
37 sections 144.010 to 144.525 on the gross receipts, charges incident to the
38 extension of credit shall be specifically exempted. For the purposes of sections
39 144.010 to 144.525 the total amount of the sale price above mentioned shall be
40 deemed to be the amount received. It shall also include the lease or rental
41 consideration where the right to continuous possession or use of any article of
42 tangible personal property is granted under a lease or contract and such transfer
43 of possession would be taxable if outright sale were made and, in such cases, the
44 same shall be taxable as if outright sale were made and considered as a sale of
45 such article, and the tax shall be computed and paid by the lessee upon the
46 rentals paid;

47 (5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not
48 limited to, ostrich and emu, aquatic products as defined in section 277.024,
49 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
50 a legal source and not from the wild, goats, horses, other equine, or rabbits raised
51 in confinement for human consumption;

52 (6) "Motor vehicle leasing company" shall be a company obtaining a
53 permit from the director of revenue to operate as a motor vehicle leasing

54 company. Not all persons renting or leasing trailers or motor vehicles need to
55 obtain such a permit; however, no person failing to obtain such a permit may
56 avail itself of the optional tax provisions of subsection 5 of section 144.070, as
57 hereinafter provided;

58 (7) "Person" includes any individual, firm, copartnership, joint adventure,
59 association, corporation, municipal or private, and whether organized for profit
60 or not, state, county, political subdivision, state department, commission, board,
61 bureau or agency, except the state transportation department, estate, trust,
62 business trust, receiver or trustee appointed by the state or federal court,
63 syndicate, or any other group or combination acting as a unit, and the plural as
64 well as the singular number;

65 (8) "Purchaser" means a person who purchases tangible personal property
66 or to whom are rendered services, receipts from which are taxable under sections
67 144.010 to 144.525;

68 (9) "Research or experimentation activities" are the development of an
69 experimental or pilot model, plant process, formula, invention or similar property,
70 and the improvement of existing property of such type. Research or
71 experimentation activities do not include activities such as ordinary testing or
72 inspection of materials or products for quality control, efficiency surveys,
73 advertising promotions or research in connection with literary, historical or
74 similar projects;

75 (10) "Sale" or "sales" includes installment and credit sales, and the
76 exchange of properties as well as the sale thereof for money, every closed
77 transaction constituting a sale, and means any transfer, exchange or barter,
78 conditional or otherwise, in any manner or by any means whatsoever, of tangible
79 personal property for valuable consideration and the rendering, furnishing or
80 selling for a valuable consideration any of the substances, things and services
81 herein designated and defined as taxable under the terms of sections 144.010 to
82 144.525;

83 (11) "Sale at retail" means any transfer made by any person engaged in
84 business as defined herein of the ownership of, or title to, tangible personal
85 property to the purchaser, for use or consumption and not for resale in any form
86 as tangible personal property, for a valuable consideration; except that, for the
87 purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)
88 purchases of tangible personal property made by duly licensed physicians,
89 dentists, optometrists and veterinarians and used in the practice of their

90 professions shall be deemed to be purchases for use or consumption and not for
91 resale; and (ii) the selling of computer printouts, computer output or microfilm
92 or microfiche and computer-assisted photo compositions to a purchaser to enable
93 the purchaser to obtain for his or her own use the desired information contained
94 in such computer printouts, computer output on microfilm or microfiche and
95 computer-assisted photo compositions shall be considered as the sale of a service
96 and not as the sale of tangible personal property. Where necessary to conform
97 to the context of sections 144.010 to 144.525 and the tax imposed thereby, the
98 term "sale at retail" shall be construed to embrace:

99 (a) Sales of admission tickets, cash admissions, charges and fees to or in
100 places of amusement, entertainment and recreation, games and athletic events;

101 (b) Sales of electricity, electrical current, water and gas, natural or
102 artificial, to domestic, commercial or industrial consumers;

103 (c) Sales of local and long distance telecommunications service to
104 telecommunications subscribers and to others through equipment of
105 telecommunications subscribers for the transmission of messages and
106 conversations, and the sale, rental or leasing of all equipment or services
107 pertaining or incidental thereto;

108 (d) Sales of service for transmission of messages by telegraph companies;

109 (e) Sales or charges for all rooms, meals and drinks furnished at any
110 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist
111 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly
112 served to the public;

113 (f) Sales of tickets by every person operating a railroad, sleeping car,
114 dining car, express car, boat, airplane, and such buses and trucks as are licensed
115 by the division of motor carrier and railroad safety of the department of economic
116 development of Missouri, engaged in the transportation of persons for hire;

117 (12) "Seller" means a person selling or furnishing tangible personal
118 property or rendering services, on the receipts from which a tax is imposed
119 pursuant to section 144.020;

120 (13) The noun "tax" means either the tax payable by the purchaser of a
121 commodity or service subject to tax, or the aggregate amount of taxes due from
122 the vendor of such commodities or services during the period for which he or she
123 is required to report his or her collections, as the context may require;

124 (14) "Telecommunications service", for the purpose of this chapter, the
125 transmission of information by wire, radio, optical cable, coaxial cable, electronic

126 impulses, or other similar means. As used in this definition, "information" means
127 knowledge or intelligence represented by any form of writing, signs, signals,
128 pictures, sounds, or any other symbols. Telecommunications service does not
129 include the following if such services are separately stated on the customer's bill
130 or on records of the seller maintained in the ordinary course of business:

131 (a) Access to the internet, access to interactive computer services or
132 electronic publishing services, except the amount paid for the telecommunications
133 service used to provide such access;

134 (b) Answering services and one-way paging services;

135 (c) Private mobile radio services which are not two-way commercial mobile
136 radio services such as wireless telephone, personal communications services or
137 enhanced specialized mobile radio services as defined pursuant to federal law; or

138 (d) Cable or satellite television or music services; and

139 (15) "Product which is intended to be sold ultimately for final use or
140 consumption" means tangible personal property, or any service that is subject to
141 state or local sales or use taxes, or any tax that is substantially equivalent
142 thereto, in this state or any other state.

143 2. For purposes of the taxes imposed under sections 144.010 to 144.525,
144 and any other provisions of law pertaining to sales or use taxes which incorporate
145 the provisions of sections 144.010 to 144.525 by reference, the term
146 "manufactured homes" shall have the same meaning given it in section 700.010.

147 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales
148 Tax Law".

**196.162. 1. It shall be lawful to sell captive cervid meat
2 documented as obtained from a legal source and not from the wild, so
3 long as the captive cervids are:**

4 **(1) Commercially raised for food;**

5 **(2) Raised, slaughtered, and processed under a joint voluntary
6 inspection program conducted by the department of agriculture and
7 the department of health and senior services; and**

8 **(3) Under a voluntary inspection program administered by the
9 United States Department of Agriculture for game animals that are
10 inspected and approved in accordance with 9 CFR 352.**

11 **2. In the marketing and sale of captive cervid meat, all meat
12 shall be appropriately and conspicuously labeled, marked, or tagged
13 setting forth the type of animal from which such meat was derived.**

14 **3. Both the department of agriculture and the department of**
15 **health and senior services shall have the authority to promulgate rules**
16 **and regulations for the enforcement of this section. Any rule or**
17 **portion of a rule, as that term is defined in section 536.010, that is**
18 **created under the authority delegated in sections 196.970 to 196.984**
19 **shall become effective only if it complies with and is subject to all of**
20 **the provisions of chapter 536 and, if applicable, section 536.028.**
21 **Sections 196.970 to 196.984 and chapter 536 are nonseverable and if any**
22 **of the powers vested with the general assembly pursuant to chapter 536**
23 **to review, to delay the effective date, or to disapprove and annul a rule**
24 **are subsequently held unconstitutional, then the grant of rulemaking**
25 **authority and any rule proposed or adopted after August 28, 2015, shall**
26 **be invalid and void.**

262.900. 1. As used in this section, the following terms mean:

- 2 (1) "Agricultural products", an agricultural, horticultural, viticultural, or
3 vegetable product, growing of grapes that will be processed into wine, bees,
4 honey, fish or other aquacultural product, planting seed, livestock, a livestock
5 product, a forestry product, poultry or a poultry product, either in its natural or
6 processed state, that has been produced, processed, or otherwise had value added
7 to it in this state;
- 8 (2) "Blighted area", that portion of the city within which the legislative
9 authority of such city determines that by reason of age, obsolescence, inadequate,
10 or outmoded design or physical deterioration have become economic and social
11 liabilities, and that such conditions are conducive to ill health, transmission of
12 disease, crime or inability to pay reasonable taxes;
- 13 (3) "Department", the department of agriculture;
- 14 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds
15 including but not limited to ostrich and emu, llamas, alpaca, buffalo, elk
16 documented as obtained from a legal source and not from the wild, goats, or
17 horses, other equines, or rabbits raised in confinement for human consumption;
- 18 (5) "Grower UAZ", a type of UAZ:
 - 19 (a) That can either grow produce, raise livestock, or produce other
20 value-added agricultural products;
 - 21 (b) That does not exceed fifty laying hens, six hundred fifty broiler
22 chickens, or thirty domesticated animals;
- 23 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not

24 limited to ostrich and emu, aquatic products as defined in section 277.024,
25 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
26 a legal source and not from the wild, goats, or horses, other equines, or rabbits
27 raised in confinement for human consumption;

28 (7) "Locally grown", a product that was grown or raised in the same
29 county or city not within a county in which the UAZ is located or in an adjoining
30 county or city not within a county. For a product raised or sold in a city not
31 within a county, locally grown also includes an adjoining county with a charter
32 form of government with more than nine hundred fifty thousand inhabitants and
33 those adjoining said county;

34 (8) "Processing UAZ", a type of UAZ:

35 (a) That processes livestock or poultry for human consumption;

36 (b) That meets federal and state processing laws and standards;

37 (c) Is a qualifying small business approved by the department;

38 (9) "Meat", any edible portion of livestock or poultry carcass or part
39 thereof;

40 (10) "Meat product", anything containing meat intended for or capable of
41 use for human consumption, which is derived, in whole or in part, from livestock
42 or poultry;

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

44 (12) "Qualifying small business", those enterprises which are established
45 within an Urban Agricultural Zone subsequent to its creation, and which meet
46 the definition established for the Small Business Administration and set forth in
47 Section 121.301 of Part 121 of Title 13 of the Code of Federal Regulations;

48 (13) "Value-added agricultural products", any product or products that are
49 the result of:

50 (a) Using an agricultural product grown in this state to produce a meat
51 or dairy product in this state;

52 (b) A change in the physical state or form of the original agricultural
53 product;

54 (c) An agricultural product grown in this state which has had its value
55 enhanced by special production methods such as organically grown products; or

56 (d) A physical segregation of a commodity or agricultural product grown
57 in this state that enhances its value such as identity preserved marketing
58 systems;

59 (14) "Urban agricultural zone" or "UAZ", a zone within a metropolitan

60 statistical area as defined by the United States Office of Budget and Management
61 that has one or more of the following entities that is a qualifying small business
62 and approved by the department, as follows:

63 (a) Any organization or person who grows produce or other agricultural
64 products;

65 (b) Any organization or person that raises livestock or poultry;

66 (c) Any organization or person who processes livestock or poultry;

67 (d) Any organization that sells at a minimum seventy-five percent locally
68 grown food;

69 (15) "Vending UAZ", a type of UAZ:

70 (a) That sells produce, meat, or value-added locally grown agricultural
71 goods;

72 (b) That is able to accept food stamps under the provisions of the
73 Supplemental Nutrition Assistance Program as a form of payment; and

74 (c) Is a qualifying small business that is approved by the department for
75 an UAZ vendor license.

76 2. (1) A person or organization shall submit to any incorporated
77 municipality an application to develop an UAZ on a blighted area of land. Such
78 application shall demonstrate or identify on the application:

79 (a) If the person or organization is a grower UAZ, processing UAZ,
80 vending UAZ, or a combination of all three types of UAZs provided in this
81 paragraph, in which case the person or organization shall meet the requirements
82 of each type of UAZ in order to qualify;

83 (b) The number of jobs to be created;

84 (c) The types of products to be produced; and

85 (d) If applying for a vending UAZ, the ability to accept food stamps under
86 the provisions of the Supplemental Nutrition Assistance Program if selling
87 products to consumers.

88 (2) A municipality shall review and modify the application as necessary
89 before either approving or denying the request to establish an UAZ.

90 (3) Approval of the UAZ by such municipality shall be reviewed five and
91 ten years after the development of the UAZ. After twenty-five years, the UAZ
92 shall dissolve. If the municipality finds during its review that the UAZ is not
93 meeting the requirements set out in this section, the municipality may dissolve
94 the UAZ.

95 3. The governing body of any municipality planning to seek designation

96 of an urban agricultural zone shall establish an urban agricultural zone
97 board. The number of members on the board shall be seven. One member of the
98 board shall be appointed by the school district or districts located within the area
99 proposed for designation of an urban agricultural zone. Two members of the
100 board shall be appointed by other affected taxing districts. The remaining four
101 members shall be chosen by the chief elected officer of the municipality. The four
102 members chosen by the chief elected officer of the municipality shall all be
103 residents of the county or city not within a county in which the UAZ is to be
104 located, and at least one of such four members shall have experience in or
105 represent organizations associated with sustainable agriculture, urban farming,
106 community gardening, or any of the activities or products authorized by this
107 section for UAZs.

108 4. The school district member and the two affected taxing district
109 members shall each have initial terms of five years. Of the four members
110 appointed by the chief elected official, two shall have initial terms of four years,
111 and two shall have initial terms of three years. Thereafter, members shall serve
112 terms of five years. Each member shall hold office until a successor has been
113 appointed. All vacancies shall be filled in the same manner as the original
114 appointment. For inefficiency or neglect of duty or misconduct in office, a
115 member of the board may be removed by the applicable appointing authority.

116 5. A majority of the members shall constitute a quorum of such board for
117 the purpose of conducting business and exercising the powers of the board and
118 for all other purposes. Action may be taken by the board upon a vote of a
119 majority of the members present.

120 6. The members of the board annually shall elect a chair from among the
121 members.

122 7. The role of the board shall be to conduct the activities necessary to
123 advise the governing body on the designation of an urban agricultural zone and
124 any other advisory duties as determined by the governing body. The role of the
125 board after the designation of an urban agricultural zone shall be review and
126 assessment of zone activities.

127 8. Prior to the adoption of an ordinance proposing the designation of an
128 urban agricultural zone, the urban agricultural board shall fix a time and place
129 for a public hearing and notify each taxing district located wholly or partially
130 within the boundaries of the proposed urban agricultural zone. The board shall
131 send, by certified mail, a notice of such hearing to all taxing districts and

132 political subdivisions in the area to be affected and shall publish notice of such
133 hearing in a newspaper of general circulation in the area to be affected by the
134 designation at least twenty days prior to the hearing but not more than thirty
135 days prior to the hearing. Such notice shall state the time, location, date, and
136 purpose of the hearing. At the public hearing any interested person or affected
137 taxing district may file with the board written objections to, or comments on, and
138 may be heard orally in respect to, any issues embodied in the notice. The board
139 shall hear and consider all protests, objections, comments, and other evidence
140 presented at the hearing. The hearing may be continued to another date without
141 further notice other than a motion to be entered upon the minutes fixing the time
142 and place of the subsequent hearing.

143 9. Following the conclusion of the public hearing required under
144 subsection 8 of this section, the governing authority of the municipality may
145 adopt an ordinance designating an urban agricultural zone.

146 10. The real property of the UAZ shall not be subject to assessment or
147 payment of ad valorem taxes on real property imposed by the cities affected by
148 this section, or by the state or any political subdivision thereof, for a period of up
149 to twenty-five years as specified by ordinance under subsection 9 of this section,
150 except to such extent and in such amount as may be imposed upon such real
151 property during such period, as was determined by the assessor of the county in
152 which such real property is located, or, if not located within a county, then by the
153 assessor of such city, in an amount not greater than the amount of taxes due and
154 payable thereon during the calendar year preceding the calendar year during
155 which the urban agricultural zone was designated. The amounts of such tax
156 assessments shall not be increased during such period so long as the real
157 property is used in furtherance of the activities provided under the provisions of
158 subdivision (13) of subsection 1 of this section. At the conclusion of the period of
159 abatement provided by the ordinance, the property shall then be reassessed. If
160 only a portion of real property is used as an UAZ, then only that portion of real
161 property shall be exempt from assessment or payment of ad valorem taxes on
162 such property, as provided by this section.

163 11. If the water services for the UAZ are provided by the municipality, the
164 municipality may authorize a grower UAZ to pay wholesale water rates. If
165 available, for the cost of water consumed on the UAZ and pay fifty percent of the
166 standard cost to hook onto the water source.

167 12. (1) Any local sales tax revenues received from the sale of agricultural

168 products sold in the UAZ shall be deposited in the urban agricultural zone fund
169 established in subdivision (2) of this subsection. An amount equal to one percent
170 shall be retained by the director of revenue for deposit in the general revenue
171 fund to offset the costs of collection.

172 (2) There is hereby created in the state treasury the "Urban Agricultural
173 Zone Fund", which shall consist of money collected under subdivision (1) of this
174 subsection. The state treasurer shall be custodian of the fund. In accordance
175 with sections 30.170 and 30.180, the state treasurer may approve
176 disbursements. The fund shall be a dedicated fund and, upon appropriation,
177 shall be used for the purposes authorized by this section. Notwithstanding the
178 provisions of section 33.080 to the contrary, any moneys remaining in the fund
179 at the end of the biennium shall not revert to the credit of the general revenue
180 fund. The state treasurer shall invest moneys in the fund in the same manner
181 as other funds are invested. Any interest and moneys earned on such
182 investments shall be credited to the fund. School districts may apply to the
183 department for money in the fund to be used for the development of curriculum
184 on or the implementation of urban farming practices under the guidance of the
185 University of Missouri extension service and a certified vocational agricultural
186 instructor. The funds are to be distributed on a competitive basis within the
187 school district or districts in which the UAZ is located pursuant to rules to be
188 promulgated by the department, with special consideration given to the relative
189 number of students eligible for free and reduced-price lunches attending the
190 schools within such district or districts.

191 13. Any rule or portion of a rule, as that term is defined in section
192 536.010, that is created under the authority delegated in this section shall
193 become effective only if it complies with and is subject to all of the provisions of
194 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
195 nonseverable and if any of the powers vested with the general assembly pursuant
196 to chapter 536 to review, to delay the effective date, or to disapprove and annul
197 a rule are subsequently held unconstitutional, then the grant of rulemaking
198 authority and any rule proposed or adopted after August 28, 2013, shall be
199 invalid and void.

200 14. The provisions of this section shall not apply to any county with a
201 charter form of government and with more than three hundred thousand but
202 fewer than four hundred fifty thousand inhabitants.

265.300. The following terms as used in sections 265.300 to 265.470,

2 unless the context otherwise indicates, mean:

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

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

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

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

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

21 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not
22 limited to ostrich and emu, aquatic products as defined in section 277.024,
23 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
24 a legal source and not from the wild, goats, or horses, other equines, or rabbits
25 raised in confinement for human consumption;

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

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

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

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

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

37 (12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or

38 otherwise manufactured or processed;

39 (13) "Unwholesome":

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

41 (b) Produced in whole or in part from livestock or poultry which has died

42 other than by slaughter.

265.420. 1. The director may require any commercial plant which
2 slaughters, processes, renders, transports, stores, ships or receives livestock,
3 poultry, meat or meat products intended for human consumption to maintain
4 records relative to the above transactions and may require it to permit an
5 authorized representative of the director to have access to copy such records at
6 reasonable times.

7 **2. Any commercial plant which slaughters, processes, renders,**
8 **transports, stores, ships, or receives captive cervids classified as**
9 **livestock and not as wildlife that are intended for human consumption**
10 **shall record each captive cervid's official federal identification tag, the**
11 **name of the individual requesting the slaughtering, processing,**
12 **rendering, transportation, storage, shipping, or receiving of the captive**
13 **cervid, and the name of the farm from which the captive cervid came.**
14 **If the captive cervid does not have an official federal identification tag,**
15 **the commercial plant shall not slaughter, process, render, transport,**
16 **store, ship, or receive the captive cervid, and shall notify the**
17 **department.**

18 **3. All records required by this section shall be preserved for two years**
19 **after the transaction has taken place.**

265.550. Farms raising captive cervids defined as livestock under
2 **section 265.300 shall not have more than seven captive cervids per acre**
3 **of land. The farm shall be subject to an annual inspection by the**
4 **department of agriculture to ensure compliance with this section.**

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

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

9 States Department of Agriculture, and approved by the chief livestock sanitary
10 official of that state;

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

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

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

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

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

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

33 (8) "Department" or "department of agriculture", the department of
34 agriculture of the state of Missouri, and when by this law the said department
35 of agriculture is charged to perform a duty, it shall be understood to authorize
36 the performance of such duty by the director of agriculture of the state of
37 Missouri, or by the state veterinarian of the state of Missouri or his duly
38 authorized deputies acting under the supervision of the director of agriculture;

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

43 (10) "Infected animal" or "infected bird", an animal or bird which shows
44 a positive reaction to any recognized serological test or growth on culture or any

45 other recognized test for the detection of any disease of livestock or poultry as
46 approved by the department or when clinical symptoms and history justifies
47 designating such animal or bird as being infected with a contagious or infectious
48 disease;

49 (11) "Isolated" or "isolation", a condition in which animals or birds are
50 quarantined to a certain designated premises and quarantined separately and
51 apart from any other animals or birds on adjacent premises;

52 (12) "Licensed market", a market as defined and licensed under chapter
53 277;

54 (13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including
55 but not limited to ostrich and emu, aquatic products as defined in section
56 277.024, llamas, alpaca, buffalo, elk **and captive cervids** documented as
57 obtained from a legal source and not from the wild and raised in confinement for
58 human consumption or animal husbandry, poultry and other domesticated
59 animals or birds;

60 (14) "Official health certificate" is a legal record covering the
61 requirements of the state of Missouri executed on an official form of the standard
62 size from the state of origin and approved by the proper livestock sanitary official
63 of the state of origin or an equivalent form provided by the United States
64 Department of Agriculture and issued by an approved, accredited, licensed,
65 graduate veterinarian;

66 (15) "Public stockyards", any public stockyards located within the state
67 of Missouri and subject to regulations of the United States Department of
68 Agriculture or the Missouri department of agriculture;

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

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

277.020. The following terms as used in this chapter mean:

2 (1) "Livestock", cattle, swine, sheep, ratite birds including but not limited
3 to ostrich and emu, aquatic products as defined in section 277.024, llamas,
4 alpaca, buffalo, elk **and captive cervids** documented as obtained from a legal
5 source and not from the wild and raised in confinement for human consumption
6 or animal husbandry, goats and poultry, equine and exotic animals;

7 (2) "Livestock market", a place of business or place where livestock is
8 concentrated for the purpose of sale, exchange or trade made at regular or
9 irregular intervals, whether at auction or not, except this definition shall not
10 apply to any public farm sale or purebred livestock sale, or to any sale, transfer,
11 or exchange of livestock from one person to another person for movement or
12 transfer to other farm premises or directly to a licensed market;

13 (3) "Livestock sale", the business of mediating, for a commission, or
14 otherwise, sale, purchase, or exchange transactions in livestock, whether or not
15 at a livestock market; except the term "livestock sale" shall not apply to order
16 buyers, livestock dealers or other persons acting directly as a buying agent for
17 any third party;

18 (4) "Person", individuals, partnerships, corporations and associations;

19 (5) "State veterinarian", the state veterinarian of the Missouri state
20 department of agriculture.

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