

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1192**  
**92ND GENERAL ASSEMBLY**

4098S.03T

2004

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**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.

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*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267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, and 537.115, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 265.471 and 537.115, to read as follows: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.

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

6 This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy  
7 products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have  
8 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 which  
11 is fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit  
12 organization for free distribution, shall not be subject to criminal or civil liability arising from  
13 an injury or death due to the condition of such food unless such injury or death is a direct result  
14 of the negligence, recklessness or intentional misconduct of such donor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (7) "Commercial feeder" means any person, association, partnership or  
26 corporation maintaining premises wherein cattle of various classes are held for  
27 various feeding periods and after such period are moved to a recognized and  
28 approved slaughtering establishment or consigned to a public stockyards market  
29 under federal inspection service or a licensed market approved for the handling of  
30 such cattle and are sold for slaughter purposes only;

31 (8) "Department" or "department of agriculture" means the department of  
32 agriculture of the state of Missouri, and when by this law the said department of  
33 agriculture is charged to perform a duty it shall be understood to authorize the  
34 performance of such duty by the director of the department of agriculture of the state  
35 of Missouri or his duly authorized deputies, acting under the supervision of the  
36 director of the department of agriculture;

37 (9) "Infected animal" or "reactor" means an animal which has shown a  
38 positive reaction to the agglutination test or any other recognized test for the  
39 detection of bovine brucellosis approved by the department or if "brucella organisms"  
40 are found in the body discharges or secretions of such animal or when a previous

41 abortion history of the animal justifies designating such animal as a reactor, with or  
42 without a positive reaction to the test;

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

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

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

51 (13) "Modified certified brucellosis free area" means an area which has met  
52 the requirements and conditions set forth in sections 267.470 to 267.550 for such  
53 status, or an area in another state which has met those minimum requirements and  
54 conditions under the supervision of the livestock sanitary authority of the state in  
55 which such area is located and as recommended by the United States Department of  
56 Agriculture for such status;

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

59 (15) "Plan B" means testing and calfhood vaccination, with temporary  
60 retention of reactors for not longer than three years and until they can be disposed of  
61 for slaughter, under provisions of the law;

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

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

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

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

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

75

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

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

8 3. Commercial feeders shall make application for a permit from the  
department and if issued by the department may then purchase untested nonbred

9 female cattle under the permit from any licensed market, terminal stockyards market  
10 or producer within the state for feeding purposes.

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

13 5. Commercial feeders shall retain all incoming permits, waybills, bills of  
14 lading, conductors' manifests, health certificates, and copies of all outgoing permits,  
15 certificates, waybills and bills of lading. Permission to enter the premises of a  
16 commercial feeder shall be granted to a duly authorized agent of the department or  
17 of the United States Department of Agriculture. The books and records of all  
18 commercial feeders shall be exhibited to such authorized persons upon demand;  
19 provided further, that all incoming and outgoing permits and bills of lading shall be  
20 surrendered to each authorized person upon demand. Complete books relating to a  
21 commercial feeding operation shall be kept in a current manner.

22 6. The state veterinarian may elect to discontinue the practice of licensing  
23 quarantined commercial feedlots if their existence conflicts with other disease  
24 eradication requirements.]  
25

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

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

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

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

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

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

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

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

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

29 5. Indemnity for animals slaughtered as reactors or as infected cattle shall be  
paid to the owner thereof, only if the owner cooperates with the department, if

30 requested by the state veterinarian or his agent, in carrying out recommended  
31 practices in eradicating the disease from his animals.

32 6. No indemnity shall be paid if, in the judgment of the state veterinarian, the  
33 animal does not qualify for indemnity or the owner is ineligible for payments.]  
34

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

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

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

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

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

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

9 2. All cattle entering Missouri from any point outside the state shall be  
10 accompanied by an official health certificate stating that all animals listed thereon  
11 have passed a negative blood test for brucellosis within the previous thirty days or  
12 showing that they are eligible for entry into Missouri in accordance with the  
13 regulations of the department. All other shipments within the state must be  
14 accompanied by official certification of tests, vaccinations, health certificate, permits  
15 or waybills, which properly identify all the animals in the shipment or as otherwise  
16 specified in the regulations of the department.]

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

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

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

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

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

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

9 (2) All persons responsible for obtaining signatures of cattle owners on the  
10 petitions shall submit therewith an affidavit certifying that the petitions are true and  
11 accurate as witnessed, and the petitions shall be filed with the department along with  
12 an affidavit of the county clerk of the county that the petitions contain the names of  
not less than sixty-five percent of the cattle owners owning sixty-five percent of the



13 cattle within the area as disclosed by the last assessment rolls of the one or more  
14 townships therein.

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

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

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

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

45 (7) Cattle which have passed a negative test for brucellosis shall be  
46 maintained separate and apart from any other untested cattle when such cattle are to  
47 be offered for sale, barter, exchange or movement within thirty days from date of the  
48 test.

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

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

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

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

2 [267.531. 1. Cattle which are held, moved or transported in violation of the  
3 provisions of sections 267.470 to 267.550, or the rules and regulations adopted  
4 hereunder, on order of the department of agriculture shall be seized and taken into  
5 custody by an authorized agent of the department of agriculture or by any state or  
6 county law enforcement officer at the request of the department. The order, together  
7 with a notice 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 copies thereof  
9 shall be mailed to the owner, if a person other than the custodian, by certified mail  
10 to his address as given by the custodian within twenty-four hours after the seizure.  
11 The department shall impound and hold all cattle seized and taken into custody at the  
12 owner's expense and without liability to the department. Any cattle so seized and  
13 impounded may be redeemed by the owner and released to him by the department,  
14 provided that all such animals shall have been tested for brucellosis and any reactors  
15 shall be tagged and branded or tagged as provided by law at the owner's expense. In  
16 order to redeem such cattle the owner shall pay all expenses including the care and  
17 feeding of such cattle and the expense of testing and branding. Any reactor cattle  
18 shall be consigned by the owner to slaughter upon redemption thereof.

19 2. Any person aggrieved by an order of seizure and impoundment may appeal  
20 therefrom by filing with the director of the department of agriculture a petition stating  
21 in detail his objections to the order, within five days after service or mailing of the  
22 order and notice. The director, or his authorized agent, within forty-eight hours of  
23 the filing of the appeal, shall hold a hearing to determine the validity of the order and  
24 shall either affirm the order or release the cattle. The hearing shall be conducted and  
judicial review of the director's decision may be had in the manner provided by

25 chapter 536, RSMo. If an order of seizure and impoundment is determined to be  
26 invalid, the expense of caring for the cattle and the cost of the proceedings shall be  
27 borne by the department of agriculture.

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

2 [267.535. In addition to the remedies provided for in sections 267.470 to  
3 267.550 or by law, the prosecuting attorney of any county in which a violation of any  
4 provision of sections 267.470 to 267.550 occurs or the attorney general of the state  
5 is hereby authorized to apply to any court of competent jurisdiction for, and such  
6 court shall have jurisdiction upon hearing and for cause shown to grant, a temporary  
7 or permanent injunction to restrain any person from violating any provision of  
8 sections 267.470 to 267.550.]

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

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

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

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

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

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

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

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

13 (5) "Quarantined feedlot", a confined area under official state quarantine and  
approved jointly by the director of the department of agriculture and officials of the

14 United States Federal Animal Health Office where all animals are to be classified as  
15 exposed to brucellosis;

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

19 (7) "Spay", sterilization of a female animal by removal of the ovaries.]  
20

2 [267.552. 1. Brucella abortus vaccine shall be administered to all required  
3 animals in accordance with a method to be approved by the Missouri department of  
4 agriculture in rules and regulations to be issued by the director as otherwise provided  
5 by law.

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

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

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

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

19 nonvaccinated calves and cows meeting the requirements of a certified brucellosis  
20 free herd as provided under section 267.510.]

21

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

6

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

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

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

14

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