

SENATE BILL REPORT

SHB 1957

AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,  
APRIL 2, 1991

**Brief Description:** Requiring licensing of food processing plants.

**SPONSORS:** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture).

**HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT**

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Majority Report:** Do pass as amended.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

**Staff:** John Stuhlmiller (786-7446)

**Hearing Dates:** March 22, 1991; April 2, 1991

**BACKGROUND:**

The state's Food Processing Act requires establishments which process food for distribution or sale by others to be licensed and regulated by the Department of Agriculture. Establishments in operation prior to June 30, 1967 were "grandfathered" into the licensing program with minimum qualifications. A person's first violation of the act is a misdemeanor; each subsequent violation within a period of five years is a gross misdemeanor.

**SUMMARY:**

Licensing Requirements: The types of facilities which must be licensed for operation under the Food Processing Act are broadened to include both food processing facilities which transfer products to another company location for sale, and processing facilities which process food for retail sale but are not regulated under a permit, license, or inspection of a local health authority.

The renewal dates for food processing licenses are to be established by rule.

Provisions of the act are repealed which "grandfathered" into the licensing program food processing plants in operation prior to June 30, 1967.

License Limitations: A person desiring to process a food product other than the type specified in the application for that person's current license may have to amend the license before processing the new product. An amendment is necessary if processing of the new product would require an addition to or modification of the licensee's facilities or would have a high potential for harm.

No person may resell, in intrastate commerce, any food processed in an unlicensed processing plant once the person has been notified by the director that the plant is unlicensed.

Enforcement: If the director finds that an establishment is operating under conditions which constitute an immediate danger to public health or which allow adulteration of food, the director may suspend the establishment's license and its food processing operations must immediately cease.

The suspension authority also applies if the licensee or an employee of the licensee, during an on-site inspection, actively prevents the director or the director's representative from making such a finding. An opportunity for a prompt hearing must be provided to the licensee.

The director of the Department of Agriculture is empowered to impose civil penalties of up to \$1,000 per violation per day for violations of the Food Processing Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The definition of food products covered by the bill is expanded to include ice.

The definition of "for resale" is deleted.

Language is added to clarify that specialty licenses are only needed if the food product requires a major addition to or modification of the processing facility.

The director's authority to suspend licenses is restricted to cases involving an immediate danger to the public health or when the department is not allowed onsite to inspect a facility.

The department is authorized to pursue either criminal or civil penalties for violations.

**TESTIMONY FOR:**

This bill will make enforcement more effective by filling in gaps in the coverage of food processors. Ice should be included because it is a consumable product which needs to be regulated.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Mike Schwisow, Washington State Department of Agriculture (pro); John Daly, Washington State Department of Agriculture (pro); Bill Fritz, Washington Food Processors Association (pro); Howard Harlow, Crystal Rain Ice (pro)