
SUBSTITUTE HOUSE BILL 2819

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representative R. Johnson)

Read first time 02/07/92.

1 AN ACT Relating to misbranding and adulteration; and amending RCW
2 16.49A.600 and 16.74.570.

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

4 **Sec. 1.** RCW 16.49A.600 and 1971 ex.s. c 108 s 3 are each amended
5 to read as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 provisions of this chapter (~~((including licensing and those requiring~~
8 ~~inspection of the slaughter of meat food animals and the preparation of~~
9 ~~carcasses or parts thereof, meat or meat food products))~~) shall not
10 apply to operations of the types traditionally and usually conducted by
11 a retail meat dealer at retail stores and restaurants, when conducted
12 at any retail store or restaurant or similar type establishment for
13 sale in normal retail quantities or service of such articles to
14 ultimate consumers at such establishment. Normal retail quantities or

1 service of such articles to consumers shall be as defined in
2 ((regulations)) rules adopted under the provisions of this chapter.

3 (2) The adulteration and misbranding provisions of this chapter,
4 other than the requirement of the inspection legend, shall apply to
5 operations that are exempted under this section.

6 **Sec. 2.** RCW 16.74.570 and 1969 ex.s. c 146 s 65 are each amended
7 to read as follows:

8 (1) The director shall, by ((regulation)) rule and under such
9 conditions as to sanitary standards, practices, and procedures as he or
10 she may prescribe, exempt from specific provisions of this chapter--

11 (a) ~~((retail dealers with respect to poultry products sold directly~~
12 ~~to consumers in individual retail stores, if the only processing~~
13 ~~operation performed by such retail dealers is the cutting up and/or~~
14 ~~packaging of poultry products on the premises where such sales to~~
15 ~~consumers are made;~~

16 ~~(b))~~ for such period of time as the director determines that it
17 would be impracticable to provide inspection and the exemption will aid
18 in the effective administration of this chapter, any person engaged in
19 the processing of poultry or poultry products for intrastate commerce
20 and the poultry or poultry products processed by such person:
21 PROVIDED, That no such exemption shall continue in effect on and after
22 February 18, 1970; and

23 ~~((c))~~ (b) persons slaughtering, processing, or otherwise handling
24 poultry or poultry products which have been or are to be processed as
25 required by recognized religious dietary laws, to the extent that the
26 director determines necessary to avoid conflict with such requirements
27 while still effectuating the purposes of this chapter.

28 (2)(a) The director shall, by ((regulation)) rule and under such
29 conditions, including sanitary standards, practices, and procedures, as

1 he or she may prescribe, exempt from specific provisions of this
2 chapter--

3 (i) the slaughtering by any person of poultry of his or her own
4 raising, and the processing by him or her and transportation of the
5 poultry products exclusively for use by him or her and members of his
6 or her household and his or her nonpaying guests and employees; and

7 (ii) the custom slaughter by any person of poultry delivered by the
8 owner thereof for such slaughter, and the processing by such
9 slaughterer and transportation of the poultry products exclusively for
10 use, in the household of such owner, by him or her and members of his
11 or her household and his or her nonpaying guests and employees:
12 PROVIDED, That the director may (~~promulgate~~) adopt such rules (~~and~~
13 ~~regulations~~) as are necessary to prevent the commingling of inspected
14 and uninspected poultry and poultry products.

15 (b) In addition to the specific exemptions provided herein, the
16 director shall, when he or she determines that the protection of
17 consumers from adulterated or misbranded poultry products will not be
18 impaired by such action, provide by (~~regulation~~) rule, consistent
19 with (~~paragraph~~) (c) of this subsection, for the exemption of the
20 operations of poultry producers not exempted under (~~paragraph~~) (a) of
21 this subsection, which are engaged in slaughtering and/or cutting up
22 poultry for distribution as carcasses or parts thereof, from such
23 provisions of this chapter as he or she deems appropriate, while still
24 protecting the public from adulterated or misbranded products, under
25 such conditions, including sanitary requirements, as he or she shall
26 prescribe to effectuate the purposes of this chapter.

27 (c) The provisions of this chapter shall not apply to poultry
28 producers with respect to poultry of their own raising on their own
29 farms if--

1 (i) such producers slaughter not more than two hundred fifty
2 turkeys, or not more than an equivalent number of birds of all species
3 during the calendar year for which this exemption is being determined
4 (four birds of other species being deemed the equivalent of one
5 turkey);

6 (ii) such poultry producers do not engage in buying or selling
7 poultry products other than those produced from poultry raised on their
8 own farms.

9 (3) The director shall, by rule and under such conditions as to
10 sanitary standards, practices, and procedures as he or she may
11 prescribe, exempt from specific provisions of this chapter retail
12 dealers with respect to poultry products sold directly to consumers in
13 individual retail stores, if the only processing operation performed by
14 such retail dealers is the cutting up and/or packaging of poultry
15 products on the premises where such sales to consumers are made.

16 (4) The adulteration and misbranding provisions of this chapter,
17 other than the requirement of the inspection legend, shall apply to
18 articles and operations which are exempted (~~(from inspection)~~) under
19 this section, except as otherwise specified under subsections (1) and
20 (2) of this section.

21 (~~(4)~~) (5) The director may by order suspend or terminate any
22 exemption under this section with respect to any person whenever he or
23 she finds that such action will aid in effectuating the purposes of
24 this chapter.