

HCS HB 1747 -- ANIMAL AGRICULTURE (Viebrock)

COMMITTEE OF ORIGIN: Committee on Agriculture Policy

This substitute requires any person operating an establishment in which horse meat is processed or sold, exposed, or offered for sale at wholesale 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 as required by the department director and the Federal Meat Inspection Act. The department director may refuse to issue, revoke, or suspend a registration if the establishment fails to comply with the provisions of the substitute or the federal act 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 with the application. 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.

Establishments registered by the department are prohibited from:

- (1) Selling, offering, or exposing for sale any horse meat, product, or carcass without the required labeling specified in the substitute;
- (2) Defacing, altering, 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 specified 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, offering, or exposing it for sale for human consumption; and

(7) Placing horse meat or a horse meat product which is 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 at all reasonable times to the department director and the USDA for the inspection of any premise in which any horse carcass, horse meat, or horse meat product is processed, packed, transported, sold, exposed, or offered for sale at wholesale;

(2) Provide samples or specimens of horse meat, products, or carcasses to determine whether there has been a violation of USDA inspection regulations, the federal act, 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 as to use or is labeled as pet food except horse meat or a product that is individually packaged in hermetically sealed packages and labeled as pet food; and

(4) Maintain certain wholesale records of any horse meat or carcass sold for one year from the date of the sale and make the records available to the department director for inspection during regular business hours.

Possession of any unlabeled horse meat, product, or carcass will constitute 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 affirms the right of Missouri citizens to raise domesticated animals and captive raised fish and game birds in a humane manner without the state imposing an undue economic burden on their owners. No state law criminalizing or regulating crops or the welfare of animals will be valid unless based upon the most current industry standard and 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.