

HCS HB 1747 -- ANIMAL AGRICULTURE

SPONSOR: Loehner (Viebrock)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture Policy by a vote of 10 to 2.

This substitute requires any person operating an establishment in which horse meat is processed or sold, exposed, or offered for retail sale for human consumption to annually register with the Department of Agriculture. The applicant must file an application for a certificate of registration which is to include certain specified information. The department director may refuse to issue, revoke, or suspend a registration if the establishment fails to comply with the provisions of the substitute after the applicant has been given an opportunity to be heard by the department director in regard to the refusal, suspension, or revocation.

An annual registration fee of \$50 and an inspection fee to cover the inspection costs based on the number of horses processed must be paid to the department director. All fees collected will be deposited into the newly created Horse Meat and Product Fund to pay for the administrative costs associated with the provisions of the substitute including, but not limited to, the payment of United States Department of Agriculture (USDA) inspections. No proprietor, manager, or person in charge of specified public eating establishments can sell, serve, or use for human consumption any horse meat or horse meat food product without posting in a conspicuous place a sign with specified requirements that states "Horse Meat Sold Here" or "Horse Meat Served Here," whichever is applicable.

Establishments registered by the department are prohibited from:

- (1) Selling horse meat, products, or carcasses without the labeling specified in the substitute;
- (2) Modifying or removing a required identification label or a USDA inspection impression made by a stamp on the horse carcass, meat, or meat product;
- (3) Selling horse meat, products, or carcasses deemed by a USDA inspection as adulterated, misbranded, or unfit for human consumption;
- (4) Operating or maintaining an establishment in an unsanitary manner;
- (5) Selling certain horse parts or parts of a horse included in

a horse meat food product intended for human consumption;

(6) Mixing horse meat with any other animal meat and selling it for human consumption; and

(7) Storing horse meat or horse meat products intended to be sold for pet food in a refrigerated compartment with food for human consumption.

Establishments registered with the department are required to:

(1) Provide access to the department director and the USDA for inspection of all premises in which any horse carcass, horse meat, or horse meat product is processed, packed, transported, sold, exposed, or offered for sale at retail;

(2) Provide samples or specimens of horse meat, products, or carcasses to determine whether there has been a violation of USDA inspection regulations or department rules or if a violation exists;

(3) Decharacterize with charcoal or green food dye any horse meat, horse meat food product, or carcass that is not labeled for use or is labeled as pet food unless the horse meat or product is individually packaged in hermetically sealed packages and labeled as pet food; and

(4) Maintain certain sales records of horse meat and carcasses sold for one year from the time of sale and make the records available to the department director for inspection during regular business hours.

Possession of unlabeled horse meat, products, or carcasses constitutes prima facie evidence that the commodity is for sale unless the person has legally purchased the commodity for his or her personal consumption.

The Attorney General or prosecuting attorney must institute prosecution proceedings against the defendant in the county in which the defendant resides, where his or her registered business is located, or where the violation occurred upon a report of violation by the department director. Anyone violating the provisions of the substitute will be guilty of a class A misdemeanor for the first offense and a class D felony for any subsequent offense.

The substitute also, in order to protect Missouri's agricultural economy, affirms the right of Missouri citizens to raise domestic animals in a humane manner that promotes the health and survival of the animals without the state imposing an undue economic

burden on their owners. No law criminalizing or regulating crops or the welfare of animals will be valid unless based upon generally accepted scientific principles and enacted by the General Assembly.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that horse slaughter is a necessary end-of-life option that adds to Missouri's economy, is an option horse owners wish to exercise, and is environmentally friendly. The \$1,500 estimated price of horse burial or the alternative of paying a rendering plant to pick up the carcass have decimated the equine industry.

Testifying for the bill were Representative Viebrock; Missouri Federation of Animal Owners; Larry Baysinger; Missouri Cattlemen's Association; Missouri Pork Association; and Missouri Farm Bureau.

OPPOSERS: There was no opposition voiced to the committee.