

1 1957-S AAS 4/12/91

2 SHB 1957 - S COMM AMD
3 By Committee on Agriculture

4 Adopted 4/12/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 69.07 RCW
8 to read as follows:

9 The processing of food intended for public consumption is important
10 and vital to the health and welfare both immediate and future and is
11 hereby declared to be a business affected with the public interest.
12 The provisions of this chapter are enacted to safeguard the consuming
13 public from unsafe, adulterated, or misbranded food by requiring
14 licensing of all food processing plants as defined in this chapter and
15 setting forth the requirements for such licensing."

16 "**Sec. 2.** RCW 69.07.010 and 1967 ex.s. c 121 s 1 are each amended
17 to read as follows:

18 For the purposes of this chapter:

19 (1) "Department" means the department of agriculture of the state
20 of Washington;

21 (2) "Director" means the director of the department;

22 (3) "Food" means any substance used for food or drink by ~~((man))~~
23 any person, including ice, and any ingredient used for components of
24 any such substance regardless of the quantity of such component;

25 (4) "Sale" means selling, offering for sale, holding for sale,
26 preparing for sale, trading, bartering, offering a gift as an
27 inducement for sale of, and advertising for sale in any media;

1 (5) "Food processing" means the handling or processing of any food
2 in any manner in preparation for sale for human consumption: PROVIDED,
3 That it shall not include fresh fruit or vegetables merely washed or
4 trimmed while being prepared or packaged for sale in their natural
5 state;

6 (6) "Food processing plant" includes but is not limited to any
7 premises, plant, establishment, building, room, area, facilities and
8 the appurtenances thereto, in whole or in part, where food is prepared,
9 handled or processed in any manner for (~~resale or~~) distribution
10 (~~to~~) or sale for resale by retail outlets, restaurants, and any such
11 other facility selling or distributing to the ultimate consumer:
12 PROVIDED, That (~~retail outlets~~), as set forth herein, establishments
13 processing foods in any manner for resale shall be considered a food
14 processing plant as to such processing;

15 (7) "Food service establishment" shall mean any fixed or mobile
16 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,
17 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail
18 lounge, night club, roadside stand, industrial-feeding establishment,
19 retail grocery, retail food market, retail meat market, retail bakery,
20 private, public, or nonprofit organization routinely serving food,
21 catering kitchen, commissary or similar place in which food or drink is
22 prepared for sale or for service on the premises or elsewhere, and any
23 other eating or drinking establishment or operation where food is
24 served or provided for the public with or without charge.

25 For the purpose of this chapter any custom cannery or processing
26 plant where raw food products, food, or food products are processed for
27 the owner thereof, or the food processing facilities are made available
28 to the owners or persons in control of raw food products or food or
29 food products for processing in any manner, shall be considered to be
30 food processing plants(~~(-)~~);

1 (8) "Person" means an individual, partnership, corporation, or
2 association."

3 **"Sec. 3.** RCW 69.07.040 and 1988 c 5 s 1 are each amended to read
4 as follows:

5 It shall be unlawful for any person to operate a food processing
6 plant or process foods without first having obtained an annual license
7 from the department, which shall expire on ~~((the 31st day of March~~
8 ~~following issuance. A separate license shall be required for each food~~
9 ~~processing plant))~~ a date set by rule by the director. License fees
10 shall be prorated where necessary to accommodate staggering of
11 expiration dates. Application for a license shall be on a form
12 prescribed by the director and accompanied by a twenty-five dollar
13 annual license fee. Such application shall include the full name of the
14 applicant for the license and the location of the food processing plant
15 he intends to operate. If such applicant is an individual, receiver,
16 trustee, firm, partnership, association or corporation, the full name
17 of each member of the firm or partnership, or names of the officers of
18 the association or corporation shall be given on the application. Such
19 application shall further state the principal business address of the
20 applicant in the state and elsewhere and the name of a person domiciled
21 in this state authorized to receive and accept service of summons of
22 legal notices of all kinds for the applicant ~~(, and any other necessary~~
23 ~~information prescribed by the director))~~. The application shall also
24 specify the type of food to be processed and the method or nature of
25 processing operation or preservation of that food and any other
26 necessary information. Upon the approval of the application by the
27 director and compliance with the provisions of this chapter, including
28 the applicable regulations adopted hereunder by the department, the
29 applicant shall be issued a license or renewal thereof.

1 Licenses shall be issued to cover only those products, processes,
2 and operations specified in the license application and approved for
3 licensing. Wherever a license holder wishes to engage in processing a
4 type of food product that is different than the type specified on the
5 application supporting the licensee's existing license and processing
6 that type of food product would require a major addition to or
7 modification of the licensee's processing facilities or has a high
8 potential for harm, the licensee shall submit an amendment to the
9 current license application. In such a case, the licensee may engage
10 in processing the new type of food product only after the amendment has
11 been approved by the department.

12 If upon investigation by the director, it is determined that a
13 person is processing food for retail sale and is not under permit,
14 license, or inspection by a local health authority, then that person
15 may be considered a food processor and subject to the provisions of
16 this chapter."

17 **"Sec. 4.** RCW 69.07.050 and 1988 c 5 s 2 are each amended to read
18 as follows:

19 If the application for renewal of any license provided for under
20 this chapter is not filed prior to (~~April 1st in any year~~) the
21 expiration date as established by rule by the director, an additional
22 fee of fifteen dollars shall be assessed and added to the original fee
23 and shall be paid by the applicant before the renewal license shall be
24 issued: PROVIDED, That such additional fee shall not be charged if the
25 applicant furnishes an affidavit certifying that he or she has not
26 operated a food processing plant or processed foods subsequent to the
27 expiration of his or her license."

1 **"Sec. 5.** RCW 69.07.060 and 1979 c 154 s 19 are each amended to
2 read as follows:

3 The director may, subsequent to a hearing thereon, deny, suspend or
4 revoke any license provided for in this chapter if he determines that
5 an applicant has committed any of the following acts:

6 (1) Refused, neglected or failed to comply with the provisions of
7 this chapter, the rules and regulations adopted hereunder, or any
8 lawful order of the director.

9 (2) Refused, neglected or failed to keep and maintain records
10 required by this chapter, or to make such records available when
11 requested pursuant to the provisions of this chapter.

12 (3) Refused the department access to any portion or area of the
13 food processing plant for the purpose of carrying out the provisions of
14 this chapter.

15 (4) Refused the department access to any records required to be
16 kept under the provisions of this chapter.

17 (5) Refused, neglected, or failed to comply with any provisions of
18 chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any
19 regulations adopted thereunder.

20 The provisions of this section requiring that a hearing be
21 conducted before an action may be taken against a license do not apply
22 to an action taken under section 6 of this act."

23 "NEW SECTION. **Sec. 6.** A new section is added to chapter 69.07 RCW
24 to read as follows:

25 (1) Whenever the director finds an establishment operating under
26 conditions that constitute an immediate danger to public health or
27 whenever the licensee or any employee of the licensee actively prevents
28 the director or the director's representative, during an onsite
29 inspection, from determining whether such a condition exists, the

1 director may summarily suspend, pending a hearing, a license provided
2 for in this chapter.

3 (2) Whenever a license is summarily suspended, the holder of the
4 license shall be notified in writing that the license is, upon service
5 of the notice, immediately suspended and that prompt opportunity for a
6 hearing will be provided.

7 (3) Whenever a license is summarily suspended, food processing
8 operations shall immediately cease. However, the director may
9 reinstate the license when the condition that caused the suspension has
10 been abated to the director's satisfaction."

11 "NEW SECTION. **Sec. 7.** A new section is added to chapter 69.07 RCW
12 to read as follows:

13 The director or the director's deputies, assistants, and inspectors
14 are authorized to do all acts and things necessary to carry out the
15 provisions of this chapter, including the taking of verified
16 statements. The department personnel are empowered to administer oaths
17 of verification on the statement."

18 "NEW SECTION. **Sec. 8.** A new section is added to chapter 69.07 RCW
19 to read as follows:

20 It shall be unlawful to resell, to offer for resale, or to
21 distribute for resale in intrastate commerce any food processed in a
22 food processing plant, which has not obtained a license, as provided
23 for in this chapter, once notification by the director has been given
24 to the person or persons reselling, offering, or distributing food for
25 resale, that said food is from an unlicensed processing operation."

26 "**Sec. 9.** RCW 69.07.150 and 1967 ex.s. c 121 s 15 are each amended
27 to read as follows:

1 (1) Any person violating any provision of this chapter or any rule
2 or regulation adopted hereunder shall be guilty of a misdemeanor and
3 guilty of a gross misdemeanor for any second and subsequent violation:
4 PROVIDED, That any offense committed more than five years after a
5 previous conviction shall be considered a first offense. A misdemeanor
6 under this section is punishable to the same extent that a misdemeanor
7 is punishable under RCW 9A.20.021 and a gross misdemeanor under this
8 section is punishable to the same extent that a gross misdemeanor is
9 punishable under RCW 9A.20.021.

10 (2) Whenever the director finds that a person has committed a
11 violation of any of the provisions of this chapter, and that violation
12 has not been punished pursuant to subsection (1) of this section, the
13 director may impose upon and collect from the violator a civil penalty
14 not exceeding one thousand dollars per violation per day. Each
15 violation shall be a separate and distinct offense."

16 "NEW SECTION. Sec. 10. The following acts or parts of acts are
17 each repealed:

18 (1) RCW 69.07.090 and 1967 ex.s. c 121 s 9; and

19 (2) RCW 69.07.130 and 1967 ex.s. c 121 s 13."

20 **SHB 1957** - S COMM AMD
21 By Committee on Agriculture

22 Adopted 4/12/91 - Voice Vote

23 On page 1, line 1 of the title, after "processing;" strike the
24 remainder of the title and insert "amending RCW 69.07.010, 69.07.040,
25 69.07.050, 69.07.060, and 69.07.150; adding new sections to chapter
26 69.07 RCW; repealing RCW 69.07.090 and 69.07.130; and prescribing
27 penalties."