

FIRST REGULAR SESSION

# HOUSE BILL NO. 1107

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEPHENS.

1874H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to concentrated animal feeding operations, with penalty provisions.

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

Section A. Section 192.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.300, to read as follows:

192.300. 1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

(1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198; or

(2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with, in addition to, different from, or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters. **If the department of natural resources receives a permit application to operate a concentrated animal feeding operation in any county of the third classification that has adopted an order, ordinance, rule, or regulation for permitted concentrated animal feeding operations in accordance with the provisions of this section and subsection 5 of section 640.710, the provisions of this subdivision shall apply to the county with respect**

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.

18 **to the proposed concentrated animal feeding operation only to the extent the director of**  
19 **the department of natural resources determines is necessary to protect:**

20 **(a) Public health, environment, and water quality, based upon geographical and**  
21 **science-based factors of the local area; and**

22 **(b) The rights of landowners related to the maintenance of agricultural**  
23 **operations.**

24 2. The county commissions and the county health center boards of the several  
25 counties may establish reasonable fees to pay for any costs incurred in carrying out such  
26 orders, ordinances, rules or regulations, however, the establishment of such fees shall not  
27 deny personal health services to those individuals who are unable to pay such fees or impede  
28 the prevention or control of communicable disease. Fees generated shall be deposited in the  
29 county treasury. All fees generated under the provisions of this section shall be used to  
30 support the public health activities for which they were generated.

31 3. After the promulgation and adoption of such orders, ordinances, rules or  
32 regulations by such county commission or county health board, such commission or county  
33 health board shall make and enter an order or record declaring such orders, ordinances, rules  
34 or regulations to be printed and available for distribution to the public in the office of the  
35 county clerk, and shall require a copy of such order to be published in some newspaper in the  
36 county in three successive weeks, not later than thirty days after the entry of such order,  
37 ordinance, rule or regulation.

38 4. Any person, firm, corporation or association which violates any of the orders or  
39 ordinances adopted, promulgated and published by such county commission is guilty of a  
40 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The  
41 county commission or county health board of any such county has full power and authority to  
42 initiate the prosecution of any action under this section.

43 5. Any orders, ordinances, rules, or regulations made and promulgated under the  
44 authority in this section shall comply with the provisions of section 67.265.

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