AN ACT

To amend chapter 265, RSMo, by adding thereto eighteen new sections relating to animal agriculture, with a penalty provision.

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

Section A. Chapter 265, RSMo, is amended by adding thereto eighteen new sections, to be known as sections 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, and 1, to read as follows:

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

1. "Wholesale", for use or consumption by the purchaser and not for resale;
2. "Carcass", the dressed body of a horse;
3. "Department", the Missouri department of agriculture;
4. "Director", the director of the Missouri department of agriculture;
5. "Establishment", all premises where horses or parts thereof are processed or sold, or exposed and offered for sale at wholesale for human food, such as canneries, sausage factories, rendering, salting, curing, and smoking houses or plants, and similar places;
6. "Horse", an animal of the equine family;
7. "Horse meat", the meat of a horse;
8. "Horse meat food product", any article intended for human food that is derived in whole or in part from horse meat;

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) "Horse meat market", any establishment in which the parts of horses are processed and sold, or exposed and offered for sale at wholesale for human food other than a horse slaughterhouse;

(10) "Inspection", the examination, checking, or testing necessary to determine the wholesomeness, sanitary conditions, adulteration, misbranding, quality, and purity of horse meat products, or the sanitary condition of horse meat processing establishments;

(11) "Processing", to perform any act incidental to the manufacture, preparation, development, or changing of horse meat to convert it into marketable form to be sold or offered for sale at wholesale;

(12) "USDA inspection", the horse meat inspection service maintained by the United States Department of Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any meat of other animals; or

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

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

265.730. 1. No person shall mix horse meat with the parts of any other animal, sell, offer, or expose for sale any such mixture for human consumption within this state.
2. No person shall sell for human consumption the tongue, diaphragm, heart, esophagus, lips, ears, or glands of a horse, nor shall such parts of a horse be included in a horse meat food product intended for human consumption.

3. Any horse carcass, horse meat, or horse meat food product sold, offered, or exposed for sale which is unlabeled as to use or is labeled as pet or animal food shall be decharacterized with charcoal or green food dye. Suggestive pictures or designs on the label shall be considered as indicative of the use of the product. However, any horse meat or horse meat food product whose label bears an approved inspection stamp, or which is packed in hermetically sealed retort-processed conventional wholesale-sized container and 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 human consumption in a lot exceeding five pounds in weight in any one day to any individual shall make and keep for one year from such date a record of each sale including the date of sale, the name and address of the purchaser, and the quantity sold. All such records shall be open for inspection by the director of the department of agriculture during any regular business hours.

265.736. The director of the department of agriculture shall promulgate rules consistent with the Federal Meat Inspection Act for the implementation and enforcement of sections 265.700 to 265.754. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 265.700 to 265.754 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 265.700 to 265.754 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule 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 horse meat food product constitutes prima facie evidence that such commodity is for sale; provided that, this section does not apply to any person who has purchased dressed horse 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 reports any violation of sections 265.700 to 265.754 shall institute prosecution proceedings in any court of competent jurisdiction in which the defendant resides, where his or her registered place of business is located, or where the violation occurs.
2. Nothing in this section shall require the director to report any information concerning a suspected violation for prosecution when the director believes the public interest will be served adequately by a notice of warning.

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

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

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

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

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

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

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

Section 1. 1. Agriculture which provides food, energy, and security is the foundation and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy, it shall be the right of citizens to raise domesticated animals in a humane manner without the state imposing an undue economic burden on animal owners. No state law criminalizing or otherwise regulating crops or the welfare of any domesticated animals shall be valid unless based upon the most current industry standards and generally accepted scientific principles and enacted by the general assembly.
2. As used in this section, the following terms shall mean:

(1) “Generally accepted scientific principles”, agricultural standards and practices established by the University of Missouri, and the most current industry standards and practices;

(2) “Undue economic burden”, expenses incurred resulting from changes in agricultural practices deemed legal under current state or local laws or ordinances;

(3) “Humane manner”, care of animals regarding the animals health and environment in compliance with generally accepted scientific principles.”; and

3. For purposes of this section domesticated animals shall also include captive raised game birds and fish.