

SECOND REGULAR SESSION

# SENATE BILL NO. 964

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LAGER.

Read 1st time February 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6296S.011

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## AN ACT

To repeal sections 144.010, 262.900, 265.300, 267.565, and 277.020, RSMo, and to enact in lieu thereof five new sections relating to the definition of livestock.

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

Section A. Sections 144.010, 262.900, 265.300, 267.565, and 277.020, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 144.010, 262.900, 265.300, 267.565, and 277.020, to read as follows:

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

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

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which 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, captive elk, and captive furbearers held under permit  
27 issued by the Missouri department of conservation for hunting purposes. The  
28 provisions of this subdivision shall not apply to sales tax on a harvested animal;

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

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

51 (6) "Motor vehicle leasing company" shall be a company obtaining a  
52 permit from the director of revenue to operate as a motor vehicle leasing  
53 company. Not all persons renting or leasing trailers or motor vehicles need to  
54 obtain such a permit; however, no person failing to obtain such a permit may  
55 avail itself of the optional tax provisions of subsection 5 of section 144.070, as

56 hereinafter provided;

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

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

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

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

82 (11) "Sale at retail" means any transfer made by any person engaged in  
83 business as defined herein of the ownership of, or title to, tangible personal  
84 property to the purchaser, for use or consumption and not for resale in any form  
85 as tangible personal property, for a valuable consideration; except that, for the  
86 purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)  
87 purchases of tangible personal property made by duly licensed physicians,  
88 dentists, optometrists and veterinarians and used in the practice of their  
89 professions shall be deemed to be purchases for use or consumption and not for  
90 resale; and (ii) the selling of computer printouts, computer output or microfilm  
91 or microfiche and computer-assisted photo compositions to a purchaser to enable

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

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

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

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

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

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

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

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

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

123 (14) "Telecommunications service", for the purpose of this chapter, the  
124 transmission of information by wire, radio, optical cable, coaxial cable, electronic  
125 impulses, or other similar means. As used in this definition, "information" means  
126 knowledge or intelligence represented by any form of writing, signs, signals,  
127 pictures, sounds, or any other symbols. Telecommunications service does not

128 include the following if such services are separately stated on the customer's bill  
129 or on records of the seller maintained in the ordinary course of business:

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

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

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

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

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

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

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

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, honey,  
4 fish or other aquacultural product, planting seed, livestock, a livestock product,  
5 a forestry product, poultry or a poultry product, either in its natural or processed  
6 state, that has been produced, processed, or otherwise had value added to it in  
7 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.

93 If the municipality finds during its review that the UAZ is not meeting the  
94 requirements set out in this section, the municipality may dissolve 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 for  
118 all other purposes. Action may be taken by the board upon a vote of a majority  
119 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 political  
132 subdivisions in the area to be affected and shall publish notice of such hearing  
133 in a newspaper of general circulation in the area to be affected by the designation  
134 at least twenty days prior to the hearing but not more than thirty days prior to  
135 the hearing. Such notice shall state the time, location, date, and purpose of the  
136 hearing. At the public hearing any interested person or affected taxing district  
137 may file with the board written objections to, or comments on, and may be heard  
138 orally in respect to, any issues embodied in the notice. The board shall hear and  
139 consider all protests, objections, comments, and other evidence presented at the  
140 hearing. The hearing may be continued to another date without further notice  
141 other than a motion to be entered upon the minutes fixing the time and place of  
142 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, shall  
177 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.

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 of  
35 agriculture is charged to perform a duty, it shall be understood to authorize the  
36 performance of such duty by the director of agriculture of the state of Missouri,  
37 or by the state veterinarian of the state of Missouri or his duly authorized  
38 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 requirements

61 of the state of Missouri executed on an official form of the standard size from the  
62 state of origin and approved by the proper livestock sanitary official of the state  
63 of origin or an equivalent form provided by the United States Department of  
64 Agriculture and issued by an approved, accredited, licensed, graduate  
65 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, alpaca,  
4 buffalo, elk **and captive cervids** documented as obtained from a legal source  
5 and not from the wild and raised in confinement for human consumption or  
6 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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