

June 30, 1971

OPINION LETTER NO. 259

Answer by letter-C. B. Blackmar

Mr. Dexter D. Davis, Commissioner  
Department of Agriculture  
Jefferson State Office Building  
Jefferson City, Missouri 65101



Dear Mr. Davis:

This official opinion is issued in response to your request in which you ask whether certain swine-buying stations or collecting points are excluded from the definition of "livestock markets" in Section 277.020(2), RSMo 1969, defining that term as follows:

"'Livestock sale or market', a place of business or place where livestock is concentrated for the purpose of sale, exchange or trade made at regular or irregular intervals, whether at auction or not, except this definition shall not apply to markets operating under the supervision of the Federal Public Stockyards Inspection Service or to any public farm sale or purebred livestock sale, or to any sale, transfer, or exchange of livestock from one person to another person for movement or transfer to other farm premises or directly to a licensed market;"

In Opinion No. 226, July 21, 1965, copy of which is enclosed, this office commented on the broad statutory definition as set out above and expressed the conclusion that swine-buying stations as described therein are "livestock markets" which are required to be licensed.

You advise us that there are unlicensed swine-buying stations or collecting points to which producers ship swine and at which representatives of packing companies sort, grade and pay for the swine.

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The operators claim that they are not within the above definition and are therefore exempt from the operations of Chapter 277, RSMo 1969, on the basis of facts they claim to exist as follows: (1) only members of a particular organization may use the stations, and they are not available to hog raisers in general; (2) the price is determined in advance by negotiation between the organization and the packing companies; (3) no swine received at the station are returned to the farms, and all are shipped to packing houses for presumed slaughter.

It is apparent that these stations are places where "livestock is concentrated for purposes of sale." It makes no difference that the price may be determined by negotiations elsewhere. The sole purpose for the existence of the station is to facilitate the sale by producers of their swine. In accordance with the reasoning of Opinion No. 226 then, the stations are "livestock markets," unless they fall within one of the exemptions in Section 277.020(2), RSMo, above.

The definition contains nothing which limits the application of Chapter 277, RSMo, to facilities available to the general class of swine raiser. Nor does it exclude from its operations stations from which no swine are returned to farms and all are shipped to packing houses.

Our conclusion that no exemption is demonstrated by these circumstances is in accord with the purpose of Chapter 277, RSMo, as shown by its several sections. Section 277.100, RSMo 1969, provides for sanitation regulations, including regulations designed to control the spread of communicable disease. Section 277.080, RSMo 1969, calls for a bond to protect users, and this would be important in a situation in which money is paid to the operator for later disbursement to the producer. Section 277.050, RSMo 1969, provides procedures for the suspension or revocation of the license of a station for violation of the law. All of these problems might exist at a station such as you describe, just as fully as at a facility as described in Opinion No. 226. We consider that the legislature purposely made Section 277.020(2), RSMo, broad so as to give the state veterinarian broad powers of inspection and supervision.

We have considered the opinions furnished us of the Attorneys General of Kansas and Kentucky, in which each concludes that hog-buying stations which do not cater to the public are not subject to regulation under the statutes of his state. The statutes involved are significantly different from the Missouri statute which, as we have seen, contains no language limiting its operation to public facilities.

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A facility at which livestock is concentrated for purposes of sale is not rendered exempt from the requirements of Chapter 277, RSMo, even though it is available only for members of a particular organization, and not to swine producers in general; prices are negotiated elsewhere between the organization and packing companies; and all swine received at the facility are shipped to packing houses for presumed slaughter with none being returned to farms.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 226  
7-21-65, Stiles