

SECOND REGULAR SESSION

# HOUSE BILL NO. 2754

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POGUE.

5757H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 144.010, 262.900, 265.300, 267.565, and 277.020, RSMo, and to enact in lieu thereof five new sections relating to captive cervids.

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

Section A. Sections 144.010, 262.900, 265.300, 267.565, and 277.020, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 144.010, 262.900, 265.300, 267.565, and 277.020, to read as follows:

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

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

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

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

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

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

41 (5) "Instructional class", includes any class, lesson, or instruction intended or used for  
42 teaching;

43 (6) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,  
44 ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison,  
45 elk **and captive cervids** documented as obtained from a legal source and not from the wild,  
46 goats, horses, other equine, honey bees, or rabbits raised in confinement for human consumption;

47 (7) "Motor vehicle leasing company" shall be a company obtaining a permit from the  
48 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or  
49 leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to  
50 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section  
51 144.070, as hereinafter provided;

52 (8) "Person" includes any individual, firm, copartnership, joint adventure, association,  
53 corporation, municipal or private, and whether organized for profit or not, state, county, political  
54 subdivision, state department, commission, board, bureau or agency, except the state  
55 transportation department, estate, trust, business trust, receiver or trustee appointed by the state  
56 or federal court, syndicate, or any other group or combination acting as a unit, and the plural as  
57 well as the singular number;

58 (9) "Product which is intended to be sold ultimately for final use or consumption" means  
59 tangible personal property, or any service that is subject to state or local sales or use taxes, or any  
60 tax that is substantially equivalent thereto, in this state or any other state;

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

63 (11) "Research or experimentation activities" are the development of an experimental  
64 or pilot model, plant process, formula, invention or similar property, and the improvement of  
65 existing property of such type. Research or experimentation activities do not include activities  
66 such as ordinary testing or inspection of materials or products for quality control, efficiency  
67 surveys, advertising promotions or research in connection with literary, historical or similar  
68 projects;

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

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

87 144.010 to 144.525 and the tax imposed thereby, the term sale at retail shall be construed to  
88 embrace:

89 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of  
90 amusement, entertainment and recreation, games and athletic events, except amounts paid for  
91 any instructional class;

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

94 (c) Sales of local and long distance telecommunications service to telecommunications  
95 subscribers and to others through equipment of telecommunications subscribers for the  
96 transmission of messages and conversations, and the sale, rental or leasing of all equipment or  
97 services pertaining or incidental thereto;

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

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

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

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

108 (15) The noun "tax" means either the tax payable by the purchaser of a commodity or  
109 service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities  
110 or services during the period for which ~~he or she~~ **the vendor** is required to report ~~his or her~~  
111 **the vendor's** collections, as the context may require; and

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

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

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

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

124 (d) Cable or satellite television or music services.

125 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other  
126 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections  
127 144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning  
128 given it in section 700.010.

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

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

2 (1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable  
3 product, growing of grapes that will be processed into wine, bees, honey, fish or other  
4 aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or  
5 a poultry product, either in its natural or processed state, that has been produced, processed, or  
6 otherwise had value added to it in this state;

7 (2) "Blighted area", that portion of the city within which the legislative authority of such  
8 city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical  
9 deterioration have become economic and social liabilities, and that such conditions are conducive  
10 to ill health, transmission of disease, crime or inability to pay reasonable taxes;

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

12 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not  
13 limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a  
14 legal source and not from the wild, goats, or horses, other equines, or rabbits raised in  
15 confinement for human consumption;

16 (5) "Grower UAZ", a type of UAZ:

17 (a) That can either grow produce, raise livestock, or produce other value-added  
18 agricultural products;

19 (b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty  
20 domesticated animals;

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

25 (7) "Locally grown", a product that was grown or raised in the same county or city not  
26 within a county in which the UAZ is located or in an adjoining county or city not within a  
27 county. For a product raised or sold in a city not within a county, locally grown also includes

28 an adjoining county with a charter form of government with more than nine hundred fifty  
29 thousand inhabitants and those adjoining said county;

30 (8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

31 (9) "Meat product", anything containing meat intended for or capable of use for human  
32 consumption, which is derived, in whole or in part, from livestock or poultry;

33 (10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

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

35 (12) "Processing UAZ", a type of UAZ:

36 (a) That processes livestock, poultry, or produce for human consumption;

37 (b) That meets federal and state processing laws and standards;

38 (c) Is a qualifying small business approved by the department;

39 (13) "Qualifying small business", those enterprises which are established within an  
40 Urban Agricultural Zone subsequent to its creation, and which meet the definition established  
41 for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13  
42 of the Code of Federal Regulations;

43 (14) "Value-added agricultural products", any product or products that are the result of:

44 (a) Using an agricultural product grown in this state to produce a meat or dairy product  
45 in this state;

46 (b) A change in the physical state or form of the original agricultural product;

47 (c) An agricultural product grown in this state which has had its value enhanced by  
48 special production methods such as organically grown products; or

49 (d) A physical segregation of a commodity or agricultural product grown in this state that  
50 enhances its value such as identity preserved marketing systems;

51 (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area  
52 as defined by the United States Office of Budget and Management that has one or more of the  
53 following entities that is a qualifying small business and approved by the department, as follows:

54 (a) Any organization or person who grows produce or other agricultural products;

55 (b) Any organization or person that raises livestock or poultry;

56 (c) Any organization or person who processes livestock or poultry;

57 (d) Any organization that sells at a minimum seventy-five percent locally grown food;

58 (16) "Vending UAZ", a type of UAZ:

59 (a) That sells produce, meat, or value-added locally grown agricultural goods;

60 (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition  
61 Assistance Program as a form of payment; and

62 (c) Is a qualifying small business that is approved by the department for an UAZ vendor  
63 license.

64           2. (1) A person or organization shall submit to any incorporated municipality an  
65 application to develop an UAZ on a blighted area of land. Such application shall demonstrate  
66 or identify on the application:

67           (a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or  
68 a combination of all three types of UAZs provided in this paragraph, in which case the person  
69 or organization shall meet the requirements of each type of UAZ in order to qualify;

70           (b) The number of jobs to be created;

71           (c) The types of products to be produced; and

72           (d) If applying for a vending UAZ, the ability to accept food stamps under the provisions  
73 of the Supplemental Nutrition Assistance Program if selling products to consumers.

74           (2) A municipality shall review and modify the application as necessary before either  
75 approving or denying the request to establish an UAZ.

76           (3) Approval of the UAZ by such municipality shall be reviewed five and ten years after  
77 the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

78           (4) If the municipality finds during its review that the UAZ is not meeting the  
79 requirements set out in this section, the municipality may dissolve the UAZ.

80           3. The governing body of any municipality planning to seek designation of an urban  
81 agricultural zone shall establish an urban agricultural zone board. The number of members on  
82 the board shall be seven. One member of the board shall be appointed by the school district or  
83 districts located within the area proposed for designation of an urban agricultural zone. Two  
84 members of the board shall be appointed by other affected taxing districts. The remaining four  
85 members shall be chosen by the chief elected officer of the municipality. The four members  
86 chosen by the chief elected officer of the municipality shall all be residents of the county or city  
87 not within a county in which the UAZ is to be located, and at least one of such four members  
88 shall have experience in or represent organizations associated with sustainable agriculture, urban  
89 farming, community gardening, or any of the activities or products authorized by this section for  
90 UAZs.

91           4. The school district member and the two affected taxing district members shall each  
92 have initial terms of five years. Of the four members appointed by the chief elected official, two  
93 shall have initial terms of four years, and two shall have initial terms of three years. Thereafter,  
94 members shall serve terms of five years. Each member shall hold office until a successor has  
95 been appointed. All vacancies shall be filled in the same manner as the original appointment.  
96 For inefficiency or neglect of duty or misconduct in office, a member of the board may be  
97 removed by the applicable appointing authority.

98           5. A majority of the members shall constitute a quorum of such board for the purpose  
99 of conducting business and exercising the powers of the board and for all other purposes. Action  
100 may be taken by the board upon a vote of a majority of the members present.

101           6. The members of the board annually shall elect a chair from among the members.

102           7. The role of the board shall be to conduct the activities necessary to advise the  
103 governing body on the designation of an urban agricultural zone and any other advisory duties  
104 as determined by the governing body. The role of the board after the designation of an urban  
105 agricultural zone shall be review and assessment of zone activities.

106           8. Prior to the adoption of an ordinance proposing the designation of an urban  
107 agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and  
108 notify each taxing district located wholly or partially within the boundaries of the proposed urban  
109 agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing  
110 districts and political subdivisions in the area to be affected and shall publish notice of such  
111 hearing in a newspaper of general circulation in the area to be affected by the designation at least  
112 twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice  
113 shall state the time, location, date, and purpose of the hearing. At the public hearing any  
114 interested person or affected taxing district may file with the board written objections to, or  
115 comments on, and may be heard orally in respect to, any issues embodied in the notice. The  
116 board shall hear and consider all protests, objections, comments, and other evidence presented  
117 at the hearing. The hearing may be continued to another date without further notice other than  
118 a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

119           9. Following the conclusion of the public hearing required under subsection 8 of this  
120 section, the governing authority of the municipality may adopt an ordinance designating an urban  
121 agricultural zone.

122           10. The real property of the UAZ shall not be subject to assessment or payment of ad  
123 valorem taxes on real property imposed by the cities affected by this section, or by the state or  
124 any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance  
125 under subsection 9 of this section, except to such extent and in such amount as may be imposed  
126 upon such real property during such period, as was determined by the assessor of the county in  
127 which such real property is located, or, if not located within a county, then by the assessor of  
128 such city, in an amount not greater than the amount of taxes due and payable thereon during the  
129 calendar year preceding the calendar year during which the urban agricultural zone was  
130 designated. The amounts of such tax assessments shall not be increased during such period so  
131 long as the real property is used in furtherance of the activities provided under the provisions of  
132 subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement  
133 provided by the ordinance, the property shall then be reassessed. If only a portion of real



134 property is used as an UAZ, then only that portion of real property shall be exempt from  
135 assessment or payment of ad valorem taxes on such property, as provided by this section.

136           11. If the water services for the UAZ are provided by the municipality, the municipality  
137 may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the  
138 UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water  
139 source.

140           12. (1) Any local sales tax revenues received from the sale of agricultural products sold  
141 in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending  
142 UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall  
143 be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection.  
144 An amount equal to one percent shall be retained by the director of revenue for deposit in the  
145 general revenue fund to offset the costs of collection.

146           (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund",  
147 which shall consist of money collected under subdivision (1) of this subsection. The state  
148 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
149 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon  
150 appropriation, shall be used for the purposes authorized by this section. Notwithstanding the  
151 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the  
152 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall  
153 invest moneys in the fund in the same manner as other funds are invested. Any interest and  
154 moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys  
155 shall be made available to school districts. The remaining fifty percent of fund moneys shall be  
156 allocated to municipalities that have urban agricultural zones based upon the municipality's  
157 percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon  
158 appropriation, provide fund moneys to urban agricultural zones within the municipality for  
159 improvements. School districts may apply to the department for money in the fund to be used  
160 for the development of curriculum on or the implementation of urban farming practices under  
161 the guidance of the University of Missouri extension service and a certified vocational  
162 agricultural instructor. The funds are to be distributed on a competitive basis within the school  
163 district or districts in which the UAZ is located pursuant to rules to be promulgated by the  
164 department, with special consideration given to the relative number of students eligible for free  
165 and reduced-price lunches attending the schools within such district or districts.

166           13. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
167 created under the authority delegated in this section shall become effective only if it complies  
168 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
169 This section and chapter 536 are nonseverable, and if any of the powers vested with the general

170 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
171 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
172 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

173 14. The provisions of this section shall not apply to any county with a charter form of  
174 government and with more than three hundred thousand but fewer than four hundred fifty  
175 thousand inhabitants.

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~~ **under the definition**  
5 **of "adulterated" in 21 U.S.C. Section 601** as now constituted or 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, poultry, or captive cervids  
13 are slaughtered for transportation or sale as articles of commerce intended for or capable of use  
14 for human consumption, or in which meat or meat products are prepared for transportation or  
15 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~~ **the**  
17 **director's** authorized representative;

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

23 (7) "Meat", any edible portion of livestock, poultry, or captive cervid carcass or part  
24 thereof;

25 (8) "Meat product", anything containing meat intended for or capable of use for human  
26 consumption, which is derived, in whole or in part, from livestock, poultry, or captive 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~~ **under the definition**  
29 **of "misbranded" in 21 U.S.C. Section 601** as now constituted or 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, poultry, or captive cervids which have  
38 died other than by 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~~  
32 **the state veterinarian's** duly authorized deputies acting under the supervision of the director of  
33 agriculture;

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

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

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

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

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

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

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

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

63 (17) "Traders" or "dealers", any person, firm or corporation engaged in the business of  
64 buying, selling or exchange of livestock on any basis other than on a commission basis at any  
65 sale pen, concentration point, farm, truck or other conveyance including persons, firms or  
66 corporations employed as an agent of the vendor or purchaser excluding public stockyards under  
67 federal supervision or markets licensed under sections 267.560 to 267.660 and under the  
68 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~~ **described** in section 277.024, llamas, alpaca, buffalo, bison,  
4 elk **and captive cervids** documented as obtained from a legal source and not from the wild and  
5 raised in confinement for human consumption or animal husbandry, goats and poultry, equine  
6 and 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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