

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE BILL NO. 16

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUGHTON.

6694H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 89.020, 137.010, 137.016, 137.017, 137.021, 144.025, 192.947, 265.300, 265.490, 265.494, and 414.032, RSMo, and to enact in lieu thereof sixteen new sections relating to agriculture, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 89.020, 137.010, 137.016, 137.017, 137.021, 144.025, 192.947, 265.300, 265.490, 265.494, and 414.032, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 64.002, 65.702, 89.020, 137.010, 137.016, 137.017, 137.021, 144.025, 192.947, 265.300, 265.490, 265.494, 266.600, 273.450, 414.032, and 644.059, to read as follows:

64.002. For purposes of a zoning law, ordinance, or code authorized and enacted under this chapter, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.

65.702. For purposes of a zoning law, ordinance, or code authorized and enacted under sections 65.650 to 65.700, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.

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.

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns ~~and~~ , or villages.

5. Should a single family dwelling or single family residence as ~~defined~~ **described** in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this

37 subsection shall be construed to relieve the children's division, the department of mental health
38 or any other person, firm or corporation occupying or utilizing any single family dwelling or
39 single family residence for the purposes specified in this subsection from compliance with any
40 ordinance or regulation relating to occupancy permits except as to number and relationship of
41 occupants or from compliance with any building or safety code applicable to actual use of such
42 single family dwelling or single family residence.

43 7. Any city, town, or village that is granted zoning powers under this section and is
44 located within a county that has adopted zoning regulations under chapter 64 may enact an
45 ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own
46 zoning regulations.

47 **8. For purposes of any zoning law, ordinance, or code authorized and enacted**
48 **under this section, a zoning or property classification of agricultural or horticultural shall**
49 **include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard**
50 **Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number**
51 **2421.**

137.010. The following words, terms and phrases when used in laws governing taxation
2 and revenue in the state of Missouri shall have the meanings ascribed to them in this section,
3 except when the context clearly indicates a different meaning:

4 (1) "Grain and other agricultural crops in an unmanufactured condition" shall mean
5 grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley,
6 kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and
7 other elevators and on farms; but excluding such grains and other agricultural crops after being
8 processed into products of such processing, when packaged or sacked. The term "processing"
9 shall not include hulling, cleaning, drying, grating, or polishing;

10 (2) "Hydroelectric power generating equipment", very-low-head turbine generators with
11 a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred
12 kilowatts and machinery and equipment used directly in the production, generation, conversion,
13 storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in
14 the transmission of electrical energy;

15 (3) "Intangible personal property", for the purpose of taxation, shall include all property
16 other than real property and tangible personal property, as defined by this section;

17 (4) "Real property" includes land itself, whether laid out in town lots or otherwise, and
18 all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon,
19 hydroelectric power generating equipment, the installed poles used in the transmission or
20 reception of electrical energy, audio signals, video signals or similar purposes, provided the
21 owner of such installed poles is also an owner of a fee simple interest, possessor of an easement,

22 holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility
23 purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other
24 such devices and appurtenances used in the transmission or reception of electrical energy, audio
25 signals, video signals or similar purposes when owned by the owner of the installed poles,
26 otherwise such items are considered personal property; and stationary property used for
27 transportation or storage of liquid and gaseous products, including, but not limited to, petroleum
28 products, natural gas, propane or LP gas equipment, water, and sewage;

29 (5) **"Reliever airport", any land and improvements, exclusive of structures, on**
30 **privately owned airports that qualify as reliever airports under the National Plan of**
31 **Integrated Airports System that may receive federal airport improvement project funds**
32 **through the Federal Aviation Administration;**

33 (6) "Tangible personal property" includes every tangible thing being the subject of
34 ownership or part ownership whether animate or inanimate, other than money, and not forming
35 part or parcel of real property as herein defined, but does not include household goods, furniture,
36 wearing apparel and articles of personal use and adornment, as defined by the state tax
37 commission, owned and used by a person in his home or dwelling place.

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the
2 following terms mean:

3 (1) "Residential property", all real property improved by a structure which is used or
4 intended to be used for residential living by human occupants, vacant land in connection with
5 an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which
6 the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-
7 share units as defined in section 407.600, except to the extent such units are actually rented and
8 subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential
9 property shall not include other similar facilities used primarily for transient housing. For the
10 purposes of this section, "transient housing" means all rooms available for rent or lease for which
11 the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to
12 subdivision (6) of subsection 1 of section 144.020;

13 (2) "Agricultural and horticultural property", all real property used for agricultural
14 purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding
15 and management of livestock which shall include breeding, showing, and boarding of horses; to
16 dairying, or to any other combination thereof; and buildings and structures customarily
17 associated with farming, agricultural, and horticultural uses. Agricultural and horticultural
18 property shall also include land devoted to and qualifying for payments or other compensation
19 under a soil conservation or agricultural assistance program under an agreement with an agency
20 of the federal government. Agricultural and horticultural property shall further include ~~land and~~

21 ~~improvements, exclusive of structures, on privately owned airports that qualify as reliever~~
22 ~~airports under the National Plan of Integrated Airports System, to receive federal airport~~
23 ~~improvement project funds through the Federal Aviation Administration]~~ **any reliever airport.**

24 Real property classified as forest croplands shall not be agricultural or horticultural property so
25 long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted
26 to implement Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural
27 property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's
28 Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number
29 2421;

30 (3) "Utility, industrial, commercial, railroad and other real property", all real property
31 used directly or indirectly for any commercial, mining, industrial, manufacturing, trade,
32 professional, business, or similar purpose, including all property centrally assessed by the state
33 tax commission but shall not include floating docks, portions of which are separately owned and
34 the remainder of which is designated for common ownership and in which no one person or
35 business entity owns more than five individual units. All other real property not included in the
36 property listed in subclasses (1) and (2) of Section 4(b) of Article X of the Missouri Constitution,
37 as such property is defined in this section, shall be deemed to be included in the term "utility,
38 industrial, commercial, railroad and other real property".

39 2. Pursuant to Article X of the state constitution, any taxing district may adjust its
40 operating levy to recoup any loss of property tax revenue, except revenues from the surtax
41 imposed pursuant to Article X, Subsection 2 of Section 6 of the constitution, as the result of
42 changing the classification of structures intended to be used for residential living by human
43 occupants which contain five or more dwelling units if such adjustment of the levy does not
44 exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this
45 section, loss in revenue shall include the difference between the revenue that would have been
46 collected on such property under its classification prior to enactment of this section and the
47 amount to be collected under its classification under this section. The county assessor of each
48 county or city not within a county shall provide information to each taxing district within its
49 boundaries regarding the difference in assessed valuation of such property as the result of such
50 change in classification.

51 3. All reclassification of property as the result of changing the classification of structures
52 intended to be used for residential living by human occupants which contain five or more
53 dwelling units shall apply to assessments made after December 31, 1994.

54 4. Where real property is used or held for use for more than one purpose and such uses
55 result in different classifications, the county assessor shall allocate to each classification the
56 percentage of the true value in money of the property devoted to each use; except that, where

57 agricultural and horticultural property, as defined in this section, also contains a dwelling unit
58 or units, the farm dwelling, appurtenant residential-related structures and up to five acres
59 immediately surrounding such farm dwelling shall be residential property, as defined in this
60 section. **This subsection shall not apply to any reliever airport.**

61 5. All real property which is vacant, unused, or held for future use; which is used for a
62 private club, a not-for-profit or other nonexempt lodge, club, business, trade, service
63 organization, or similar entity; or for which a determination as to its classification cannot be
64 made under the definitions set out in subsection 1 of this section, shall be classified according
65 to its immediate most suitable economic use, which use shall be determined after consideration
66 of:

- 67 (1) Immediate prior use, if any, of such property;
- 68 (2) Location of such property;
- 69 (3) Zoning classification of such property; except that, such zoning classification shall
70 not be considered conclusive if, upon consideration of all factors, it is determined that such
71 zoning classification does not reflect the immediate most suitable economic use of the property;
- 72 (4) Other legal restrictions on the use of such property;
- 73 (5) Availability of water, electricity, gas, sewers, street lighting, and other public services
74 for such property;
- 75 (6) Size of such property;
- 76 (7) Access of such property to public thoroughfares; and
- 77 (8) Any other factors relevant to a determination of the immediate most suitable
78 economic use of such property.

79 6. All lands classified as forest croplands shall not, for taxation purposes, be classified
80 as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in
81 Section 4(b) of Article X of the Missouri Constitution and defined in this section, but shall be
82 taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri
83 Constitution.

137.017. 1. For general property assessment purposes, the true value in money of land
2 which is in use as agricultural and horticultural property, as defined in section 137.016, shall be
3 that value which such land has for agricultural or horticultural use. The true value of buildings
4 or other structures customarily associated with farming, agricultural, and horticultural uses,
5 excluding residential dwellings and related land, shall be added to the use value of the
6 agricultural and horticultural land to determine the value of the agricultural and horticultural
7 property under sections 137.017 to 137.021.

8 2. After it has been established that the land is actually agricultural and horticultural
9 property, as defined in section 137.016, and is being valued and assessed accordingly, the land

10 shall remain in this category as long as the owner of the land complies with the provisions of
11 sections 137.017 to 137.021.

12 3. Continuance of valuation and assessment for general property taxation under the
13 provisions of sections 137.017 to 137.021 shall depend upon continuance of the land being used
14 as agricultural and horticultural property, as defined in section 137.016, and compliance with the
15 other requirements of sections 137.017 to 137.021 and not upon continuance in the same owner
16 of title to the land.

17 4. For general property assessment purposes, the true value in money of vacant and
18 unused land which is classified as agricultural and horticultural property under subsection 3 of
19 section 137.016 shall be its fair market value. **This subsection shall not apply to any reliever**
20 **airport.**

21 **5. For general property assessment purposes, the true value in money of a reliever**
22 **airport shall be that value which such land has for agricultural or horticultural use.**

137.021. 1. The assessor, in grading land which is devoted primarily to the raising and
2 harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any
3 combination thereof, as defined in section 137.016, pursuant to the provisions of sections
4 137.017 to 137.021, shall in addition to the assessor's personal knowledge, judgment and
5 experience, consider soil surveys, decreases in land valuation due to natural disasters, level of
6 flood protection, governmental regulations limiting the use of such land, the estate held in such
7 land, and other relevant information. On or before December thirty-first of each odd-numbered
8 year, the state tax commission shall promulgate by regulation and publish a value based on
9 productive capability for each of the several grades of agricultural and horticultural land. If such
10 rules are not disapproved by the general assembly in the manner set out below, they shall take
11 effect on January first of the next odd-numbered year. Such values shall be based upon soil
12 surveys, soil productivity indexes, production costs, crop yields, appropriate capitalization rates
13 and any other pertinent factors, all of which may be provided by the college of agriculture of the
14 University of Missouri, and shall be used by all county assessors in conjunction with their land
15 grades in determining assessed values. Any regulation promulgated pursuant to this subsection
16 shall be deemed to be beyond the scope and authority provided in this subsection if the general
17 assembly, within the first sixty calendar days of the regular session immediately following the
18 promulgation of such regulation, by concurrent resolution, shall disapprove the values contained
19 in such regulation. If the general assembly so disapproves any regulation promulgated pursuant
20 to this subsection, the state tax commission shall continue to use values set forth in the most
21 recent preceding regulation promulgated pursuant to this subsection.

22 2. When land that is agricultural and horticultural property, as defined in section
23 137.016, and is being valued and assessed for general property tax purposes pursuant to the

24 provisions of sections 137.017 to 137.021 becomes property other than agricultural and
25 horticultural property, as defined in section 137.016, it shall be reassessed as of the following
26 January first.

27 3. Separation or split-off of a part of the land which is being valued and assessed for
28 general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either
29 by conveyance or other action of the owner of the land, so that such land is no longer agricultural
30 and horticultural property, as defined in section 137.016, shall subject the land so separated to
31 reassessment as of the following January first. This shall not impair the right of the remaining
32 land to continuance of valuation and assessment for general property tax purposes pursuant to
33 the provisions of sections 137.017 to 137.021.

34 **4. The state tax commission shall not promulgate a rule increasing agricultural land**
35 **productive values more than two percent above the values in effect prior to the rule**
36 **promulgation or eight percent above the lowest value in effect in any of the ten years prior**
37 **to the rule promulgation. No agricultural land shall have its productive values increased**
38 **if the land is located in a county that has been affected by a natural disaster as declared by**
39 **the United States Department of Agriculture within the previous two years.**

144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail
2 sale other than retail sales governed by subsections 4 and 5 of this section, where any article on
3 which sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or
4 excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price
5 of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed
6 only on that portion of the purchase price which exceeds the actual allowance made for the
7 article traded in or exchanged, if there is a bill of sale or other record showing the actual
8 allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle,
9 trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed
10 by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price
11 which exceeds the amount of the rebate, if there is a bill of sale or other record showing the
12 actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus
13 any applicable rebate exceeds the purchase price of the purchased article there shall be no sales
14 or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard
15 motors sold by the owner or holder of the properly assigned certificate of ownership if the seller
16 purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor
17 within one hundred eighty days before or after the date of the sale of the original article and a bill
18 of sale showing the paid sale price is presented to the department of revenue at the time of
19 licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent
20 motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after

21 the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant
22 to this section shall be made if the person titling such article establishes that the purchase or
23 contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

24 2. As used in this section, the term "boat" includes all motorboats and vessels, as the
25 terms "motorboat" and "vessel" are defined in section 306.010.

26 3. As used in this section, the term "motor vehicle" includes motor vehicles as defined
27 in section 301.010, recreational vehicles as defined in section 700.010, or a combination of a
28 truck as defined in section 301.010, and a trailer as defined in section 301.010.

29 4. The provisions of subsection 1 of this section shall not apply to retail sales of
30 manufactured homes in which the purchaser receives a document known as the "Manufacturer's
31 Statement of Origin" for purposes of obtaining a title to the manufactured home from the
32 department of revenue of this state or from the appropriate agency or officer of any other state.

33 5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser
34 shall be allowed to use as an allowance to offset the sales and use tax liability towards the
35 purchase of the motor vehicle or trailer any grain, **fruit, vegetables, cotton,** or livestock
36 produced or raised by the purchaser. The director of revenue may prescribe forms for
37 compliance with this subsection.

192.947. 1. No individual or health care entity organized under the laws of this state
2 shall be subject to any adverse action by the state or any agency, board, or subdivision thereof,
3 including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil
4 or administrative penalty or sanction, or disciplinary action by any accreditation or licensing
5 board or commission if such individual or health care entity, in its normal course of business and
6 within its applicable licenses and regulations, acts in good faith upon or in furtherance of any
7 order or recommendation by a neurologist authorized under section 192.945 relating to the
8 medical use and administration of hemp extract with respect to an eligible patient.

9 2. The provisions of subsection 1 of this section shall apply to the recommendation,
10 possession, handling, storage, transfer, destruction, dispensing, or administration of hemp
11 extract, including any act in preparation of such dispensing or administration.

12 3. ~~[This section shall not be construed to limit the rights provided under law for a patient~~
13 ~~to bring a civil action for damages against a physician, hospital, registered or licensed practical~~
14 ~~nurse, pharmacist, any other individual or entity providing health care services, or an employee~~
15 ~~of any entity listed in this subsection]~~ **Notwithstanding the provisions of section 538.210 or**
16 **any other law to the contrary, any physician licensed under chapter 334, any hospital**
17 **licensed under chapter 197, any pharmacist licensed under chapter 338, any nurse licensed**
18 **under chapter 335, or any other person employed or directed by any of the above, which**
19 **provides care, treatment, or professional services to any patient under section 192.945 shall**

20 **not be liable for any civil damages for acts or omissions unless the damages were**
21 **occasioned by gross negligence or by willful or wanton acts or omissions by such physician,**
22 **hospital, pharmacist, nurse, or person in rendering such care and treatment.**

265.300. The following terms as used in sections 265.300 to 265.470, unless the context
2 otherwise indicates, mean:

3 (1) "Adulterated", any meat or meat product under one or more of the circumstances
4 listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or
5 hereafter amended;

6 (2) "Capable of use as human food", any carcass, or part or product of a carcass, of any
7 animal unless it is denatured or otherwise identified, as required by regulation prescribed by the
8 director, to deter its use as human food, or is naturally inedible by humans;

9 (3) "Cold storage warehouse", any place for storing meat or meat products which
10 contains at any one time over two thousand five hundred pounds of meat or meat products
11 belonging to any one private owner other than the owner or operator of the warehouse;

12 (4) "Commercial plant", any establishment in which livestock [Ø] , poultry, **or captive**
13 **cervids** are slaughtered for transportation or sale as articles of commerce intended for or capable
14 of use for human consumption, or in which meat or meat products are prepared for transportation
15 or sale as articles of commerce, intended for or capable of use for human consumption;

16 (5) "Director", the director of the department of agriculture of this state, or his authorized
17 representative;

18 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to
19 ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk
20 documented as obtained from a legal source and not from the wild, goats, or horses, other
21 equines, or rabbits raised in confinement for human consumption;

22 (7) "Meat", any edible portion of livestock [Ø] , poultry, **or captive cervid** carcass or
23 part thereof;

24 (8) "Meat product", anything containing meat intended for or capable of use for human
25 consumption, which is derived, in whole or in part, from livestock [Ø] , poultry, **or captive**
26 **cervids**;

27 (9) "Misbranded", any meat or meat product under one or more of the circumstances
28 listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or
29 hereafter amended;

30 (10) "Official inspection mark", the symbol prescribed by the director stating that an
31 article was inspected and passed or condemned;

32 (11) "Poultry", any domesticated bird intended for human consumption;

33 (12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or otherwise
34 manufactured or processed;

35 (13) "Unwholesome":

36 (a) Processed, prepared, packed or held under unsanitary conditions;

37 (b) Produced in whole or in part from livestock ~~[or]~~ , poultry, **or captive cervids** which
38 ~~[has]~~ **have** died other than by slaughter.

265.490. As used in sections 265.490 to 265.499:

2 (1) "Bulk meat" means beef sold by hanging weight, consisting of whole carcasses and
3 the following primal cuts:

4 (a) "Side of beef", one-half of a split beef, comprising the frontquarter and hindquarter;

5 (b) "Frontquarter of beef", the foreward portion of a side, back to and including the
6 twelfth rib;

7 (c) "Back of beef", chuck and rib with plate and brisket removed;

8 (d) "Arm chuck of beef", arm chuck with brisket removed, back to and including the fifth
9 rib;

10 (e) "Rib of beef", from the sixth to the twelfth rib, inclusive, not to exceed ten inches
11 from tip of chine bone to top of rib without plate;

12 (f) "Hindquarter of beef", the rear section of a side from and including the thirteenth rib,
13 consisting of round, loin and flank;

14 (g) "Trimmed loin of beef", short loin and hip (sirloin), and that section of hindquarter
15 including thirteenth rib and separated one inch to two inches below aitchbone, without flank or
16 kidney;

17 (h) "Full loin of beef", loin of beef, including flank and kidney;

18 (i) "Round of beef", that portion of hindquarter separated from loin one inch to two
19 inches below aitchbone back to the shin bone;

20 (2) "Buyer" means both actual and prospective purchasers but does not include persons
21 purchasing for resale;

22 (3) "Food plan" means any plan offering meat for sale or the offering of such product in
23 combination with each other or with any other food or nonfood product or service for a single
24 price;

25 (4) **"Livestock", means the same as defined in section 265.300;**

26 **(5) "Meat", means the same as defined in section 265.300;**

27 **(6) "Misrepresent"** means the use of any untrue, misleading or deceptive oral or written
28 statement, advertisement, label, display, picture, illustration or sample;

29 ~~[(5)]~~ **(7) "Person"** means individual, partnership, firm, corporation, association, or other
30 entity;

31 **(8) "Poultry", means the same as defined in section 265.300;**

32 ~~[(6)]~~ (9) "Represent" means the use of any form of oral or written statement,
33 advertisement, label, display, picture, illustration or sample;

34 ~~[(7)]~~ (10) "Seller" means any person, individual or business entity, corporation, league,
35 franchise, franchisee, franchisor or any authorized representative or agent thereof who offers
36 meat, or combinations of such items, for retail purchase to the public for preparation and
37 consumption off the premises where sold or for direct purchase by an individual at his residence.

 265.494. No person advertising, offering for sale or selling all or part of a carcass or food
2 plan shall engage in any misleading or deceptive practices, including, but not limited to, any one
3 or more of the following:

4 (1) Disparaging or degrading any product advertised or offered for sale by the seller,
5 displaying any product or depiction of a product to any buyer in order to induce the purchase of
6 another product or representing that a product is for sale when the representation is used
7 primarily to sell another product, or substituting any product for that ordered by the buyer
8 without the buyer's consent. Nothing in this subdivision shall be construed to prohibit the
9 enhancement of sales of any product by the use of a gift;

10 (2) Failing to have available a sufficient quantity of the product represented as being for
11 sale to meet reasonable anticipated demands, unless the available amount is disclosed fully and
12 conspicuously;

13 (3) Using any price list or advertisement subject to changes without notice unless so
14 stated, and which contains prices other than the seller's current billing prices, unless changes are
15 subject to consumer's advance acceptance or rejection at or before the time of order or delivery;

16 (4) Misrepresenting the amount of money that the buyer will save on purchases of any
17 products which are not of the same grade or quality;

18 (5) Failing to disclose fully and conspicuously in any printed advertisement and invoice
19 in at least ten-point type any charge for cutting, wrapping, freezing, delivery, annual interest rate
20 or financing and other services;

21 (6) Representing the price of any product to be offered for sale in units larger than one
22 pound in terms other than price per single pound. Nothing in this subdivision shall be construed
23 to prevent the price of such units from also being represented by individual serving, by fluid
24 measure or by other meaningful description;

25 (7) Misrepresenting the cut, grade, brand or trade name, or weight or measure of any
26 product, **or misrepresenting a product as meat that is not derived from harvested**
27 **production livestock or poultry;**

28 (8) Using the abbreviation "U.S." in describing a product not graded by the United States
29 Department of Agriculture, except that a product may be described as "U.S. Inspected" when
30 true;

31 (9) Referring to a quality grade other than the United States Department of Agriculture
32 quality grade, unless the grade name is preceded by the seller's name in type at least as large and
33 conspicuous as the grade name;

34 (10) Misrepresenting a product through the use of any term similar to a government
35 grade;

36 (11) Failing to disclose in uniform ten-point type, when a quality grade is advertised, a
37 definition of the United States Department of Agriculture quality grade in the following terms:

38 (a) Prime;

39 (b) Choice;

40 (c) Good;

41 (d) Standard;

42 (e) Utility;

43 (f) Commercial;

44 (g) Canner;

45 (h) Cutter;

46 and within each quality grade the following yield grade:

47 a. Yield grade 1 - extra lean;

48 b. Yield grade 2 - lean;

49 c. Yield grade 3 - average waste;

50 d. Yield grade 4 - wasty;

51 e. Yield grade 5 - exceptionally wasty;

52 (12) Advertising or offering for sale carcasses, sides or primal cuts as such, while
53 including disproportionate numbers or amounts of less expensive components of those cuts, or
54 offering them in tandem with less expensive components from other carcasses, sides or primal
55 cut parts;

56 (13) Failing to disclose fully and conspicuously the correct government grade for any
57 product if the product is represented as having been graded;

58 (14) Failing to disclose fully and conspicuously that the yield of consumable meat from
59 any carcass or part of a carcass will be less than the weight of the carcass or part of the carcass.
60 The seller shall, for each carcass or part of carcass advertised, use separately and distinctly in any
61 printed matter, in at least ten-point type, the following disclosure: "Sold gross weight subject
62 to trim loss.";

63 (15) Misrepresenting the amount or proportion of retail cuts that a carcass or part of
64 carcass will yield;

65 (16) Failing to disclose fully and conspicuously whether a quarter of a carcass is the
66 frontquarter or hindquarter;

67 (17) Representing any part of a carcass as a "half" or "side" unless it consists exclusively
68 of a frontquarter and hindquarter. Sides or halves must consist of only anatomically natural
69 proportions of cuts from frontquarters or hindquarters;

70 (18) Representing primal cuts in a manner other than described in subdivision (1) of
71 section 265.490;

72 (19) Using the words "bundle", "sample order" or words of similar import to describe
73 a quantity of meat unless the seller itemizes each type of cut and the weight of each type of cut
74 which the buyer will receive;

75 (20) Advertising or offering a free, bonus, or extra product or service combined with or
76 conditioned on the purchase of any other product or service unless the additional product or
77 service is accurately described, including, whenever applicable, grade, net weight or measure,
78 type and brand or trade name. The words "free", "bonus" or other words of similar import shall
79 not be used in any advertisement unless the advertisement clearly and conspicuously sets forth
80 the total price or amount which must be purchased to entitle the buyer to the additional product
81 or service.

**266.600. 1. No political subdivision shall adopt or enforce any ordinance, rule, or
2 regulation relating to the labeling, cultivation, or other use of seeds or fertilizers as such
3 terms are defined or used in sections 266.021 and 266.291, respectively. The provisions of
4 this section shall not apply to any ordinance, rule, or regulation enacted prior to August
5 28, 2018.**

6 2. This section shall not apply to rice seed.

273.450. 1. As used in this section, the following terms shall mean:

2 (1) "Peace officer", the same as defined in section 590.010;

**3 (2) "Train" or "training", the process of bringing a person to a desired standard
4 of proficiency by practice and instruction.**

**5 2. Each individual, or organization on behalf of a group of individuals, seeking to
6 train peace officers in responding to animal neglect and abuse incident reports shall, on an
7 annual basis, submit all training materials relating to animal care to the state veterinarian
8 for review and approval to ensure that such materials are in uniformity with the provisions
9 relating to animals under chapters 267 to 273 and shall submit all training materials
10 relating to criminal offenses involving animals to the department of public safety for
11 review and approval to ensure that such materials are in uniformity with the provisions**

12 of chapter 578. The state veterinarian and the department of public safety shall review
13 submitted materials within fourteen calendar days and either approve such materials as
14 being in uniformity with such provisions or disapprove such materials. If such materials
15 are disapproved, the respective entity shall notify the individual or organization, in writing,
16 of the deficiencies of the materials. Upon the individual or organization curing such
17 deficiencies, such individual or organization may resubmit such materials for review. If
18 the state veterinarian or department of public safety does not review the submitted
19 materials and notify the individual or organization within fourteen calendar days, such
20 materials shall be deemed approved by the respective entity.

21 3. Upon approving an individual's materials, or an organization's materials on
22 behalf of a group of individuals, the entity that approved the materials shall issue the
23 individual or organization a certification stating that such materials have been reviewed
24 and approved and are in uniformity with certain provisions of state law.

25 4. No individual, or organization on behalf of a group of individuals, shall engage
26 in the business of training peace officers in responding to animal neglect and abuse
27 incident reports relating to animal care if such individual or organization has not obtained
28 a certification from the state veterinarian ensuring that training materials are in
29 uniformity with provisions relating to animals under chapters 267 to 273. No individual,
30 or organization on behalf of a group of individuals, shall engage in the business of training
31 peace officers in responding to animal neglect and abuse incident reports relating to
32 criminal offenses involving animals if such individual or organization has not obtained a
33 certification from the department of public safety ensuring that training materials are in
34 uniformity with the provisions of chapter 578.

35 5. A person commits the offense of unlawful animal care training if he or she
36 knowingly engages in the business of animal care training under this section, as either an
37 individual or on behalf of an organization, if such individual is performing such training:

38 (1) Using materials relating to animal care that have not been certified by the state
39 veterinarian for being in uniformity with chapters 267 to 273; or

40 (2) Using materials relating to criminal offenses involving animals that have not
41 been certified by the department of public safety for being in uniformity with chapter 578.

42 6. The first offense of unlawful animal care training shall be an infraction. Any
43 second or subsequent offense of unlawful animal care training is a class D misdemeanor.

44 7. The department of agriculture and the department of public safety may
45 promulgate rules for administering this section. Any rule or portion of a rule, as that term
46 is defined in section 536.010, that is created under the authority delegated in this section
47 shall become effective only if it complies with and is subject to all of the provisions of

48 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
49 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
50 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
51 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
52 **proposed or adopted after August 28, 2018, shall be invalid and void.**

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline,
2 gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of
3 ASTM standards and supplements thereto. The director may promulgate rules and regulations
4 on the labeling, standards for, and identity of motor fuels and heating oils.

5 2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to
6 insure that these fuels conform to advertised grade and octane. In no event shall the penalty for
7 a first violation of this section exceed a written reprimand.

8 3. The director may waive specific requirements in this section and in regulations
9 promulgated according to this section, or may establish temporary alternative
10 requirements for fuels as determined to be necessary in the event of an extreme and
11 unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery
12 equipment failure, emergency, or a natural disaster as determined by the director for a
13 specified period of time.

14 4. Any waiver issued under subsection 3 of this section shall be as limited in scope
15 and applicability as necessary and shall apply equally and uniformly to all persons and
16 companies in the impacted petroleum motor fuel supply and distribution system including,
17 but not limited to, petroleum producers, terminals, distributors, and retailers.

644.059. Agricultural stormwater discharges and return flows from irrigated
2 agriculture shall be exempt from the permit requirements of sections 644.006 to 644.141.
3 Agricultural stormwater discharges and return flows from irrigated agriculture shall not
4 be considered unlawful under subdivision (1) or (2) of subsection 1 of section 644.051,
5 unless those discharges or return flows have entered waters of the state and have rendered
6 such waters harmful, detrimental, or injurious to public health, safety, or welfare, to
7 industrial or agricultural uses, or to wild animals, birds, or fish. For the purposes of this
8 section, agricultural stormwater discharges and return flows from irrigated agriculture
9 shall include stormwater and snow melt runoff, drainage, and infiltration, including water
10 that leaves land as a result of the application of irrigation water, both surface and
11 subsurface, from standard farming industry practices. This shall include, but not be
12 limited to, cultivation and tillage of soil, and production, growing, raising, and harvesting
13 of agricultural commodities and livestock. Nothing in this section shall be construed to

14 **effect, limit, or supersede sections 640.700 to 640.755 or any other law or regulation of**
15 **concentrated animal feeding operations.**

Section B. The enactment of section 273.450 of section A of this act shall become
2 effective on January 1, 2019.

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