

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 17

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), FITZWATER, LANT, WRIGHT,  
ROWLAND, CRAWFORD, SCHOELLER, HINSON, HOUGH, POLLOCK AND LOEHNER (Co-sponsors).

0678L.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to freedom in agriculture.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2012, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article I of the Constitution of the state of  
5 Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding one new section,  
2 to be known as section 35, to read as follows:

**Section 35. 1. This section shall be known as the "Freedom in Agriculture Act".**  
2  
3 **2. Agriculture which provides food, energy, and security is the foundation and**  
4 **stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy,**  
5 **it shall be the right of citizens to grow crops, hunt and fish wildlife, and raise animals in**  
6 **a humane manner without the state imposing an undue economic burden on animal**  
7 **owners. Notwithstanding the provisions of article III, sections 49 and 50 to the contrary,**  
8 **no law regulating the growing of crops, the right to hunt and fish wildlife, and the welfare**  
9 **of any animal shall be valid unless based upon generally accepted scientific principles and**  
10 **enacted by the general assembly or promulgated by a state department or agency through**  
11 **administrative rule pursuant to valid statutory authority and reviewed by the joint**  
**committee on administrative rules.**

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.

12           **3. As used in this section, the following terms shall mean:**

13           **(1) "Animals", an animal of the equine, bovine, porcine, ovine, caprine, avian, or**  
14 **species domesticated or semidomesticated; ratite birds including but not limited to ostrich**  
15 **and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk, deer**  
16 **documented as obtained from a legal source and not from the wild and raised in**  
17 **confinement for human consumption or animal husbandry, poultry, cats, dogs, and exotic**  
18 **animals;**

19           **(2) "Crops", any vegetable or fruit grown on residential property for personal**  
20 **consumption, and any unmanufactured vegetables, fruits, grains and feeds including, but**  
21 **not limited to, soybeans, cow peas, wheat, corn, rice, oats, barley, kafir, rye, flax, grain**  
22 **sorghums, cotton, and such other products as are usually stored in grain and other**  
23 **elevators and on farms; but excluding genetically modified crops or crops grown from**  
24 **genetically modified seeds, and plants regulated pursuant to criminal law;**

25           **(3) "Generally accepted scientific principles", agricultural standards and practices**  
26 **established by the University of Missouri, and the most current industry standards and**  
27 **practices;**

28           **(4) "Humane manner", care of animals regarding the animal's health and**  
29 **environment in compliance with generally accepted scientific principles and defined by**  
30 **law;**

31           **(5) "Hunt and fish", hunting and fishing in accordance with all licensing and**  
32 **tagging requirements and in accordance with the rules of the department of conservation.**

33           **(6) "Undue economic burden", expenses incurred resulting from changes in**  
34 **agricultural practices deemed legal under current state or local laws or ordinances;**

35           **(7) "Wildlife", all wild birds, mammals, fish and other aquatic and amphibious**  
36 **forms, and all other wild animals, regardless of classification, whether resident, migratory**  
37 **or imported, protected or unprotected, dead or alive; and shall extend to and include any**  
38 **and every part of any individual species of wildlife.**

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40 **The provisions of this section are self-executing. All of the provisions of this section are**  
41 **severable. If any provision of this section is found by a court of competent jurisdiction to**  
42 **be unconstitutional or unconstitutionally enacted, the remaining provisions of this section**  
43 **shall be and remain valid.**