

# FINAL BILL REPORT

## ESHB 1135

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### FULL VETO

**Brief Description:** Modifying the regulation of "alternative livestock."

By House Committee on Agriculture & Rural Development  
(originally sponsored by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson).

House Committee on Agriculture & Rural Development  
House Committee on Fisheries & Wildlife  
Senate Committee on Agriculture

### **Background:**

Department of Agriculture: State law grants the director of the Department of Agriculture authority to suppress and control the spread of diseases affecting animals within, in transit through, and imported into the state. The director has the authority to impose quarantines, regulate veterinary biologics, and adopt and enforce rules to prevent the introduction or spread of diseases in domestic animals. The disease control authority of the director is exercised through the state veterinarian who is appointed by the director.

In 1985, the Department of Agriculture was given certain regulatory authority over aquatic farming conducted in the private sector. The director of the Department of Agriculture and the director of the Department of Fisheries were required to develop jointly a program of disease inspection and control for such aquatic farming. The program is administered by the Department of Fisheries under rules adopted with the prior approval of the director of the Department of Agriculture. The director of the Department of Agriculture was given the responsibility of establishing identification requirements for the products of private sector aquaculture to the extent necessary to permit the departments of Fisheries and Wildlife to administer and enforce the fisheries, game, and wildlife codes. The Department of Agriculture was also designated as the principal state agency for providing state marketing support services for private sector aquaculture.

Department of Wildlife: Many of the state's wildlife laws are administered by the Department of Wildlife. These laws define wildlife, in general, as being those species of the animal kingdom whose members exist in Washington in a wild state. The department may issue game farm licenses which permit private entities to hold or raise wildlife for commercial purposes, trade, or gift.

The laws administered by the department define deleterious exotic wildlife as being species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state. State law directs the Wildlife Commission to regulate the taking, sale, possession, and distribution of exotic wildlife. The commission has recently adopted more detailed rules regarding deleterious exotic wildlife. The rules add animals to the list of animals classified as being deleterious exotic wildlife, including Sika deer; expand the commission's importation restrictions on such wildlife; establish breeding restrictions; establish special rules for wildlife lawfully held in captivity before the adoption of the rules; require the deleterious wildlife to be confined in a secure facility and specify fencing and quarantine requirements; establish marking and genetic testing requirements; and impose certain reporting requirements.

**Summary:** It is state policy to encourage the development and expansion of alternative livestock farming.

Alternative Livestock Definition and Designation Process: Alternative livestock are species designated by a joint rule-making process of the directors of the departments of Agriculture and Wildlife. The process, which is used to identify vertebrate animals, can be initiated by either director or by any person registering with the Department of Agriculture as a grower of nontraditional animals. Species designated as alternative livestock must be confined by humans, raised or used in farm or ranch operations in the private sector, and produced on the farm or ranch. Alternative livestock does not include: a domestic dog or cat; a private sector aquatic product; an animal raised for release into the wild; an animal raised for hunting that takes place in Washington; or resident wildlife and animals raised for fur-farming or game-farming. Traditional livestock species may also be designated by the directors and regulated only by the Department of Agriculture.

If agreement on species designation and regulation is not reached by the directors, a scientific review board is convened to make a written recommendation to the directors as to the status of the species. The board will be composed of three members. One is to be appointed by the director of

the Department of Wildlife, one by the director of the Department of Agriculture, and one appointed jointly by these two members. The board may hold hearings and take testimony prior to making a written recommendation to the directors. If the directors do not agree within 30 days of receipt of the recommendation, the governor must make the final decision.

Rocky Mountain Elk: Rocky Mountain elk may be farmed in the same status and under the same regulatory provisions as alternative livestock if rules adopted jointly by the directors of the departments include methods that ensure genetic integrity of the species.

If and when such rules are adopted, the directors of the departments of Agriculture and Wildlife must jointly prepare a report within 90 days on the methods used to determine genetic integrity of farmed Rocky Mountain elk. Within two years of rule adoption, the directors are to jointly prepare a report on the status of farmed Rocky Mountain elk operations. The reports will be submitted to the Legislature.

Hunting of Alternative Livestock: Alternative livestock that are reared on or derived from an alternative livestock farm may not be hunted.

Disease Control; Animal or Product Identification: The director of the Department of Agriculture must establish and administer a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the alternative livestock industry from the loss of animals or productivity and to protect wildlife. The director must also establish methods of identification requirements for alternative livestock and the products of such livestock to the extent that identifying them is necessary to permit the Department of Wildlife to administer and enforce effectively the wildlife and game laws of this state. Both disease control and identification programs are to be developed in consultation with the Department of Wildlife.

Enclosures and Escape: The directors of the departments of Agriculture and Wildlife are directed to study enclosure needs and to jointly adopt rules establishing enclosure standards for alternative livestock. An animal found to be outside of a required enclosure is declared to be a public nuisance and may be captured and impounded. The owner is liable for any damages caused by the animal and for any costs of impounding the animal.

Regulatory Fairness Act: A Small Business Economic Impact Statement must be prepared if rule-making under the bill restricts the economic utilization of a species being raised for commercial purposes in the state. The definition of "industry" in the Regulatory Fairness Act is expanded to include species being raised for commercial purposes and all industries specifically declared to be industries by a provision of state law.

Indemnification Policy: The departments of Agriculture and Wildlife, in consultation with the attorney general, are directed to develop recommendations and a report to the secretary of the Senate and the speaker of the House of Representatives on the establishment of an indemnification policy.

Registration and Fees: Owners of alternative livestock farms must register annually with the Department of Agriculture, and provide production data to the department. The directors of the departments of Agriculture and Wildlife must, in consultation with the Alternative Livestock Council, establish annual registration fees to fund the Alternative Livestock Program. The fees are to be deposited into the alternative livestock farm account within the agricultural local fund.

Growers of nontraditional animals must register with the Department of Agriculture within 180 days of the effective date of the bill.

Meat Inspection: Meat and meat by-products of alternative livestock may not be sold or distributed for consumption without being inspected by the Department of Agriculture, the United States Department of Agriculture, or another agency recognized by the Department of Agriculture for the task. The Department of Agriculture may establish an inspection program on a fee-for-service basis.

Marketing; Brands; Alternative Livestock Council: The Department of Agriculture is the principal state agency for providing state marketing support services for the alternative livestock industry. The department must develop a program for assisting the industry in marketing and promoting the use of its products. State laws providing brand registration services and brand protection expressly apply to alternative livestock. An Alternative Livestock Council is created. It is composed of seven members, four appointed by the director of the Department of Agriculture, and three appointed by the director of the Department of Wildlife. The council must advise the Department of Agriculture on all aspects of the industry.

Exotic Wildlife: Exotic wildlife is defined as any wild animal whose members do not exist in Washington in a wild state, but not including alternative livestock. The Department of Agriculture is authorized to conduct disease control activities for exotic wildlife.

**Votes on Final Passage:**

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|--------|----|----|-------------------|
| House  | 93 | 5  |                   |
| Senate | 39 | 3  | (Senate amended)  |
| House  | 81 | 12 | (House concurred) |

FULL VETO (See VETO MESSAGE)