

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1192
92ND GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Natural Resources, April 15, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

4098S.03C

AN ACT

To repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, and 537.115, RSMo, and to enact in lieu thereof two new sections relating to animal health and inspection.

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

Section A. Sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, and 537.115, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 265.471 and 537.115, to read as follows:

265.471. The director shall promulgate rules:

(1) Consistent with and equal to the Federal Meat Inspection Act, the Federal Poultry Products Inspection Act, and all related federal regulations; and

(2) Necessary to implement the inspection programs authorized under sections 265.300 to 265.470.

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

(1) "Canned food", any food commercially processed and prepared for human consumption;

(2) "Perishable food", any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition.

This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods

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

8 which have been packaged, refrigerated, or frozen.

9 2. All other provisions of law notwithstanding, a good faith donor of canned or
10 perishable food, which complies with chapter 196, RSMo, at the time it was donated and
11 which is fit for human consumption at the time it is donated, to a bona fide charitable
12 or not-for-profit organization for free distribution, shall not be subject to criminal or civil
13 liability arising from an injury or death due to the condition of such food unless such
14 injury or death is a direct result of the negligence, recklessness or intentional
15 misconduct of such donor.

16 3. All other provisions of law notwithstanding, a bona fide charitable or
17 not-for-profit organization which in good faith receives and distributes food, which
18 complies with chapter 196, RSMo, at the time it was donated and which is fit for human
19 consumption at the time it is distributed, without charge, shall not be subject to criminal
20 or civil liability arising from an injury or death due to the condition of such food unless
21 such injury or death is a direct result of the negligence, recklessness, or intentional
22 misconduct of such organization.

23 4. Notwithstanding any other provision of law to the contrary, a good faith donor
24 or a charitable or not-for-profit organization, who in good faith receives or distributes
25 frozen and packaged venison without charge, shall not be subject to criminal or civil
26 liability arising from an injury or death due to the condition of such food, except as
27 provided in this subsection. The venison must:

28 (1) Come from a whitetail deer harvested in accordance with the rules and
29 regulations of the department of conservation;

30 (2) Be field dressed and handled in a sanitary manner and the carcass of which
31 remains in sound condition;

32 (3) Be processed in a licensed facility that is subject to the United States
33 Department of Agriculture's mandated inspections during domesticated animal
34 operations **or is approved by the Missouri department of agriculture meat**
35 **inspection program.** Except that, the provisions of this subsection shall not apply if
36 the injury or death is a direct result of the negligence, recklessness or intentional
37 misconduct of such donor or the deer was harvested during a season that the deer in
38 Missouri were found to have diseases communicable to humans. Venison handled and
39 processed in accordance with the provisions of this section and protected by all
40 reasonable means from foreign or injurious contamination is exempt from the provisions
41 of chapter 196, RSMo.

42 5. The provisions of this section shall govern all good faith donations of canned
43 or perishable food which is not readily marketable due to appearance, freshness, grade,

44 surplus or other conditions, but nothing in this section shall restrict the authority of any
45 appropriate agency to regulate or ban the use of such food for human consumption.

[267.470. Unless otherwise indicated by the context, when used in
2 sections 267.470 to 267.550, the following terms have the following
3 meanings:

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

13 (2) "Animal" means an animal of the bovine species;

14 (3) "Approved vaccine" or "vaccine" means vaccine containing
15 brucella microorganisms produced under license of the United States
16 Department of Agriculture and approved by the department for the
17 immunization of animals against brucellosis;

18 (4) "Bovine brucellosis" or "brucellosis" means the disease wherein
19 an animal of the bovine species is infected with brucella microorganisms,
20 irrespective of the occurrence or absence of clinical symptoms of the
21 disease;

22 (5) "Cattle" means animals of the bovine species;

23 (6) "Certified brucellosis free herd" means a herd of cattle which
24 has met the requirements and conditions set forth in sections 267.470 to
25 267.550 for such status, or a herd of cattle in another state which has met
26 those minimum requirements and conditions under the supervision of the
27 livestock sanitary authority of the state in which said cattle are domiciled
28 and as recommended by the United States Department of Agriculture for
29 such status;

30 (7) "Commercial feeder" means any person, association,
31 partnership or corporation maintaining premises wherein cattle of various
32 classes are held for various feeding periods and after such period are
33 moved to a recognized and approved slaughtering establishment or
34 consigned to a public stockyards market under federal inspection service

35 or a licensed market approved for the handling of such cattle and are sold
36 for slaughter purposes only;

37 (8) "Department" or "department of agriculture" means the
38 department of agriculture of the state of Missouri, and when by this law
39 the said department of agriculture is charged to perform a duty it shall be
40 understood to authorize the performance of such duty by the director of
41 the department of agriculture of the state of Missouri or his duly
42 authorized deputies, acting under the supervision of the director of the
43 department of agriculture;

44 (9) "Infected animal" or "reactor" means an animal which has
45 shown a positive reaction to the agglutination test or any other recognized
46 test for the detection of bovine brucellosis approved by the department or
47 if "brucella organisms" are found in the body discharges or secretions of
48 such animal or when a previous abortion history of the animal justifies
49 designating such animal as a reactor, with or without a positive reaction
50 to the test;

51 (10) "Isolated" or "isolation" means the condition in which cattle
52 are quarantined to a certain designated premise and maintained
53 separately and apart from any other cattle on the premise or from cattle
54 on adjacent premises;

55 (11) "Livestock sale or market" means a sale or market as defined
56 in and licensed under chapter 277, RSMo;

57 (12) "Milk ring test" means a test made by using the standardized
58 suspension of milk ring test antigen of killed brucella microorganisms in
59 combination with proper amounts of whole milk or cream produced by a
60 particular herd of cattle;

61 (13) "Modified certified brucellosis free area" means an area which
62 has met the requirements and conditions set forth in sections 267.470 to
63 267.550 for such status, or an area in another state which has met those
64 minimum requirements and conditions under the supervision of the
65 livestock sanitary authority of the state in which such area is located and
66 as recommended by the United States Department of Agriculture for such
67 status;

68 (14) "Plan A" means test-and-slaughter, with or without calfhood
69 vaccination, under provisions of the law;

70 (15) "Plan B" means testing and calfhood vaccination, with

71 temporary retention of reactors for not longer than three years and until
72 they can be disposed of for slaughter, under provisions of the law;

73 (16) "Plan C" means calfhoo vaccination without test of any part
74 of the herd and the plan is confined to those herds in which movement of
75 animals is restricted to special permits issued by the department;

76 (17) "Plan D" means adult vaccination to be practiced in cases of
77 emergency, with the approval of the department;

78 (18) "Public stockyards" means any public stockyards located
79 within the state of Missouri and subject to regulations under the
80 provisions of the Packers and Stockyards Act enacted by Congress of the
81 United States;

82 (19) "Quarantine" means the condition in which cattle or other
83 species of animals are restricted in movement and to a particular premise
84 under such terms and conditions as may be designated in the order by the
85 department;

86 (20) "Test for brucellosis" means a test recognized by the United
87 States Department of Agriculture in the diagnosis of brucellosis.]

2 [267.472. 1. Premises maintained and operated by a commercial
feeder for feeding purposes shall, when so used, be under a continuous
3 state of quarantine and breeding animals shall not be maintained on such
4 premises.

5 2. Surface drainage and any contact with cattle on adjacent
6 premises shall be controlled in a manner designated by the state
7 veterinarian or his representative when deemed necessary for the
8 protection of breeding animals on the adjacent premises.

9 3. Commercial feeders shall make application for a permit from the
10 department and if issued by the department may then purchase untested
11 nonbred female cattle under the permit from any licensed market,
12 terminal stockyards market or producer within the state for feeding
13 purposes.

14 4. The department may suspend or revoke the permit for any
15 violation of this chapter or of the rules and regulations of the department.

16 5. Commercial feeders shall retain all incoming permits, waybills,
17 bills of lading, conductors' manifests, health certificates, and copies of all
18 outgoing permits, certificates, waybills and bills of lading. Permission to
19 enter the premises of a commercial feeder shall be granted to a duly

20 authorized agent of the department or of the United States Department
21 of Agriculture. The books and records of all commercial feeders shall be
22 exhibited to such authorized persons upon demand; provided further, that
23 all incoming and outgoing permits and bills of lading shall be surrendered
24 to each authorized person upon demand. Complete books relating to a
25 commercial feeding operation shall be kept in a current manner.

26 6. The state veterinarian may elect to discontinue the practice of
27 licensing quarantined commercial feedlots if their existence conflicts with
28 other disease eradication requirements.]

[267.475. 1. The department is authorized and directed to
2 cooperate with the United States Department of Agriculture and other
3 agencies and departments of the state of Missouri in the suppression,
4 eradication and control of bovine brucellosis in this state.

5 2. The department is authorized and empowered to make and
6 adopt rules and regulations for the administration and enforcement of
7 sections 267.470 to 267.550, and may waive the signing of individual
8 agreements by cattle owners on areawide or countywide control and
9 eradication programs.

10 3. The department in performing the duties and exercising the
11 powers vested in it under sections 267.470 to 267.550 is empowered to
12 enter, during usual working hours, any premises, barns, stables, sheds,
13 vehicles, or other places where cattle are kept, or plants where milk or
14 cream is received or collected, for the purpose of administering and
15 enforcing the provisions of sections 267.470 to 267.550.]

[267.480. The department is hereby authorized, upon request to
2 supply brucella vaccine, and to employ the services of veterinarians, in
3 cooperation with the United States Department of Agriculture, to
4 administer such vaccine to, and conduct blood tests on, animals, owned by
5 any person or persons in the state of Missouri, who having first signified,
6 in writing, their intention to cooperate with the department and the
7 United States Department of Agriculture, by signing an agreement to
8 qualify his herd as a brucellosis certified free herd or to participate in the
9 program for the control and eradication of brucellosis, under plan A, B, C,
10 or D, as approved by the state and federal departments of
11 agriculture. Such vaccine and veterinary service and testing shall be
12 furnished without expense to the owner, as long as funds are available for

13 that purpose.]

2 [267.485. Official calfhood vaccination for brucellosis shall mean
3 that such animals are vaccinated with an approved vaccine when such
4 animal is of an age as may be fixed by rules and regulations of the
5 department. Such vaccination shall be administered by an accredited
6 veterinarian in good standing, approved by the department, who shall
7 execute and give the owner a certificate in a form approved by the
8 department, certifying an identification of the animal or animals, their
9 age, the serial number of the vaccine, the expiration of the effective date
10 of the vaccine, the dosage used, and if the animal or animals were tested
11 for brucellosis prior to the vaccination, the result of such test. Grade
12 animals vaccinated in compliance with this section shall be permanently
13 identified by a tattoo symbol and a vaccination tag, both as approved by
14 the department, and such tags may be provided at cost by the
15 department. Registered animals shall be identified by the registration
tattoo, or the registration name and number of such animal.]

2 [267.490. 1. The department is hereby authorized to pay, within
3 the limit of its appropriations, an indemnity in the manner and in the
4 amounts herein set forth to the owner of any cattle carrying on an
5 approved brucellosis control program in his herd, in order to reimburse
6 such owner for a part of the loss suffered by such owner in disposing of the
7 cattle exposed to, infected with, or reacting to a test for brucellosis.

8 2. The value of any cattle on which an indemnity is sought by the
9 owner thereof shall not exceed an amount recognized by the state
10 veterinarian and the owner as just compensation in relation to current
11 market conditions, breeding value and other criteria of valuation for the
12 animal destroyed. Each animal destroyed shall be identified separately
13 on the appraisal form. The appraisal form shall be made out in
14 triplicate, and one copy sent to the department, one copy retained by the
15 duly authorized agent, and one copy retained by the owner.

16 3. Any such cattle on which an indemnity is sought shall be kept
17 in isolation and within fifteen days of identification or branding shall be
18 sold for slaughter and a report of the net proceeds (being the total amount
19 received less expense of transportation, commissions and other expense of
20 such sale) derived from the sale of such infected or reactor cattle shall be
delivered by the owner to the department. The department shall

21 determine the owner's loss by deducting the amount of the net proceeds
22 so derived by the sale of the cattle for slaughter from the appraised value.

23 4. The indemnity to be paid by the department shall be an amount
24 set at the discretion of the state veterinarian and shall not exceed
25 breeding value of the animal. The department shall certify to the state
26 commissioner of administration the amount to be paid by the department,
27 and such amount shall constitute a legal claim against the state within
28 the limits of available appropriations, and the commissioner of
29 administration shall approve the same and cause the same to be paid by
30 issuing his warrant on the state treasurer therefor in payment to such
31 owner.

32 5. Indemnity for animals slaughtered as reactors or as infected
33 cattle shall be paid to the owner thereof, only if the owner cooperates with
34 the department, if requested by the state veterinarian or his agent, in
35 carrying out recommended practices in eradicating the disease from his
36 animals.

37 6. No indemnity shall be paid if, in the judgment of the state
38 veterinarian, the animal does not qualify for indemnity or the owner is
39 ineligible for payments.]

[267.495. Every person conducting agglutination tests shall
2 execute, in triplicate, a certificate on each test made, in the form to be
3 prescribed by the department and one copy of said certificate of test shall
4 be mailed or delivered to the department, and one copy shall be delivered
5 to the owner of the animal tested, and one copy shall be retained by the
6 person conducting the test and executing the certificate. If the animal
7 tested shows a positive reaction to the agglutination test, the person
8 conducting the test shall brand and tag such animal as required by rules
9 and regulations of the department.]

[267.500. 1. No person shall operate or conduct a laboratory in
2 this state for the purpose of making agglutination tests, nor shall any
3 person make such tests, without first securing from the department a
4 permit to do so. The application for such permit shall be on a form
5 prescribed by the department and shall set forth the name of the applicant
6 and, if a corporation, the names of its principal officers, the location where
7 such laboratory will be conducted, such tests made and the records thereof
8 kept, a brief description of the training and experience of the applicant or

9 the person in charge of making such tests, and such other information as
10 the department may require to enable the department to determine the
11 responsibility, qualifications and ability of the applicant to make
12 agglutination tests.

13 2. If the department finds that the applicant is responsible and
14 appears to be qualified to make such tests, it shall issue a permit to the
15 applicant. Such permit shall be issued for the period ending on the
16 following June thirtieth, and shall be renewable from year to year on like
17 application.

18 3. Each person holding a permit to conduct such a laboratory and
19 make such tests shall keep a record of all tests so made, including the
20 name and address of the person for whom the tests were made, and shall
21 report to the department the results of all tests made for persons or upon
22 cattle located in this state. Such reports shall be made upon forms to be
23 provided by the department and at such times as are required by sections
24 267.470 to 267.550 or by rules and regulations of the department.

25 4. If the department finds that any applicant for permit is not
26 responsible or is not qualified to make tests, it may refuse to issue a
27 permit or to renew a permit. If the department finds that any person
28 holding a permit is not correctly reporting the results of the tests made by
29 such persons or if such persons shall fail to report the results of the tests
30 made to the department, as herein required, the department may revoke
31 such permit or may refuse to renew any such permit.]

2 [267.505. 1. All cattle eight months of age or over entering
3 Missouri from any point outside the state and all cattle eight months of
4 age or over exchanged, bartered or offered for sale or transported within
5 the state of Missouri must have passed a negative test for brucellosis,
6 conducted in an approved laboratory within thirty days prior to entry or
7 within thirty days prior to sale, exchange, barter or being transported
8 within the state. The state veterinarian may eliminate the test
9 requirements on certain groups or classes of animals by specific
10 regulations.

11 2. All cattle entering Missouri from any point outside the state
12 shall be accompanied by an official health certificate stating that all
13 animals listed thereon have passed a negative blood test for brucellosis
within the previous thirty days or showing that they are eligible for entry

14 into Missouri in accordance with the regulations of the department. All
15 other shipments within the state must be accompanied by official
16 certification of tests, vaccinations, health certificate, permits or waybills,
17 which properly identify all the animals in the shipment or as otherwise
18 specified in the regulations of the department.]

[267.510. A "certified brucellosis free herd" is one which has
2 qualified for such status as herein provided. Any herd owner desiring
3 such status must file a signed application and agreement form with the
4 department. The department shall authorize the necessary tests in order
5 to qualify or requalify for such status.

6 (1) A herd may be certified as brucellosis free when it has met all
7 the requirements for qualifications as set out in current uniform methods
8 and rules of the Animal and Plant Health Inspection Service of the
9 U.S.D.A. and as required by the United States Department of Agriculture
10 and the state department of agriculture.

11 (2) The certification of a herd may be extended for another year
12 when the herd retest requirements as outlined by current department
13 regulations have been met.

14 (3) "Certified brucellosis free herd" certificates which shall be valid
15 for one year, unless revoked, will be issued by cooperating state and
16 federal officials, to owners whose herd meets the provisions of sections
17 267.470 to 267.550.]

[267.515. A "modified certified brucellosis free area" may be
2 established as provided in this section.

3 (1) If sixty-five percent or more of the cattle owners within an area
4 owning sixty-five percent of the cattle in such area sign a petition
5 requesting eradication of brucellosis on an areawide basis, and the petition
6 is filed with the department, then all cattle owners within such area shall
7 be required to inaugurate and carry out brucellosis control plan A.

8 (2) All persons responsible for obtaining signatures of cattle
9 owners on the petitions shall submit therewith an affidavit certifying that
10 the petitions are true and accurate as witnessed, and the petitions shall
11 be filed with the department along with an affidavit of the county clerk of
12 the county that the petitions contain the names of not less than sixty-five
13 percent of the cattle owners owning sixty-five percent of the cattle within
14 the area as disclosed by the last assessment rolls of the one or more

15 townships therein.

16 (3) When the last complete test of all herds within an area
17 indicates that the number of reactors, exclusive of officially calfhood
18 vaccinated animals under thirty months of age and steers and spayed
19 heifers of any age, does not exceed one percent and the herd infection does
20 not exceed five percent, the area may be declared a "modified certified
21 brucellosis free area" for a period of three years. Infected herds shall be
22 quarantined until they have tested sufficiently as outlined in current
23 brucellosis eradication regulations.

24 (4) The certification of an area may be extended when
25 requirements, as jointly agreed upon by the United States Department of
26 Agriculture and the state department of agriculture, are being carried out.

27 (5) The department may require the testing of all eligible cattle
28 leaving a public stockyards market, licensed market and dealers premises
29 for the purpose of screening beef type herds and for determining the level
30 or rate of infection for the respective area of origin. If the total of the
31 cattle screened or tested for the area is insufficient, then sufficient
32 additional measures may be required by the department, including testing
33 of herds at the farm level. The consignor of cattle shall, immediately upon
34 delivery to a market, furnish the correct name and address of the owner
35 of the herd or herds of origin, the county or other point of origin for all
36 cattle in the consignment, and all dealers shall maintain records which
37 provide such information in order to facilitate the proper screening of the
38 herds of origin, and for the recertification of an area. Market operators
39 and dealers shall make such information available to a representative of
40 the department upon demand and to the veterinarian charged with testing
41 of such cattle.

42 (6) The department is hereby granted the authority to enter all
43 milk or dairy plants and cream buying stations for the purpose of
44 collecting milk or cream for the conduct of the milk ring test. Operators
45 of all such milk plants and cream buying stations shall maintain accurate
46 records of all herd owners selling milk or cream to their plant and shall
47 maintain an individual milk sample for the department on all milk
48 collected in bulk, and shall make such information available to a
49 representative of the department upon demand.

50 (7) Cattle which have passed a negative test for brucellosis shall

51 be maintained separate and apart from any other untested cattle when
52 such cattle are to be offered for sale, barter, exchange or movement within
53 thirty days from date of the test.

54 (8) "Area" as used in this section shall include one or more
55 townships in any county.

56 (9) When the livestock owners in ninety or more counties have
57 petitioned the department for the eradication of brucellosis on an areawide
58 basis under the provisions of plan A, all cattle owners in the remaining
59 counties in the state shall be required to inaugurate and carry out
60 brucellosis eradication plan A upon notice from the department.]

[267.520. The owner of cattle which are under quarantine shall
2 comply with all rules and regulations adopted by the department relating
3 to the quarantine of cattle and with all orders issued by the department
4 pertaining to the sale, movement, transfer or transportation of such
5 cattle. Cattle under quarantine may be sold, transferred or transported
6 only upon a permit issued by the department; provided that infected or
7 reactor cattle under quarantine shall not be sold, moved, or transported
8 for any purpose except on a permit issued by the department.]

[267.525. Notwithstanding any provision in any of sections 267.470
2 to 267.550, the department shall allow and permit the owner of any
3 animal which is found to be a reactor, to retain such animal in quarantine
4 and use the animal for breeding purposes in his own herd, where
5 necessary or desirable in order to preserve valuable breeding cattle; but
6 the permission shall not be granted if the state veterinarian determines
7 that the eradication program would be adversely affected and permission
8 shall not be granted unless the United States Department of Agriculture
9 agrees that county brucellosis status will not be affected. Such reactor
10 animal may not be sold, transferred, or moved except on a special permit
11 issued by the department.]

[267.531. 1. Cattle which are held, moved or transported in
2 violation of the provisions of sections 267.470 to 267.550, or the rules and
3 regulations adopted hereunder, on order of the department of agriculture
4 shall be seized and taken into custody by an authorized agent of the
5 department of agriculture or by any state or county law enforcement
6 officer at the request of the department. The order, together with a notice
7 stating the reasons for the seizure and the rights of the owner under this

8 section, shall be served upon the custodian at the time of seizure and
9 copies thereof shall be mailed to the owner, if a person other than the
10 custodian, by certified mail to his address as given by the custodian within
11 twenty-four hours after the seizure. The department shall impound and
12 hold all cattle seized and taken into custody at the owner's expense and
13 without liability to the department. Any cattle so seized and impounded
14 may be redeemed by the owner and released to him by the department,
15 provided that all such animals shall have been tested for brucellosis and
16 any reactors shall be tagged and branded or tagged as provided by law at
17 the owner's expense. In order to redeem such cattle the owner shall pay
18 all expenses including the care and feeding of such cattle and the expense
19 of testing and branding. Any reactor cattle shall be consigned by the
20 owner to slaughter upon redemption thereof.

21 2. Any person aggrieved by an order of seizure and impoundment
22 may appeal therefrom by filing with the director of the department of
23 agriculture a petition stating in detail his objections to the order, within
24 five days after service or mailing of the order and notice. The director, or
25 his authorized agent, within forty-eight hours of the filing of the appeal,
26 shall hold a hearing to determine the validity of the order and shall either
27 affirm the order or release the cattle. The hearing shall be conducted and
28 judicial review of the director's decision may be had in the manner
29 provided by chapter 536, RSMo. If an order of seizure and impoundment
30 is determined to be invalid, the expense of caring for the cattle and the
31 cost of the proceedings shall be borne by the department of agriculture.

32 3. If the cattle are not redeemed by the owner, and if no appeal is
33 taken within five days after service or mailing of the notice and order of
34 seizure, the department may apply to the circuit court of any county in
35 which the cattle are impounded and the department under court order
36 shall sell the cattle for slaughter and deduct from the net proceeds thereof
37 all expenses of the department in connection with the seizure and
38 impoundment of the cattle and remit the balance to the owner.]

2 [267.535. In addition to the remedies provided for in sections
3 267.470 to 267.550 or by law, the prosecuting attorney of any county in
4 which a violation of any provision of sections 267.470 to 267.550 occurs or
5 the attorney general of the state is hereby authorized to apply to any court
of competent jurisdiction for, and such court shall have jurisdiction upon

6 hearing and for cause shown to grant, a temporary or permanent
7 injunction to restrain any person from violating any provision of sections
8 267.470 to 267.550.]

[267.540. Any person who shall knowingly or willfully make any
2 false certificate or falsify any statement in any certificate provided for in
3 sections 267.470 to 267.550 shall be deemed guilty of a misdemeanor, and
4 upon conviction shall be punished as provided by law.]

[267.545. Any person violating any provision of sections 267.470
2 to 267.550 shall be deemed guilty of a misdemeanor, and upon conviction
3 shall be punished as provided by law.]

[267.550. Sections 267.470 to 267.550 shall be cited as "The
2 Missouri Brucellosis Control and Eradication Law".]

[267.551. As used in sections 267.551 to 267.556, the following
2 terms shall mean:

3 (1) "Accredited and approved veterinarian", a veterinarian who has
4 been accredited by the United States Department of Agriculture and
5 approved by the department of agriculture of this state and who is duly
6 licensed under the laws of this state to engage in the practice of veterinary
7 medicine;

8 (2) "Bovine", male and female cattle or buffalo;

9 (3) "Director", the director of the department of agriculture of this
10 state;

11 (4) "Official calfhood vaccinate", female cattle of any breed or
12 female bison vaccinated while legal age by a veterinary services
13 veterinarian, state veterinarian, or an accredited veterinarian with
14 brucella abortus strain 19 vaccine;

15 (5) "Quarantined feedlot", a confined area under official state
16 quarantine and approved jointly by the director of the department of
17 agriculture and officials of the United States Federal Animal Health Office
18 where all animals are to be classified as exposed to brucellosis;

19 (6) "'S' branded cattle", cattle which have been identified by
20 branding with a hot iron bearing the letter "S" to be placed on the left jaw
21 with a letter at least two inches high by two inches wide;

22 (7) "Spay", sterilization of a female animal by removal of the
23 ovaries.]

[267.552. 1. Brucella abortus vaccine shall be administered to all

2 required animals in accordance with a method to be approved by the
3 Missouri department of agriculture in rules and regulations to be issued
4 by the director as otherwise provided by law.

5 2. The director shall issue rules and regulations regarding the
6 required use and sale of brucella abortus vaccine. The vaccine shall only
7 be sold to accredited and approved veterinarians who have completed a
8 training program sponsored by the director on the use of the vaccine.

9 3. The director shall issue a health certificate of compliance for
10 those animals treated pursuant to the provisions of sections 267.551 to
11 267.556.

12 4. The director, at his discretion, may rescind the provisions of
13 sections 267.551 to 267.556 as they pertain to calfhod vaccination if the
14 state of Missouri has maintained a class "A" status for a period of two
15 years, as such term is defined by rules and regulations provided by the
16 United States Department of Agriculture. However, in the event this state
17 cannot maintain a class "A" status, and goes back to a class "B" status,
18 then the provisions of sections 267.551 to 267.556 shall be in full force.]

[267.553. All female bovine born after January 1, 1984, and having
2 reached the age of four months, except those animals from a certified
3 brucellosis free herd as defined under section 267.510, shall be vaccinated
4 as required by the director, spayed, or "S" branded prior to transfer of
5 ownership. Such animals may move directly from a farm of origin to an
6 approved market where the provisions of sections 267.551 to 267.556 will
7 be complied with prior to the release of such animals from the
8 market. Any nonvaccinated female bovine born before January 1, 1984,
9 may, after normal testing procedures, be sold within the state. Finished
10 fed heifers which have not been vaccinated in accordance with the
11 provisions of sections 267.551 to 267.556, but that are moving through
12 cattle market channels directly to slaughter, shall be exempt from the "S"
13 branding or spaying requirement. "S" branded cattle shall only be moved
14 to a quarantined feedlot or through cattle market channels directly to
15 slaughter. Animals being moved from this state in interstate commerce
16 shall be exempt from the provisions of sections 267.551 to 267.556, but
17 shall satisfy all requirements of the state of destination. Any calves or
18 cows brought into this state shall meet the same calfhod vaccination
19 requirement that applies to calves and cows raised in this state. Health

20 certificates shall be issued by the director only for calves and cows that
21 satisfy the requirements of calfhood vaccination and to nonvaccinated
22 calves and cows meeting the requirements of a certified brucellosis free
23 herd as provided under section 267.510.]

[267.554. Notwithstanding the other provisions of sections 267.551
2 to 267.556, the director shall be empowered to require the use of another
3 type of vaccine developed after January 1, 1984, found to be more effective
4 than the vaccine, brucella abortus.]

[267.555. 1. Notwithstanding any other provision of sections
2 267.551 to 267.556, any legally qualified heir or heirs who receive an
3 interest in any female bovine from a decedent's estate or who receives a
4 controlling interest in such livestock as the result of a death, and if said
5 heir or heirs, or said heir or heirs' legal representative make provisions to
6 sell such livestock herd in its entirety, such livestock shall be exempt from
7 the provisions of section 267.553 if said livestock shall pass two successive
8 tests as defined under chapter 267, given at least sixty days apart for the
9 detection of the disease, brucellosis.

10 2. The director shall issue a health certificate of compliance for
11 such livestock herds that favorably pass such testing.

12 3. If such animals shall fail testing procedures prescribed by the
13 director, such livestock shall be treated equally with other animals that
14 fail such testing procedures.]

[267.556. To be eligible for an indemnity payment under section
2 267.490, the owner of cattle for which the indemnity is sought must
3 comply with the provisions of sections 267.551 to 267.556.]

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