

SECOND REGULAR SESSION

HOUSE BILL NO. 1412

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUGHTON.

4767H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 144.010, 265.300, 267.565, and 277.020, RSMo, and to enact in lieu thereof eleven new sections relating to agricultural deer.

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

Section A. Sections 144.010, 265.300, 267.565, and 277.020, RSMo, are repealed and
2 eleven new sections enacted in lieu thereof, to be known as sections 144.010, 261.350, 261.352,
3 261.354, 261.356, 261.358, 261.360, 261.362, 265.300, 267.565, and 277.020, to read as
4 follows:

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to
2 144.525 have the meanings ascribed to them in this section, except when the context indicates
3 a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other similar
5 accommodations and charges made therefor and amount paid for admission, exclusive of any
6 admission tax imposed by the federal government or by sections 144.010 to 144.525;

7 (2) "Business" includes any activity engaged in by any person, or caused to be engaged
8 in by him, with the object of gain, benefit or advantage, either direct or indirect, and the
9 classification of which business is of such character as to be subject to the terms of sections
10 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections
11 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of
12 business in this state" under section 144.605. The isolated or occasional sale of tangible personal
13 property, service, substance, or thing, by a person not engaged in such business, does not
14 constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the
15 total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible

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.

16 personal property by persons which property is sold in the course of the partial or complete
17 liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
18 calendar year. The provisions of this subdivision shall not be construed to make any sale of
19 property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

20 (3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,
21 northern bobwhite quail, ring-necked pheasant, captive waterfowl, [captive white-tailed deer,
22 captive elk,] and captive furbearers held under permit issued by the Missouri department of
23 conservation for hunting purposes. The provisions of this subdivision shall not apply to sales
24 tax on a harvested animal;

25 (4) "Gross receipts", except as provided in section 144.012, means the total amount of
26 the sale price of the sales at retail including any services other than charges incident to the
27 extension of credit that are a part of such sales made by the businesses herein referred to, capable
28 of being valued in money, whether received in money or otherwise; except that, the term "gross
29 receipts" shall not include the sale price of property returned by customers when the full sale
30 price thereof is refunded either in cash or by credit. In determining any tax due under sections
31 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be
32 specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the
33 sale price above mentioned shall be deemed to be the amount received. It shall also include the
34 lease or rental consideration where the right to continuous possession or use of any article of
35 tangible personal property is granted under a lease or contract and such transfer of possession
36 would be taxable if outright sale were made and, in such cases, the same shall be taxable as if
37 outright sale were made and considered as a sale of such article, and the tax shall be computed
38 and paid by the lessee upon the rentals paid;

39 (5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,
40 ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk **and**
41 **agricultural deer** documented as obtained from a legal source and not from the wild, goats,
42 horses, other equine, or rabbits raised in confinement for human consumption;

43 (6) "Motor vehicle leasing company" shall be a company obtaining a permit from the
44 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or
45 leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to
46 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section
47 144.070, as hereinafter provided;

48 (7) "Person" includes any individual, firm, copartnership, joint adventure, association,
49 corporation, municipal or private, and whether organized for profit or not, state, county, political
50 subdivision, state department, commission, board, bureau or agency, except the state
51 transportation department, estate, trust, business trust, receiver or trustee appointed by the state

52 or federal court, syndicate, or any other group or combination acting as a unit, and the plural as
53 well as the singular number;

54 (8) "Purchaser" means a person who purchases tangible personal property or to whom
55 are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

56 (9) "Research or experimentation activities" are the development of an experimental or
57 pilot model, plant process, formula, invention or similar property, and the improvement of
58 existing property of such type. Research or experimentation activities do not include activities
59 such as ordinary testing or inspection of materials or products for quality control, efficiency
60 surveys, advertising promotions or research in connection with literary, historical or similar
61 projects;

62 (10) "Sale" or "sales" includes installment and credit sales, and the exchange of
63 properties as well as the sale thereof for money, every closed transaction constituting a sale, and
64 means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means
65 whatsoever, of tangible personal property for valuable consideration and the rendering,
66 furnishing or selling for a valuable consideration any of the substances, things and services
67 herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

68 (11) "Sale at retail" means any transfer made by any person engaged in business as
69 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use
70 or consumption and not for resale in any form as tangible personal property, for a valuable
71 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
72 thereby: [(D)] (i) purchases of tangible personal property made by duly licensed physicians,
73 dentists, optometrists and veterinarians and used in the practice of their professions shall be
74 deemed to be purchases for use or consumption and not for resale; and (ii) the selling of
75 computer printouts, computer output or microfilm or microfiche and computer-assisted photo
76 compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired
77 information contained in such computer printouts, computer output on microfilm or microfiche
78 and computer-assisted photo compositions shall be considered as the sale of a service and not
79 as the sale of tangible personal property. Where necessary to conform to the context of sections
80 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to
81 embrace:

82 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
83 amusement, entertainment and recreation, games and athletic events;

84 (b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic,
85 commercial or industrial consumers;

86 (c) Sales of local and long distance telecommunications service to telecommunications
87 subscribers and to others through equipment of telecommunications subscribers for the

88 transmission of messages and conversations, and the sale, rental or leasing of all equipment or
89 services pertaining or incidental thereto;

90 (d) Sales of service for transmission of messages by telegraph companies;

91 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern,
92 inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in
93 which rooms, meals or drinks are regularly served to the public;

94 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express
95 car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and
96 railroad safety of the department of economic development of Missouri, engaged in the
97 transportation of persons for hire;

98 (12) "Seller" means a person selling or furnishing tangible personal property or rendering
99 services, on the receipts from which a tax is imposed pursuant to section 144.020;

100 (13) The noun "tax" means either the tax payable by the purchaser of a commodity or
101 service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities
102 or services during the period for which he or she is required to report his or her collections, as
103 the context may require;

104 (14) "Telecommunications service", for the purpose of this chapter, the transmission of
105 information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar
106 means. As used in this definition, "information" means knowledge or intelligence represented
107 by any form of writing, signs, signals, pictures, sounds, or any other symbols.
108 Telecommunications service does not include the following if such services are separately stated
109 on the customer's bill or on records of the seller maintained in the ordinary course of business:

110 (a) Access to the internet, access to interactive computer services or electronic publishing
111 services, except the amount paid for the telecommunications service used to provide such access;

112 (b) Answering services and one-way paging services;

113 (c) Private mobile radio services which are not two-way commercial mobile radio
114 services such as wireless telephone, personal communications services or enhanced specialized
115 mobile radio services as defined pursuant to federal law; or

116 (d) Cable or satellite television or music services; and

117 (15) "Product which is intended to be sold ultimately for final use or consumption"
118 means tangible personal property, or any service that is subject to state or local sales or use taxes,
119 or any tax that is substantially equivalent thereto, in this state or any other state.

120 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
121 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
122 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
123 given it in section 700.010.

124 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

261.350. For purposes of sections 261.350 to 261.362, the following terms shall
2 mean:

3 (1) "Agricultural deer", captive deer or their offspring that have been legally
4 acquired and that are privately owned primarily for the purposes of agriculture,
5 propagation, or the operation of a harvesting preserve;

6 (2) "Authorized enclosure", an area of land that is surrounded by a fence that is
7 constructed in a manner that prevents the ingress and egress of deer, is at least eight feet
8 in height, is constructed of solid wire, and complies with any other fencing requirements
9 for authorized enclosures promulgated by the department of agriculture;

10 (3) "Department", the department of agriculture;

11 (4) "Harvesting preserve", an area of land where agricultural deer are released and
12 harvested as authorized by an agricultural deer harvesting preserve license obtained under
13 section 261.358.

261.352. 1. The department shall have the authority to regulate agricultural deer.

2 2. The department shall promulgate rules and regulations to implement the
3 provisions of sections 261.350 to 261.362. Any rule or portion of a rule, as that term is
4 defined in section 536.010, that is created under the authority delegated in this section shall
5 become effective only if it complies with and is subject to all of the provisions of chapter
6 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
7 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
8 to delay the effective date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
10 after August 28, 2016, shall be invalid and void.

11 3. The director of the department or the director's authorized representative may
12 enter on the premises of agricultural deer propagating licensees and agricultural deer
13 harvesting preserve licensees, if accompanied by the licensee, to conduct investigations and
14 inspections or to otherwise execute duties that are necessary for the administration and
15 enforcement of sections 261.350 to 261.362. The director of the department or the
16 director's authorized representative shall provide at least forty-eight hours' notice prior
17 to such entry, except in the event of an emergency which requires the immediate entry on
18 the premises. If refused entry, the director of the department or the director's authorized
19 representative may apply for and a court of competent jurisdiction may issue an
20 appropriate warrant. The director of the department or the director's authorized
21 representative may examine and copy at reasonable times any records that are required
22 to be kept and maintained under sections 261.350 to 261.362.

23 **4. There is hereby created in the state treasury the "Agricultural Deer Fund",**
24 **which shall consist of moneys collected under sections 261.350 to 261.362. The state**
25 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
26 **the state treasurer may approve disbursements. The fund shall be a dedicated fund and,**
27 **upon appropriation, moneys in the fund shall be used solely for the administration of**
28 **sections 261.350 to 261.362. Notwithstanding the provisions of section 33.080 to the**
29 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**
30 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**
31 **in the same manner as other funds are invested. Any interest and moneys earned on such**
32 **investments shall be credited to the fund.**

261.354. 1. Except as otherwise provided by rules, an individual or entity desiring
2 **to engage in the business of propagating and selling agricultural deer in an authorized**
3 **enclosure that is owned or leased by the individual or entity shall apply in writing to the**
4 **director of the department for a license to do so.**

2. (1) The director may issue to the applicant an agricultural deer propagating
6 **license if all of the following conditions are satisfied:**

7 **(a) The application is made in good faith;**

8 **(b) The applicant complies with or, in the case of an application for an initial**
9 **license, has demonstrated to the director's satisfaction that the applicant will comply with**
10 **the provisions of sections 261.350 to 261.362; and**

11 **(c) The applicant pays a license fee of one hundred dollars.**

12 **(2) An agricultural deer propagating licensee may do all of the following:**

13 **(a) Propagate agricultural deer in an authorized enclosure that is described in the**
14 **license application;**

15 **(b) Sell agricultural deer and ship them alive within and outside the state at any**
16 **time after acquiring the proper permits, health certificates, movement certificates, or any**
17 **other required documentation; and**

18 **(c) In the case of the licensee and the licensee's employees, harvest agricultural deer**
19 **and sell the carcasses for food.**

20 **3. The director may establish terms and conditions of a agricultural deer**
21 **propagating license. All moneys collected under this section shall be credited to the**
22 **agricultural deer fund created under section 261.352.**

23 **4. If the property on which the authorized enclosure of an agricultural deer**
24 **propagating licensee is located is sold or transferred, the agricultural deer propagating**
25 **license may be transferred to the individual or entity who purchased or received the**

26 property, and all existing agricultural deer on the property at the time of sale or transfer
27 may remain on the property if the following conditions are met:

28 (1) The property is inspected by the department and is determined to be in
29 compliance with all applicable department rules and regulations; and

30 (2) The new owner of the property is in compliance with all agricultural deer
31 propagating licensee rules and regulations.

32 5. Any property that is proposed to be used for agricultural deer propagating shall
33 receive certification from the department of conservation that all wild deer have been
34 removed from the authorized enclosure. The department of conservation shall be
35 responsible for the removal of any wild deer from such property. The department of
36 conservation shall respond to any request for such removal and certification within fifteen
37 days of receiving such request. If the department of conservation fails to respond within
38 fifteen days of receiving the request, the removal of all wild deer shall be considered
39 complete and the property shall be considered certified.

261.356. 1. An agricultural deer propagating licensee shall keep agricultural deer
2 in an authorized enclosure that is surrounded by a fence that is constructed in a manner
3 that prevents the ingress and egress of deer.

4 2. An agricultural deer propagating licensee shall only purchase or acquire
5 agricultural deer from, or sell or otherwise transfer agricultural deer to, another such
6 licensee or from a herd that is certified by the United States Department of Agriculture as
7 part of the Chronic Wasting Disease Herd Certification Program.

8 3. If an agricultural deer escapes or is missing from an authorized enclosure that
9 is owned or leased by a licensee, the licensee shall notify the director by telephone within
10 forty-eight hours after the licensee determines that the agricultural deer has escaped or is
11 missing.

12 4. All agricultural deer propagating licensees shall be enrolled in the United States
13 Department of Agriculture Chronic Wasting Disease Herd Certification Program and shall
14 comply with all program requirements.

15 5. (1) A licensee shall file with a license renewal application, on a form provided
16 by the department, a complete and accurate report signed by the licensee showing the total
17 number of agricultural deer that have been held by the licensee in the previous twelve
18 months.

19 (2) A licensee shall maintain and keep all records required by the United States
20 Department of Agriculture Chronic Wasting Disease Herd Certification Program on the
21 premises of the licensee. Such records shall be retained for a minimum of five years.

261.358. 1. Except as otherwise provided by rules, no person shall harvest or offer for harvesting any agricultural deer except in a licensed agricultural deer harvesting preserve. No person shall own or operate an agricultural deer harvesting preserve without first obtaining a license to do so issued by the director of agriculture under this section.

2. Application for an agricultural deer harvesting preserve license shall be made on a form prescribed by the director of the department and shall be accompanied by an annual license fee of three hundred dollars. The application shall contain a description of the lands that constitute or will constitute the preserve and any other information that is required by the director in rules.

3. Except as otherwise provided in this section, the director, upon payment of the license fee, may issue to an applicant an agricultural deer harvesting preserve license if both of the following conditions are met:

(1) The agricultural deer harvesting preserve complies with or, in the case of an application for an initial license, the applicant has demonstrated to the director's satisfaction that the proposed preserve will comply with the provisions of section 261.360; and

(2) The applicant is the owner or lessee of the land described in the application, and the applicant certifies that the applicant will remain the owner or lessee of the land until the license expires.

4. The director may establish terms and conditions of an agricultural deer harvesting preserve license. All moneys collected under this section shall be credited to the agricultural deer fund created under section 261.352.

5. If the property on which the authorized enclosure of an agricultural deer harvesting preserve licensee is located is sold or transferred, the agricultural deer harvesting preserve license may be transferred to the individual or entity who purchased or received the property, and all existing agricultural deer on the property at the time of sale or transfer may remain on the property if the following conditions are met:

(1) The property is inspected by the department and is determined to be in compliance with all applicable department rules and regulations; and

(2) The new owner of the property is in compliance with all agricultural deer harvesting preserve licensee rules and regulations.

6. Any property that is proposed to be established as an agricultural deer harvesting preserve shall receive certification from the department of conservation that all wild deer have been removed from the authorized enclosure. The department of conservation shall be responsible for the removal of any wild deer from such property. The department of conservation shall respond to any request for such removal and

37 certification within fifteen days of receiving such request. If the department of
38 conservation fails to respond within fifteen days of receiving the request, the removal of
39 all wild deer shall be considered complete and the property shall be considered certified.

261.360. 1. An agricultural deer harvesting preserve that is licensed under section
2 261.358 shall not be less than three hundred twenty acres in area. A harvesting preserve
3 shall be located in one continuous block of land, except that the block of land may be
4 intersected by highways or roads if the harvesting preserve was in operation prior to the
5 effective date of this section.

6 2. Except for a harvesting preserve that was in operation prior to the effective date
7 of this section, an agricultural deer harvesting preserve licensee shall maintain or keep
8 agricultural deer in an authorized enclosure. The owner or lessee of a harvesting preserve
9 that was in operation prior to the effective date of this section and who wishes to operate
10 in accordance with a license issued under section 261.358 shall comply with the fence
11 requirements established for authorized enclosures not later than one year after the
12 director of the department has adopted rules regarding the provisions of sections 261.350
13 to 261.362.

14 3. A licensee shall only release and allow to be harvested within the confines of the
15 licensee's agricultural deer harvesting preserve the following:

16 (1) Deer that have been propagated by a person who holds an agricultural deer
17 propagating license issued under section 261.354;

18 (2) Deer that have been purchased from a herd that is certified by the United States
19 Department of Agriculture as part of the Chronic Wasting Disease Herd Certification
20 Program; and

21 (3) Any other livestock or exotic animals that are regulated by the department.
22

23 The movement of animals transported into an agricultural deer harvesting preserve shall
24 meet the department's rules for transportation and be accompanied by the proper
25 paperwork containing the proper permits. An agricultural deer harvesting preserve
26 licensee shall maintain and keep records regarding all agricultural deer that are held,
27 purchased, acquired, sold, harvested, or otherwise acquired or transferred by the licensee
28 for a minimum of five years.

29 4. A licensee shall allow agricultural deer and any other livestock or exotic animals
30 that are regulated by the department to be harvested within the confines of the licensee's
31 agricultural harvesting preserve without regard to sex or harvesting season by harvesters
32 who have been authorized by the licensee to harvest on the preserve. This section shall not
33 preclude a licensee from allowing wildlife to be harvested within the confines of the

34 licensee's agricultural deer harvesting preserve, which shall be subject to all applicable
35 rules and regulations of the department of conservation.

36 **5. All agricultural deer that are harvested from an agricultural deer harvesting**
37 **preserve shall be required to be identified with an agricultural deer tag provided by the**
38 **department before being processed or transported from the harvesting preserve. The**
39 **agricultural deer tag shall have a unique identification number that the licensee shall**
40 **record along with information regarding the harvest of such deer. The department shall**
41 **supply agricultural deer harvesting preserve licensees with agricultural deer tags to be**
42 **used in identifying harvested agricultural deer. The department shall promulgate rules**
43 **and regulations regarding agricultural deer tags under this subsection.**

44 **6. If an agricultural deer escapes or is missing from an authorized enclosure that**
45 **is owned or leased by a licensee, the licensee shall notify the director by telephone within**
46 **forty-eight hours after the licensee determines that the agricultural deer has escaped or is**
47 **missing.**

48 **7. Using sound scientific methods, the state veterinarian may promulgate rules and**
49 **regulations to establish chronic wasting disease testing requirements for agricultural deer**
50 **harvesting preserves.**

51 **8. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
52 **created under the authority delegated in this section shall become effective only if it**
53 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
54 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
55 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
56 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
57 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
58 **shall be invalid and void.**

261.362. No person shall do either of the following:

2 **(1) Take any deer from the wild into an authorized enclosure that houses**
3 **agricultural deer; or**

4 **(2) Knowingly release or knowingly fail to prevent the escape of agricultural deer**
5 **from an authorized enclosure or other holding area that is owned or leased by an**
6 **agricultural deer propagating licensee or an agricultural deer harvesting preserve licensee.**

 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 or poultry are slaughtered
13 for transportation or sale as articles of commerce intended for or capable of use for human
14 consumption, or in which meat or meat products are prepared for transportation or sale as articles
15 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 **and**
20 **agricultural deer** documented as obtained from a legal source and not from the wild, goats, or
21 horses, other equines, or rabbits raised in confinement for human consumption;
- 22 (7) "Meat", any edible portion of livestock or poultry carcass or part thereof;
- 23 (8) "Meat product", anything containing meat intended for or capable of use for human
24 consumption, which is derived, in whole or in part, from livestock or poultry;
- 25 (9) "Misbranded", any meat or meat product under one or more of the circumstances
26 listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or
27 hereafter amended;
- 28 (10) "Official inspection mark", the symbol prescribed by the director stating that an
29 article was inspected and passed or condemned;
- 30 (11) "Poultry", any domesticated bird intended for human consumption;
- 31 (12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or otherwise
32 manufactured or processed;
- 33 (13) "Unwholesome":
- 34 (a) Processed, prepared, packed or held under unsanitary conditions;
- 35 (b) Produced in whole or in part from livestock or poultry which has died other than by
36 slaughter.

267.565. Unless the context requires otherwise, as used in sections 267.560 to 267.660,
2 the following terms mean:

- 3 (1) "Accredited approved veterinarian", a veterinarian who has been accredited by the
4 United States Department of Agriculture and approved by the state department of agriculture and
5 who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine,

6 or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri,
7 duly licensed under laws of the state in which he resides, accredited by the United States
8 Department of Agriculture, and approved by the chief livestock sanitary official of that state;

9 (2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or species
10 domesticated or semidomesticated;

11 (3) "Approved laboratory", a laboratory approved by the department;

12 (4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under the license
13 of the United States Department of Agriculture and approved by the department for the
14 immunization of animals against infectious and contagious disease;

15 (5) "Bird", a bird of the avian species;

16 (6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep or birds which
17 has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as
18 required by the department and as recommended by the United States Department of Agriculture,
19 and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep
20 or birds in another state which has met those minimum requirements and conditions under the
21 supervision of the livestock sanitary authority of the state in which said animals or birds are
22 domiciled, and as recommended by the United States Department of Agriculture for such status
23 for a specific disease;

24 (7) "Condition", upon examination of any animal or bird in this state by the state
25 veterinarian or his or her duly authorized representative, the findings of which indicate the
26 presence or suspected presence of a toxin in such animal or bird that warrants further
27 examination or observation for confirmation of the presence or nonpresence of such toxin;

28 (8) "Department" or "department of agriculture", the department of agriculture of the
29 state of Missouri, and when by this law the said department of agriculture is charged to perform
30 a duty, it shall be understood to authorize the performance of such duty by the director of
31 agriculture of the state of Missouri, or by the state veterinarian of the state of Missouri or his duly
32 authorized deputies acting under the supervision of the director of agriculture;

33 (9) "Holding period", restriction of movement of animals or birds into or out of a
34 premise under such terms and conditions as may be designated by order of the state veterinarian
35 or his or her duly authorized representative prior to confirmation of a contagious disease or
36 condition;

37 (10) "Infected animal" or "infected bird", an animal or bird which shows a positive
38 reaction to any recognized serological test or growth on culture or any other recognized test for
39 the detection of any disease of livestock or poultry as approved by the department or when
40 clinical symptoms and history justifies designating such animal or bird as being infected with a
41 contagious or infectious disease;

42 (11) "Isolated" or "isolation", a condition in which animals or birds are quarantined to
43 a certain designated premises and quarantined separately and apart from any other animals or
44 birds on adjacent premises;

45 (12) "Licensed market", a market as defined and licensed under chapter 277;

46 (13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including but not limited
47 to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk
48 **and agricultural deer** documented as obtained from a legal source and not from the wild and
49 raised in confinement for human consumption or animal husbandry, poultry and other
50 domesticated animals or birds;

51 (14) "Official health certificate" is a legal record covering the requirements of the state
52 of Missouri executed on an official form of the standard size from the state of origin and
53 approved by the proper livestock sanitary official of the state of origin or an equivalent form
54 provided by the United States Department of Agriculture and issued by an approved, accredited,
55 licensed, graduate veterinarian;

56 (15) "Public stockyards", any public stockyards located within the state of Missouri and
57 subject to regulations of the United States Department of Agriculture or the Missouri department
58 of agriculture;

59 (16) "Quarantine", a condition in which an animal or bird of any species is restricted in
60 movement to a particular premises under such terms and conditions as may be designated by
61 order of the state veterinarian or his duly authorized deputies;

62 (17) "Traders" or "dealers", any person, firm or corporation engaged in the business of
63 buying, selling or exchange of livestock on any basis other than on a commission basis at any
64 sale pen, concentration point, farm, truck or other conveyance including persons, firms or
65 corporations employed as an agent of the vendor or purchaser excluding public stockyards under
66 federal supervision or markets licensed under sections 267.560 to 267.660 and under the
67 supervision of the department, breed association sales or any private farm sale.

277.020. The following terms as used in this chapter mean:

2 (1) "Livestock", cattle, swine, sheep, ratite birds including but not limited to ostrich and
3 emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk **and**
4 **agricultural deer** documented as obtained from a legal source and not from the wild and raised
5 in confinement for human consumption or animal husbandry, goats and poultry, equine and
6 exotic animals;

7 (2) "Livestock market", a place of business or place where livestock is concentrated for
8 the purpose of sale, exchange or trade made at regular or irregular intervals, whether at auction
9 or not, except this definition shall not apply to any public farm sale or purebred livestock sale,

10 or to any sale, transfer, or exchange of livestock from one person to another person for
11 movement or transfer to other farm premises or directly to a licensed market;

12 (3) "Livestock sale", the business of mediating, for a commission, or otherwise, sale,
13 purchase, or exchange transactions in livestock, whether or not at a livestock market; except the
14 term "livestock sale" shall not apply to order buyers, livestock dealers or other persons acting
15 directly as a buying agent for any third party;

16 (4) "Person", individuals, partnerships, corporations and associations;

17 (5) "State veterinarian", the state veterinarian of the Missouri state department of
18 agriculture.

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