

## HCS SB 795 -- ANIMALS AND AGRICULTURE

SPONSOR: Mayer (Loehner)

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

This substitute changes the laws regarding animals and agriculture.

### ROADSIDE VEGETATION

The Show-Me Green Initiative is established which allows persons or entities to submit bids to the Highways and Transportation Commission to mow grass or vegetation along state roadways using the person's or entity's own equipment. In addition to receiving monetary compensation for the work, the person or entity will receive hay rights for the portion of the roadway in the contract.

The commission may enter into contracts with persons or entities to plant and harvest switchgrass or other grasses or produce approved by the commission on the right-of-way of any state roadway. These contracts will be for a period of at least five years.

### FARM TO INSTITUTE INITIATIVE

The Farm to Institution Initiative is established in the Agriculture Business Development Division within the Department of Agriculture to improve public awareness of and access to agricultural products produced or processed by small farmers and small agribusinesses, promote a sustainable Missouri food system, and strengthen the state's economy. The division may coordinate with the departments of Elementary and Secondary Education, Health and Senior Services, Corrections, Mental Health, and Economic Development to promote the economic and health benefits of the initiative. The substitute:

- (1) Requires the division to provide small farmers and small agribusinesses with financial and technical assistance in the branding, marketing, and distribution of locally grown agricultural products;
- (2) Establishes the Farm to Institution Program to reduce obesity, improve nutrition and public health, and strengthen local agricultural economies by increasing access to and promoting the consumption of locally grown foods;
- (3) Establishes the Farm Fresh Schools Program to link schools

with locally grown food; develop nutritional awareness, healthy eating habits, and physical activity for the overall wellness of students; emphasize the purchase of locally grown foods by schools; establish specified goals regarding these purchases; and identify existing resources for processing foods locally and funding sources for the expansion of local processing;

(4) Establishes the Farm to Cafeteria Program to build partnerships to reform state institution food procurement policies to facilitate the purchase of locally grown foods by linking local food producers and processors with institutions, emphasize the purchase of locally grown foods by institutions, establish specified goals regarding these purchases, and identify existing resources for processing foods locally and funding sources for the expansion of local processing facilities;

(5) Creates the Farm to Institution Initiative Fund consisting of moneys appropriated for the program, gifts, bequests, or donations to be used solely for the administration of the program; and

(6) Requires grants to be awarded from the fund to eligible participants on a competitive bid process to implement the Farm to Institution Program with the first six grants awarded in counties with a significant agricultural economy based on need.

#### RIGHT TO RAISE ANIMALS

The substitute affirms that it will be the right of Missouri citizens to raise domesticated animals in a humane manner without the state imposing an undue economic burden on their owners.

#### URBAN FARMING TASK FORCE

The Urban Farming Task Force is established within the Department of Agriculture consisting of 15 members including four legislative members of the General Assembly with all members of the General Assembly not appointed to the task force as ex officio members.

The task force must study and make recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities in Missouri. The task force is required to hold a minimum of one meeting at three urban regions in Missouri and submit an initial report of its findings and recommendations by December 31, 2010, to the Governor and General Assembly. The task force must continue to meet at least annually in the following two years to evaluate the implementation and impact of its recommendations and provide annual supplemental reports on its findings to the Governor and General Assembly.

## WHITETAIL DEER PROCESSING

The substitute requires state meat inspectors to inspect, from June 1 through August 1, whitetail deer carcasses for processing that are documented as obtained from a legal source and not from the wild which have been raised in confinement for human consumption.

## REGISTRATION AND INSPECTION OF HORSE MEAT ESTABLISHMENTS

Any person operating an establishment in which horse meat is processed or sold, exposed, or offered for sale at wholesale for human consumption is required 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.

ANHYDROUS AMMONIA

The Department of Agriculture is required to adopt the American National Standards Institute minimum general safety standards for the storage and handling of anhydrous ammonia, except that the department must not adopt the standards prior to December 1, 2015. The provision of the substitute regarding the storage of anhydrous ammonia will not apply to any storage equipment in use as of August 28, 2010, and which is found by the department to be in substantial compliance with generally accepted standards of safety regarding life and property.

#### DISEASED ANIMALS

The substitute specifies that any animal or bird under investigation by the State Veterinarian for carrying a toxin must not be removed from the premises until certain conditions are met. The State Veterinarian will be authorized to choose the method of eradication of the toxin and may implement a holding period restricting the movement of any animal or bird under investigation for the presence of a toxin. Once an investigation is completed, the animal or bird must be released from the holding period or must be permanently quarantined by the State Veterinarian or his or her representative.

#### MISSOURI ANIMAL CARE ADVISORY COMMITTEE

The Missouri Animal Care Advisory Committee is established within the Department of Agriculture to review and make recommendations on the welfare of poultry, livestock, and licensed dog breeding facilities in this state. The 18-member committee will include the chairs of the Senate Agriculture Committee and the House of Representatives Agriculture Committee as nonvoting members.

The committee must review the animal care practices related to poultry, livestock, and licensed dog breeding facilities and, when necessary, make recommendations to the General Assembly. When reviewing these practices, the committee must consider:

- (1) The health and husbandry of poultry, livestock, and dogs at licensed breeding facilities;
- (2) Generally accepted farm management practices;
- (3) Generally accepted veterinary standards and practices;
- (4) The economic impact on poultry and livestock farmers, licensed dog breeders, consumers, and the affected sector as a whole; and
- (5) Species specific animal care guidelines established by the respective national poultry, livestock, and licensed dog breeders

organizations.

The committee must review national species specific animal care guidelines once every five years.

#### WILD AND FERAL SWINE

The substitute changes the laws regarding wild or feral swine. The Director of the Department of Agriculture must establish rules regarding the fencing and health standards for Russian and European wild boars or wild-caught swine held alive on private land. Any person holding these swine on private land must annually obtain a permit from the department. The capture and possession of feral hogs on public land and the transport of live Russian and European wild boars or wild-caught swine through or on public land without a permit is prohibited. The transport of live Russian and European wild boars or wild-caught swine for any purpose other than to slaughter or to move to another farm requires a permit from the department unless the transporter is issued an exemption permit by the department. Any person in violation of these provisions will be guilty of a class A misdemeanor and may be assessed an administrative penalty of up to \$1,000 per violation.

Any person who recklessly or knowingly releases any swine on public or private land to live in a wild or feral state without adequate fencing will be guilty of a class A misdemeanor and will be subject to an administrative penalty of \$1,000 for each swine released for the first offense, \$2,000 for each swine released for the second offense, and \$3,000 for each swine released for the third or any subsequent offense.

The Animal Health Fund is created which will consist of all fees collected by the department under the provisions of the substitute. Moneys appropriated from the fund must be used to administer the provisions of the substitute.

These provisions do not apply to domestic swine.

#### LICENSURE AND REGULATION OF ANIMAL CARE FACILITIES

The substitute changes the laws regarding the Animal Care Facilities Act. The substitute:

- (1) Removes the exemption for animal shelters from the required annual licensure fee; and
- (2) Prohibits the Department of Agriculture from retaining, contracting with, or otherwise utilizing the services of the personnel of any nonprofit organization for the purpose of

inspecting or licensing a shelter, pound, kennel, breeder, pet shop, or any animal care facility subject to the provisions of the act.

#### PESTICIDE FEES AND AGRICULTURE PROTECTION FUND

The substitute increases the fee for registering a pesticide from \$15 per year with a late charge of \$5 assessed for any pesticide not registered by January 1 to \$150 per year with a late charge of \$50 assessed for any pesticide not registered by January 1 to be deposited into the newly created Agriculture Protection Fund. Fees are to be used solely to administer the pest and pesticide programs of the Department of Agriculture. If funding exceeds the reasonable cost of administering the programs, the department is authorized to set reduced fees for pesticide registration.

The fund will also consist of all fees collected and assessed by the department which are not already credited to a program-specific purpose. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to the fund. The fund must be used by the department for functions and responsibilities relating to the programs from which the fees are collected.

#### LIQUOR AND WINE TASTING

Wineries, distillers, manufacturers, wholesalers, or brewers are allowed to provide samples for customer tasting purposes at licensed retail premises that have a special permit or a by-the-drink-for-consumption-on-the-premises-where-sold retail license. The winery, distiller, manufacturer, wholesaler, or brewer cannot give money or anything of value to the retailer for the privilege or opportunity to conduct the tasting.

#### BLASTING SAFETY

Individuals using explosives along with a well screen cleaning device for the purpose of unblocking clogged agricultural irrigation well screens located within the Southeast Missouri Regional Water District are added to the list of individuals who are exempt from the requirements to obtain a blaster's license.

#### AGRITOURISM PROMOTION ACT

The Agritourism Promotion Act is established which allows for the registration of any person who is engaged in a business which provides agritourism activities in Missouri. The substitute:

(1) Defines "agritourism activity" as any activity which allows the general public for recreational, entertainment, or

educational purposes to view or enjoy rural activities including, but not limited to, farming and ranching activities or historic, cultural, or natural attractions;

(2) Defines "inherent risks of a registered agritourism activity" as dangers or conditions which are an integral part of an agritourism activity including the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others;

(3) Allows any person to register his or her agritourism activity with the Director of the Department of Agriculture. The registration must contain a description of the agritourism activity he or she intends to conduct and the location where the activity will be conducted;

(4) Specifies that the registration is for a period of two years and a fee of up to \$200 may be imposed on an applicant to cover the actual administrative costs associated with registration;

(5) Requires the department to maintain and make available to the public a list of all registered agritourism operators, the registered agritourism activities conducted by each operator, and the registered agritourism location;

(6) Requires the department to promote and publicize registered agritourism operators, activities, and locations by promoting and encouraging tourism;

(7) Requires every registered agritourism location to post and maintain signage which contains a specific warning notice that there is no liability for certain injuries or the death of a participant in a registered agritourism activity;

(8) Specifies that any participant is assuming certain inherent risks when participating in an agritourism activity;

(9) Specifies that a registered agritourism operator is not liable for an injury to or the death of a participant resulting from the inherent risks of agritourism activities if the warning is posted as required unless the injury to the participant was by willful or wanton conduct or the operator failed to make dangerous conditions known to a participant and the condition resulted in an injury;

(10) Specifies that the operator has an affirmative defense to liability if the injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity or if any equipment, animals, or appliances used by the injured person



during the activity were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended; and

(11) Creates the Agritourism Fee Fund consisting of registration fees and moneys appropriated to the fund to be used solely for the administration of the provisions of the act.

## LARGE CARNIVORE ACT

The Large Carnivore Act is established which prohibits, beginning January 1, 2012, any person from owning or possessing, breeding, transferring ownership or possession, or transporting a large carnivore unless he or she has a permit. "Large carnivore" is defined as any of the following large cats of the Felidae family that are nonnative to this state held in captivity including: tiger, lion, jaguar, leopard, snow leopard, clouded leopard, and cheetah, including a hybrid cross with these cats, excluding any unlisted nonnative cat, or any common domestic or house cat or any species of bear that is nonnative to this state and held in captivity. The Division of Animal Health within the Department of Agriculture is required to implement and enforce the provisions of the substitute. Certain requirements regarding the care and control of a large carnivore are specified.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released, intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. The owner is required to maintain liability insurance in an amount of not less than \$250,000 and annually provide verification to the department. An application for a permit is to be accompanied by a fee not to exceed \$2,500 for each large carnivore with an annual renewal fee not to exceed \$500 as established by the department to offset the costs to enforce the provisions of the act. The Large Carnivore Fund is created for the deposit of moneys collected under these provisions for the administration of the act.

The specified requirements are in addition to any applicable state or federal law and do not preclude any local political subdivision from adopting more restrictive laws. Certain entities, law enforcement officers, animal control officers, veterinarians, and department employees are exempt from the provisions of the act.

Any person violating these provisions will be guilty of a class A misdemeanor. Any person who intentionally releases a large

carnivore will be guilty of a class D felony. Violators may be required to do community service work or lose the privilege of owning any animal.

The provisions of the substitute regarding the Urban Farming Task Force expire December 31, 2013, and the provisions regarding the Farm to Institute Initiative will expire six years from the effective date.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a cost of \$1,459,889 to Unknown in FY 2011, an income of \$1,248,166 to a cost of Unknown in FY 2012, and an income of \$1,425,264 to a cost of Unknown in FY 2013. Estimated Effect on Other State Funds of an income of \$2,535,848 to Unknown in FY 2011, an income of \$83,990 to Unknown in FY 2012, and a cost of \$97,236 to an income of Unknown in FY 2013.

PROPOSERS: Supporters say that the use of explosives to remove minerals and bacteria from the screens located at the bottom of irrigations wells was inadvertently not included in the exemptions from blasting safety requirements codified in 2007. This use of explosives is regulated by the federal government, is used only in the Southeast Water District, is an important inexpensive cleaning tool, and poses no safety concerns.

Testifying for the bill were Corey Jackson for Senator Mayer; Representative Brandom; State Fire Marshal; Missouri Limestone Producers Association; Missouri Farm Bureau; Bryan Cave LLP; ANR Pipeline; and Missouri Agribusiness Association.

OPPOSERS: There was no opposition voiced to the committee.