

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1747

95TH GENERAL ASSEMBLY

4105L.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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  
2 be known as sections 265.700, 265.703, 265.709, 265.712, 265.715, 265.721, 265.724, 265.727,  
3 265.730, 265.733, 265.736, 265.739, 265.742, 265.745, 265.748, 265.751, 265.754, and 1, to  
4 read as follows:

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

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

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.

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

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

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

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

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

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

22           3. The director may refuse to issue a certificate of registration to any applicant if  
23 the director determines that any information provided by the applicant is false or  
24 misleading, or the establishment to be operated fails to comply with the sanitary or  
25 wholesomeness standards established by the Federal Meat Inspection Act or in sections

26 **265.700 to 265.754, or any rules promulgated thereunder. The director may suspend or**  
27 **revoke any certificate for flagrant violation of the Federal Meat Inspection Act or sections**  
28 **265.700 to 265.754 or any rule promulgated thereunder. The director shall not refuse to**  
29 **issue, suspend, or revoke a certificate of registration until the applicant or registrant is**  
30 **given an opportunity to be heard by the director in regard to the refusal, suspension, or**  
31 **revocation.**

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

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

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

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

**265.721. Any establishment or place where horse meat or horse meat food products**  
2 **are processed, handled, transported, sold, exposed, or offered for sale at wholesale for**  
3 **human food shall be maintained and operated in a sanitary manner to prevent**  
4 **contamination of the food commodities that may render them unfit for human**  
5 **consumption. If such an establishment is maintained or operated in an unsanitary manner**

6 that causes or permits contamination of the food commodities, rendering them unfit for  
7 human consumption, the person responsible for the maintenance or operation is in  
8 violation of the Federal Meat Inspection Act or sections 265.700 to 265.754 and his or her  
9 registration to operate the establishment may be suspended or revoked. The period of  
10 suspension of a registration to operate any horse meat or horse meat food processing  
11 establishment that is caused by violation of the sanitary provisions of the United States  
12 Department of Agriculture's Federal Meat Inspection Act, or sections 265.700 to 265.754  
13 or rules promulgated thereunder relating to the unsanitary condition of the establishment  
14 or the unsanitary condition of any horse carcass, horse meat, or horse meat food product  
15 processed therein shall be contingent upon the correction by the registrant of the causes  
16 for the suspension.

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

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

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

- 2 (1) Any ingredient which is foreign to or in excess of standards prescribed for the  
3 product in rules promulgated by the director;
- 4 (2) Any artificial coloring, flavoring, chemicals, or preservatives not approved by  
5 rule of the director;
- 6 (3) Any meat of other animals; or
- 7 (4) Any substance unfit for human food or dangerous to human health.

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

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

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

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

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

**265.736. The director of the department of agriculture shall promulgate rules**  
2 **consistent with the Federal Meat Inspection Act for the implementation and enforcement**  
3 **of sections 265.700 to 265.754. Any rule or portion of a rule, as that term is defined in**  
4 **section 536.010, that is created under the authority delegated in sections 265.700 to 265.754**  
5 **shall become effective only if it complies with and is subject to all of the provisions of**  
6 **chapter 536 and, if applicable, section 536.028. Sections 265.700 to 265.754 and chapter**  
7 **536 are nonseverable and if any of the powers vested with the general assembly pursuant**  
8 **to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
9 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
10 **proposed or adopted after August 28, 2010, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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