

SECOND REGULAR SESSION

# HOUSE BILL NO. 1797

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES VIEBROCK (Sponsor), QUINN (7), LOEHNER, WILSON (119),  
MUNZLINGER, JONES (117), HOBBS, SELF AND STEVENSON (Co-sponsors).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4617L.01I

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### AN ACT

To repeal section 269.020, RSMo, and to enact in lieu thereof one new section relating to disposal of dead animals.

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

Section A. Section 269.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 269.020, to read as follows:

269.020. 1. Every person owning or caring for any animal that has died from any cause shall dispose of the animal carcass within twenty-four hours after knowledge of such death, either by arranging for a person permitted under this chapter to dispose of or transport it, or by the owner or person entitled to such body causing the same to be deposited in a permitted sanitary landfill notwithstanding any other provision of the law or rule to the contrary, allowing it to be buried in a sanitary landfill or buried, incinerated, composted, or disposed of in a manner approved by the state veterinarian within the twenty-four-hour period upon his own or any other available premises, provided that such disposition is in accordance with the provisions of subsection 2 of this section.

2. **Any aging equine that is deemed no longer useful by its owner may, at the discretion of the owner, be delivered to any nonpublic animal shelter or rescue ranch during regular posted hours of operation for proper disposal or humane termination of life. The maximum fee for the humane termination of the equine shall not exceed the average fee charged for such service by three local veterinarians and such fee shall be**

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.

15 **posted in writing within the receiving area of the animal shelter. Upon transfer of the**  
16 **equine and departure from the premises of the shelter or rescue ranch, the owner forfeits**  
17 **all rights and ownership interests in the equine transferred to the care of the shelter or**  
18 **rescue ranch. No person seeking to voluntarily terminate ownership of the equine shall be**  
19 **refused transfer of the equine to an animal shelter or rescue ranch based on failure to pay**  
20 **for the cost of services that may be incurred in the care and maintenance of such equine**  
21 **by the animal shelter or rescue ranch.**

22       **3.** On-site burial of dead animals shall be in accordance with the following loading  
23 limitations, geographic restrictions and other conditions as specified:

24       (1) For areas defined by the department of natural resources, division of geology and  
25 land survey, as having major groundwater contamination potential, the maximum loading rate  
26 shall be limited to:

27       (a) One bovine, six swine, seven sheep, and beginning July 1, 1995, seventy turkey  
28 carcasses or three hundred poultry carcasses on any given acre per year; or

29       (b) All other species and immature cattle, swine, and sheep, and beginning July 1, 1995,  
30 turkeys or poultry shall be limited to one thousand pounds of animals on any given acre per year;

31       (2) A maximum loading for areas excluded from subdivision (1) of this subsection shall  
32 be limited to:

33       (a) Seven cattle, forty-four swine, forty-seven sheep, and beginning July 1, 1995, four  
34 hundred turkey carcasses, or two thousand poultry carcasses on any given acre per year; or

35       (b) All other species and immature cattle, swine, sheep, and beginning July 1, 1995,  
36 turkeys or poultry shall be limited to seven thousand pounds of animals on any given acre per  
37 year;

38       (3) The maximum amount of land that shall be used for on-site burial of animals on any  
39 person's property during a given year shall be limited to ten percent of the total land owned by  
40 that person or one acre, whichever is greater; and

41       (4) Burial sites shall not be located in low-lying areas subject to flooding; and

42       (5) The lowest elevation of the burial pits shall be six feet or less below the surface of  
43 the ground; and

44       (6) The dead animals shall be immediately covered with a minimum of six inches of soil  
45 and a final cover of a minimum of thirty inches of soil; and

46       (7) Carcasses shall not be placed on the ground, in a ditch, at the base of a hill, or in a  
47 cavern and covered with soil; and

48       (8) The abdominal cavity of carcasses over one hundred fifty pounds shall be punctured  
49 to allow escape of putrefactive gasses; and

50 (9) The location of dead animal burial sites must be in accordance with the following  
51 separation distances:

52 (a) At least three hundred feet from any wells, surface water intake structures, public  
53 water supply lakes, springs or sinkholes; and

54 (b) At least fifty feet from adjacent property line; and

55 (c) At least three hundred feet from any existing neighboring residence; and

56 (d) More than one hundred feet from any body of surface water such as a stream, lake,  
57 pond, or intermittent stream.

58 [3.] 4. Any person so owning or controlling any dead animal, that has not died of a  
59 contagious disease, shall have the right to remove the hide or skin thereof, at the site of the  
60 animal's death, before disposing of such body as prescribed in this chapter, but such skinning  
61 must be done and the disposition of such hide, or skin and body must be made in a manner that  
62 will avoid the creation of any nuisance.

63 [4.] 5. No body of any animal shall be buried, burned, cooked, or otherwise disposed of,  
64 except as provided for in this section.

65 [5.] 6. Composting of dead animals shall be done in a dead animal composter designed  
66 and constructed in an efficient design as recommended by the University of Missouri extension  
67 service.

68 [6.] 7. Noncommercial incineration of dead animals shall be done in an incinerator  
69 designed, constructed and operated in an efficient manner as recommended by the University of  
70 Missouri extension service.

71 [7.] 8. Commercial incineration of dead animals shall be done in an incinerator designed,  
72 constructed and operated in accordance with the provisions of chapter 643, RSMo, and any rule  
73 or regulation promulgated thereunder.

74 [8.] 9. Disposal of dead animals is allowable in a sanitary landfill that has a current  
75 permit under the provisions of chapter 260, RSMo, and any rule or regulation promulgated  
76 thereunder.

77 [9.] 10. In emergency situations involving a risk to the health and welfare of any species  
78 of animal or man caused by the death of an animal, the state veterinarian may enter any premises,  
79 take possession of any dead animal, and dispose of such animal by any method authorized by this  
80 chapter, but only if the person who owned, cared for, or most recently possessed the animal is  
81 unable or unwilling to properly dispose of the animal. The owner, custodian, or person who  
82 most recently possessed the animal shall reimburse the state veterinarian for the reasonable  
83 expense of disposing of the animal pursuant to this section.

84 [10.] 11. If an animal's death causes a nuisance, the state veterinarian may enter any  
85 premises, take possession of any dead animal and dispose of such animal by any method

86 authorized by this chapter but only if the person who owned, cared for, or who most recently  
87 possessed the animal has not been located within twenty-four hours after a reasonable effort, the  
88 person is absent from the state and refuses to cooperate, or the person is unable to properly  
89 dispose of the animal due to that person's physical or mental condition. The owner, custodian,  
90 or person who most recently possessed the animal shall reimburse the state veterinarian for the  
91 reasonable expense of disposing of the animal pursuant to this section.

92 [11.] **12.** In emergency situations involving a risk to the health and welfare of any species  
93 of animal or man, or where the death of an animal has caused a nuisance, the state veterinarian  
94 may apply, in the county where the dead animal was found, for a court order requiring the person  
95 who owned, cared for, or most recently possessed the dead animal, to dispose of it.

96 [12.] **13.** The department of agriculture and the department of natural resources shall not  
97 have veto power on the decisions of the University of Missouri extension services or any  
98 decisions made under this section.

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