

SHB 2298 - S COMM AMD
By Committee on Agriculture

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 16.36.010 and 1998 c 8 s 2 are each amended to read
4 as follows:

5 (1) The director shall supervise the prevention of the spread and
6 the suppression of infectious, contagious, communicable, and dangerous
7 diseases affecting animals within, in transit through, and imported
8 into the state.

9 (2) The director may issue a quarantine order and enforce the
10 quarantine of any animal or its reproductive products (~~(that is)~~) when
11 any animal or its reproductive products are affected with or (~~has~~)
12 have been exposed to disease or when there is reasonable cause to
13 investigate whether any animal or its reproductive products are
14 affected with or have been exposed to disease, either within or outside
15 the state. Overt disease or exposure to disease in any animal or its
16 reproductive products need not be immediately obvious for a quarantine
17 order to be issued or enforced. The quarantine shall remain in effect
18 as long as the director deems necessary.

19 (3) The director may issue a hold order when:

20 (a) Overt disease or exposure to disease in an animal is not
21 immediately obvious but there is reasonable cause to investigate
22 whether an animal is diseased or has been exposed to disease;

23 (b) Import health papers, permits, or other transportation
24 documents required by law or rule are not complete or are suspected to
25 be fraudulent; or

26 (c) Further transport of an animal would jeopardize the well-being
27 of the animal or other animals in Washington state.

28 A hold order is in effect for seven days and expires at midnight on
29 the seventh day from the date of the hold order. A hold order may be

1 replaced with a quarantine order for the purpose of animal disease
2 control.

3 (4) Any animal or animal reproductive product placed under a
4 quarantine or hold order shall be kept separate and apart from other
5 animals designated in the instructions of the quarantine or hold order,
6 and shall not be allowed to have anything in common with other animals.

7 (5) The expenses of handling and caring for any animal or animal
8 reproductive product placed under a quarantine or hold order are the
9 responsibility of the owner.

10 (6) The director has authority over the quarantine or hold area
11 until the quarantine or hold order is released or the hold order
12 expires.

13 (7) Any animal or animal reproductive product placed under a
14 quarantine or hold order may not be moved, transported, or sold without
15 written approval from the director or until the quarantine or hold
16 order is released, or the hold order expires.

17 (8) The director may administer oaths and examine witnesses and
18 records in the performance of his or her duties to control diseases
19 affecting animals.

20 **Sec. 2.** RCW 16.36.060 and 1998 c 8 s 6 are each amended to read as
21 follows:

22 (1) The director has the authority to enter the animal premises of
23 any animal owner at any reasonable time to ((make tests on or
24 examinations of any animals)) conduct tests, examinations, or
25 inspections for disease conditions when there is reasonable ((evidence
26 that)) cause to investigate whether animals on the premises or that
27 have been on the premises are infected with or have been exposed to a
28 reportable disease. It is unlawful for any person to interfere with
29 the tests, inspections, or examinations, or to alter any segregation or
30 identification systems made in connection with the tests, inspections,
31 or examinations. When the director has determined that there is
32 probable cause that there is a serious risk from disease or
33 contamination, the director may seize those items necessary to conduct
34 the tests, inspections, or examinations.

35 (2) If the director is denied access to the animal premises or the
36 animals for purposes of conducting tests, inspections, or examinations

1 or the animal owner fails to comply with an order of the director, the
2 director may apply to a court of competent jurisdiction for a search
3 warrant. The warrant may authorize access to any animal or animal
4 premises for purposes of conducting tests, inspections, or examinations
5 of any animal or animal premises, or taking samples, and may authorize
6 seizure or destruction of property. The warrant shall be issued upon
7 probable cause being found by the court. It is sufficient probable
8 cause to show a potential threat to the agricultural interests of this
9 state or a potential threat which seriously endangers animals, human
10 health, the environment, or public welfare. To show that access is
11 denied, the director shall file with the court an affidavit or
12 declaration containing a description of all attempts to notify and
13 locate the owner or the owner's agent and to secure consent.

14 **Sec. 3.** RCW 16.36.090 and 1998 c 8 s 9 are each amended to read as
15 follows:

16 When public welfare demands, the director may order the slaughter
17 or destruction of any animal affected with or exposed to any
18 contagious, infectious, or communicable disease that is affecting or
19 may affect the health of the state's animal population. The director
20 may order destruction of any animal held under quarantine when public
21 welfare demands or the owner of the animal fails or refuses to follow
22 a herd or flock plan. The director shall give a written order
23 directing an animal be destroyed by or under the direction of the state
24 veterinarian.

25 **Sec. 4.** RCW 16.36.098 and 1998 c 8 s 17 are each amended to read
26 as follows:

27 Any person whose animal or animal reproductive products are placed
28 under a quarantine, a hold order, or destruct order under RCW 16.36.090
29 may request a hearing. The request for a hearing must be in writing
30 and filed with the director. Any hearing will be held in conformance
31 with RCW 34.05.422 and 34.05.479."

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1 On page 1, line 1 of the title, after "animals;" strike the
2 remainder of the title and insert "and amending RCW 16.36.010,
3 16.36.060, 16.36.090, and 16.36.098."

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