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SENATE BILL 5146

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State of Washington

62nd Legislature

2011 Regular Session

By Senator Honeyford

Read first time 01/17/11. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to disclosure of production and export information  
2 on patented or trademarked fruit; and amending RCW 42.56.380.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.56.380 and 2010 c 128 s 2 are each amended to read  
5 as follows:

6 The following information relating to agriculture and livestock is  
7 exempt from disclosure under this chapter:

8 (1) Business-related information under RCW 15.86.110;

9 (2) Information provided under RCW 15.54.362;

10 (3) Production or sales records required to determine assessment  
11 levels and actual assessment payments to commodity boards and  
12 commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65,  
13 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required  
14 by the department of agriculture to administer these chapters or the  
15 department's programs;

16 (4) Consignment information contained on phytosanitary certificates  
17 issued by the department of agriculture under chapters 15.13, 15.49,  
18 and 15.17 RCW or federal phytosanitary certificates issued under  
19 C.F.R. 353 through cooperative agreements with the animal and plant

1 health inspection service, United States department of agriculture, or  
2 on applications for phytosanitary certification required by the  
3 department of agriculture. However, information about the production,  
4 interstate trade, and export of patented or trademarked fruit must be  
5 provided upon request to the holder of the patent or trademark to  
6 verify export volumes, but not for other commercial purposes;

7 (5) Financial and commercial information and records supplied by  
8 persons (a) to the department of agriculture for the purpose of  
9 conducting a referendum for the potential establishment of a commodity  
10 board or commission; or (b) to the department of agriculture or  
11 commodity boards or commissions formed under chapter 15.24, 15.28,  
12 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, or 16.67 RCW  
13 with respect to domestic or export marketing activities or individual  
14 producer's production information. However, information about the  
15 production, interstate trade, and export of patented or trademarked  
16 fruit must be provided upon request to the holder of the patent or  
17 trademark to verify production, interstate trade, and export volumes,  
18 but not for other commercial purposes;

19 (6) Information obtained regarding the purchases, sales, or  
20 production of an individual American ginseng grower or dealer, except  
21 for providing reports to the United States fish and wildlife service  
22 under RCW 15.19.080;

23 (7) Information collected regarding packers and shippers of fruits  
24 and vegetables for the issuance of certificates of compliance under RCW  
25 15.17.140(2) and 15.17.143. However, information about the production,  
26 interstate trade, and export of patented or trademarked fruit must be  
27 provided upon request to the holder of the patent or trademark to  
28 verify production, interstate trade, and export volumes, but not for  
29 other commercial purposes;

30 (8) Financial statements obtained under RCW 16.65.030(1)(d) for the  
31 purposes of determining whether or not the applicant meets the minimum  
32 net worth requirements to construct or operate a public livestock  
33 market;

34 (9) Information submitted by an individual or business for the  
35 purpose of participating in a state or national animal identification  
36 system. Disclosure to local, state, and federal officials is not  
37 public disclosure. This exemption does not affect the disclosure of

1 information used in reportable animal health investigations under  
2 chapter 16.36 RCW once they are complete; and

3 (10) Results of testing for animal diseases not required to be  
4 reported under chapter 16.36 RCW that is done at the request of the  
5 animal owner or his or her designee that can be identified to a  
6 particular business or individual.

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