

FIRST REGULAR SESSION

# HOUSE BILL NO. 747

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KELLY (Sponsor), WALLACE, FRANZ, WILSON (119),  
POLLOCK AND DETHROW (Co-sponsors).

Read 1st time February 5, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1942L.01I

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### AN ACT

To amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

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

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be  
2 known as section 261.300, to read as follows:

**261.300. 1. As used in this section, the following terms mean:**

- 2       (1) "Animal", all members of the animal kingdom except humans and insects.  
3       **Animal does not include undomesticated animals living in the wild;**  
4       (2) "Department", the Missouri department of agriculture;  
5       (3) "Director", the director of the department of agriculture;  
6       (4) "Livestock", equines (horse, mules, donkeys, burros), bovines (cattle and bison),  
7       cervids (deer and elk), ovine (sheep), caprine (goats), porcine (swine), camelids (llamas and  
8       alpacas), poultry (chickens, ducks, emu, geese, guineas, pheasants, quail, turkeys), and any  
9       other animal that the federal government may include in a national animal identification  
10      system. **Livestock does not include undomesticated animals living in the wild;**  
11      (5) "Person", individuals, corporations, partnerships, associations, or other legal  
12      entities and agents of such entities;  
13      (6) "Premises", a location where livestock are raised, held, or boarded;

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           (7) "Source verification program", a program that tracks individual animals or  
15 groups of animals in order to determine the origin of such animal or group, the identity of  
16 all other animals that have been in contact with it, and the location of premises at which  
17 it has been held in its lifetime.

18           2. (1) The state of Missouri shall not establish or participate in the national animal  
19 identification system or any other similar source verification program beyond the existent  
20 Missouri cattle specific source verification at the state level.

21           (2) The prohibition in this section also applies to the components of a source  
22 verification program, including premises registration and databases, animal identification  
23 and databases, and animal movement tracing and databases beyond the minimum  
24 necessary for the Missouri cattle specific source verification program.

25           (3) All cooperative agreements between the federal government and this state, or  
26 between this state and other states, established before the effective date of this section and  
27 related to the establishment of animal tracking, tagging, registration, or information  
28 databases, premises registration, or information databases, use of electronic identification  
29 for animal tagging purposes, and other matters related to the national animal identification  
30 system are hereby terminated and null and void as to this state's participation.

31           (4) Immediately upon the effective date of this section, any identification lists or  
32 databases created using, in whole or in part, federal funds under the national animal  
33 identification system shall be void and shall not be used for any purpose by any  
34 governmental, public, or private person or entity. Such restriction does not include lists  
35 and databases that were created solely for the purposes of addressing specific diseases in  
36 specific species of livestock, except to the extent that such lists have been used for the  
37 national animal identification system program.

38           3. The department of agriculture shall:

39           (1) Immediately notify all citizens whose premises information previously has been  
40 submitted to the United States Department of Agriculture National Premises Information  
41 Repository without their full and informed consent; and

42           (2) Develop a procedure with the United States Department of Agriculture whereby  
43 such citizen's data shall be expunged from the USDA National Premises Information  
44 Repository as well as the Missouri animal identification plan system.

45           4. Nothing in this section shall be construed as:

46           (1) Prohibiting the state from establishing or participating in disease control  
47 programs specifically designed to address a known disease in a specific species of livestock;

48           (2) Prohibiting the state from operating livestock identification, brand registration,  
49 and inspection programs as authorized under state law;

50           (3) Prohibiting private agricultural industry organizations from establishing  
51 voluntary source verification programs for their own members or others who elect to  
52 participate; except that, any private system shall be subject to the following conditions and  
53 limitations:

54           (a) The program shall provide for full and informed consent of all participants,  
55 including disclosure of the entire program, the possible uses of information collected under  
56 the program, and every entity or person to whom such information may be disclosed;

57           (b) Persons who voluntarily enroll in the program shall be permitted to withdraw  
58 from the program at any time and their personal information shall be permanently  
59 removed from program records;

60           (c) No public moneys shall be used to support such a program;

61           (d) The private program shall not be used to gain unfair competitive advantage, but  
62 shall be considered a commercial term subject to laws restricting unfair competition; and

63           (e) A private source verification program identification device or marking shall not  
64 supplant, supersede, or make unreadable this state's or any local entity's brand or mark  
65 on any animal. A source verification program's rules shall not supersede this state's brand  
66 or marking system rules as a matter of law; and

67           (4) Authorizing the department of agriculture to establish any requirement of  
68 participation in the Missouri specific source verification program on the part of any cattle  
69 grower or to establish additional source verification programs on a state level for any other  
70 species of livestock.

71           5. (1) No essential services, licenses, permits, certifications, insurance or risk  
72 management coverage, or other incentives shall be provided by any public or private  
73 person, directly or indirectly, to any participant in an animal identification or premises  
74 registration program based solely on such person's participation in the program.

75           (2) No services, compensation, favors, payments, credits, benefits, licenses, permits,  
76 certifications, insurance or risk management coverage, special consideration, or other  
77 incentives shall be denied, revoked, or limited by any public or private person, directly or  
78 indirectly, based solely on such person's lack of participation in an animal identification  
79 or premises registration program.

80           (3) Neither this state nor any political subdivision of this state shall require any of  
81 its suppliers to participate in a premises registration or animal identification program as  
82 a condition of supplying goods or services.

83           (4) Failure to participate in a premises registration or animal identification  
84 program or the providing of services to persons who are not participants in a premises  
85 registration or animal identification program shall not be deemed a crime, nor evidence

86 of any negligence or gross negligence on the part of any livestock owner or provider of  
87 goods or services.

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