

SECOND REGULAR SESSION

# HOUSE BILL NO. 1746

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), DUGGER, ENTLICHER, FISHER,  
POLLOCK, SMITH (150), SCHATZ, SCHOELLER AND LOEHNER (Co-sponsors).

5794L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 265.410, RSMo, and to enact in lieu thereof one new section relating to licensure of livestock slaughter and processing plants.

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

Section A. Section 265.410, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 265.410, to read as follows:

265.410. 1. A license shall be required for each commercial plant which slaughters livestock or poultry, processes meat or meat products for human consumption, or keeps meat or meat products in a cold storage warehouse. Before any license is issued or renewed an inspection shall be made to determine that the plant has complied with sections 265.300 to 265.470.

2. Applications for the license shall be made on forms furnished by the director. The license fee shall be ten dollars for one year, and the license may be renewed.

3. **(1) In any court action challenging the issuance of a license under sections 265.300 to 265.470, the court shall require a surety bond of the person filing the action. The bond shall be set at an amount representing twenty percent of the estimated costs of building the facility or the operational costs of an existing facility. The bonding requirements in this subsection shall not apply to an indigent person.**

**(2) If the bond required under subdivision (1) of this subsection is not paid within thirty days of the filing of the action, the action shall be dismissed.**

**(3) An action to challenge a decision to issue or renew a license shall be brought in the circuit court in which the facility is proposed to be or has been built, as applicable.**

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.

17           **(4) If the court determines a judicial action challenging a license issued was without**  
18 **merit or was for an improper purpose designed to harass, cause delay, or improperly**  
19 **interfere with the ongoing operation of such facility, the court may award attorney's fees**  
20 **and costs incurred in defending the action.**

21           **(5) If a person files an action against a facility and does not prevail, such person is**  
22 **liable for all financial losses the facility suffers if the court issues an injunction that halts**  
23 **operations while the action is pending.**

24           **(6) Nothing in this subsection shall be construed to prevent a defendant in an action**  
25 **brought under this subsection from filing an action or counterclaim for any claim for relief**  
26 **available by law or to limit the recovery that may be obtained in a claim for relief.**

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