
SUBSTITUTE HOUSE BILL 1135

State of Washington

53rd Legislature

1993 Regular Session

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)

Read first time 02/22/93.

1 AN ACT Relating to alternative livestock; amending RCW 77.08.010,
2 77.32.010, 77.32.211, 77.12.570, 77.12.580, 77.12.590, 77.12.600, and
3 16.57.010; adding a new section to chapter 77.04 RCW; adding a new
4 section to chapter 16.49A RCW; and adding a new chapter to Title 15
5 RCW.

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

7 NEW SECTION. **Sec. 1.** The legislature declares that the husbandry
8 of alternative livestock as a farming operation provides a consistent
9 source of healthful food, offers opportunities for new jobs and
10 increased farm income stability, and improves the balance of trade.

11 The legislature finds that many areas of the state of Washington
12 are suitable for alternative livestock farms, and therefore the
13 legislature encourages the promotion of alternative livestock farming
14 activities, programs, and development with the same status as other
15 agricultural activities, programs, and development within the state.

16 The legislature finds that alternative livestock farming should be
17 considered a branch of the agricultural industry of the state for
18 purposes of any laws that apply to or provide for the advancement,
19 benefit, or protection of the agriculture industry within the state.

1 It is therefore the policy of this state to encourage the
2 development and expansion of alternative livestock farming within the
3 state. It is also the policy of this state to protect wildlife by
4 providing an effective disease inspection and control program for
5 alternative livestock farming operations.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Alternative livestock" means the following as long as they are
10 confined by humans, raised or used in farm or ranch operations in the
11 private sector, and produced on the farm or ranch or legally acquired
12 for the farm or ranch: Fallow deer (*dama dama*); reindeer (all *rangifer*
13 except *rangifer tarandus caribou*); sika deer (*cervus nippon*); roosevelt
14 and rocky mountain elk (*cervus elaphus roosevelti* and *nelsoni*); and
15 other nontraditional vertebrate livestock listed by rules adopted
16 jointly by the departments of agriculture and wildlife under section 4
17 of this act. "Alternative livestock" does not include: A domestic dog
18 (*canis familiaris*) or domestic cat (*felis domestica*); private sector
19 aquatic products as defined in and regulated under chapter 15.85 RCW;
20 an animal raised for release into the wild; an animal raised for the
21 purpose of hunting that takes place in this state; an animal that is
22 required to be identified under section 5 of this act and is not
23 identified as required; or an animal located on, purchased from, or
24 being transported to or from a farm or ranch that is required to be
25 registered under section 7 of this act but is not registered as
26 required at the time the livestock is located on, purchased from, or
27 being transported to or from the farm or ranch.

28 (2) "Alternative livestock products" means the products of
29 alternative livestock including, but not limited to, meat and meat
30 products, velvet, antlers, horns, leather, hides, feathers, eggs,
31 gametes, and genetic materials. "Alternative livestock products" does
32 not include a product that is required to be identified under section
33 5 of this act and is not identified as required.

34 (3) "Department" means the department of agriculture.

35 NEW SECTION. **Sec. 3.** The department is the principal state agency
36 for providing state marketing support services for the alternative
37 livestock industry. The department shall exercise its authorities,

1 including those provided by chapters 15.64, 15.65, 15.66, and 43.23
2 RCW, to develop a program for assisting the alternative livestock
3 industry to market and promote the use of its products. The department
4 shall consult the alternative livestock council in developing the
5 program.

6 NEW SECTION. **Sec. 4.** (1) Any authority of the department of
7 wildlife to regulate alternative livestock and alternative livestock
8 products is limited to the authority granted by this section.

9 (2) The department of agriculture and the department of wildlife
10 shall jointly adopt rules identifying species that may be raised in
11 this state as alternative livestock. The departments shall not
12 identify species as being alternative livestock under this subsection
13 if the presence of the animals in this state, or the concentration of
14 their number through confinement, realistically poses a threat to human
15 health or a significant threat, through the spread of disease, to the
16 health of livestock, alternative livestock, or animals found in the
17 wild in this state. The departments shall not identify species as
18 being alternative livestock if their escape from captivity would
19 likely: (a) Cause extensive environmental damage; (b) compete for
20 resources with animals found in the wild in this state and the
21 competition would be detrimental to those wild animals; (c) breed with
22 animals found in the wild in this state and the animals resulting from
23 the interbreeding would interfere with the enforcement of Title 77 RCW;
24 or (d) breed with animals found wild in this state resulting in animals
25 that would do (a), (b), or (c) of this subsection. A hybrid of an
26 animal listed in section 2(1) of this act or identified in joint rules
27 adopted under this subsection shall be considered to be alternative
28 livestock only if it is expressly identified in joint rules adopted
29 under this subsection. The animals listed in section 2(1) of this act
30 and those identified in such joint rules constitute the only animals
31 considered as alternative livestock under this chapter. The
32 departments may, under jointly adopted rules, restrict the areas of the
33 state in which animals listed in section 2(1) of this act or those
34 identified under this subsection may be ranched or farmed.

35 (3) The department of agriculture and the department of wildlife
36 may jointly adopt rules that authorize the department of wildlife to
37 regulate the entry and intrastate movement, sale, transfer, possession,

1 exhibition, and release of alternative livestock or alternative
2 livestock products to:

3 (a) Prevent the introduction or spread of a disease or parasite
4 harmful to humans or animals including but not limited to livestock and
5 poultry, wildlife, or alternative livestock;

6 (b) Ensure the physical safety of humans;

7 (c) Prevent the escape or release of an animal injurious to or
8 competitive with agriculture, forestry, wildlife, or other natural
9 resources;

10 (d) Ensure the humane treatment of alternative livestock;

11 (e) Control the removal and use of wild animals taken from the
12 public domain; or

13 (f) Comply with federal law.

14 (4) Any rules adopted under this section shall specify the
15 emergency enforcement actions that may be taken by the department of
16 wildlife, and the circumstances under which they may be taken, without
17 first providing the affected party with an opportunity for a hearing.

18 (5) Except as provided in subsection (4) of this section, no action
19 may be taken against a person by the department of wildlife to enforce
20 the rules adopted under this section unless the department of wildlife
21 has first provided the person an opportunity for a hearing. In such a
22 case, if the hearing is requested, no enforcement action may be taken
23 before the conclusion of that hearing.

24 (6) The authority granted to the department of wildlife by rules
25 adopted jointly under this section constitutes the only authority of
26 the department of wildlife to regulate alternative livestock or
27 alternative livestock products. No authority granted under this
28 section or by section 6 of this act may be construed as limiting in any
29 manner the disease control authorities of the department of agriculture
30 that are granted to the department by state law.

31 NEW SECTION. **Sec. 5.** The director of agriculture shall, in
32 consultation with the alternative livestock council, establish
33 identification requirements for alternative livestock and alternative
34 livestock products to the extent that identifying the livestock or the
35 source or quantity of the products is necessary to permit the
36 department of wildlife to effectively administer and enforce Title 77
37 RCW. The director shall also consult with the director of the

1 department of wildlife to ensure that such rules enable the department
2 of wildlife to enforce the programs administered under that title.

3 NEW SECTION. **Sec. 6.** The director of agriculture shall develop
4 and administer a program of disease inspection and control for
5 alternative livestock. The purpose of the program is to protect the
6 alternative livestock industry from the loss of animals or productivity
7 to disease and to protect wildlife in this state. As used in this
8 section "disease" means, in addition to its ordinary meaning,
9 infestations of parasites or pests.

10 NEW SECTION. **Sec. 7.** The owner of a farm or ranch for alternative
11 livestock shall register the farm or ranch annually with the department
12 of agriculture. The director shall develop and maintain a registration
13 list of all alternative livestock farms and ranches. Registered
14 alternative livestock farms and ranches shall provide the department
15 production statistical data.

16 NEW SECTION. **Sec. 8.** The department of agriculture shall adopt
17 rules for administering this chapter. Rules shall be adopted in
18 accordance with chapter 34.05 RCW.

19 In developing and adopting rules under sections 4 and 6 of this
20 act, the department of agriculture shall consult the alternative
21 livestock council, the department of wildlife, appropriate federal
22 agencies, and Indian tribes to assure the protection of state, federal,
23 and tribal wildlife resources and to protect alternative livestock from
24 disease that could originate from resources regulated or managed by
25 public entities.

26 NEW SECTION. **Sec. 9.** If either the director of agriculture or the
27 director of wildlife proposes a rule identifying a species of animal as
28 alternative livestock under section 4 of this act but the other
29 director fails to propose the rule jointly, a scientific review board
30 shall be assembled to make its recommendation regarding the proposed
31 identification. The board shall be composed of: The chair, or the
32 chair's designee, of the natural resource science department at
33 Washington State University; the chair, or the chair's designee, of the
34 school of veterinary medicine at Washington State University; and the

1 chair, or the chair's designee, of the state veterinary board of
2 governors.

3 The board shall review the proposal based on the criteria for
4 considering threats posed by disease and escapement provided by section
5 4(2) of this act and make its recommendations to the directors of the
6 departments of agriculture and wildlife. The directors shall consider
7 the recommendations of the board. If the board recommends that the
8 species be identified as alternative livestock by joint rule and either
9 director determines not to adopt such a rule, the director so declining
10 shall file a statement with the board and the director of the other
11 agency specifying the director's reasons for declining.

12 NEW SECTION. **Sec. 10.** The director of agriculture and the
13 director of wildlife shall study the needs for assuring adequate fences
14 or other methods of enclosure for various species of alternative
15 livestock. The directors shall jointly adopt rules establishing
16 enclosure standards for one or more types of alternative livestock as
17 deemed necessary to assure adequate protection to traditional farm
18 animals, wildlife, and alternative livestock.

19 If an animal is not enclosed as required for the animal in rules
20 adopted under this section or if it is found by a state wildlife or
21 agricultural official or local law enforcement officer outside an area
22 of an enclosure that is required for it in rules adopted under this
23 section, the animal so unenclosed or so found is hereby declared to be
24 a public nuisance. An owner of alternative livestock may request
25 assistance from the department of agriculture, department of wildlife,
26 or local law enforcement office in recapturing escaped alternative
27 livestock and may be billed for the cost of services rendered.

28 Alternative livestock that escape a required enclosure shall be
29 recaptured and impounded at a suitable facility at the owner's expense.
30 Animals may not be returned to the owner's premises until sufficient
31 repairs or improvement are made to assure that release will not
32 reoccur. The owner of the animal is liable for damages that are shown
33 to be caused by the animal during the time of the escape.

34 NEW SECTION. **Sec. 11.** The alternative livestock council of not
35 more than eight persons is hereby created. The council shall be
36 composed of seven representatives of alternative livestock farming and
37 marketing operations in the state. These seven members of the council

1 shall be appointed by the director of agriculture to three-year terms.
2 The director may shorten the initial term for a position on the council
3 to stagger the expiration of terms on the council. Vacancies on the
4 council shall be filled by the director by appointment. The director
5 of the department of wildlife shall be an ex officio member of the
6 council. The council shall advise the department on all aspects of
7 alternative livestock farming and the marketing of alternative
8 livestock and alternative livestock products.

9 NEW SECTION. **Sec. 12.** Each owner of alternative livestock shall
10 ensure that the livestock are confined to the property of the owner or
11 secured at all times when not on that property. An owner who violates
12 the requirements of this section is subject to a civil penalty in the
13 form of a fine levied by the director of the department of agriculture
14 as an order under chapter 34.05 RCW. The fine shall not exceed ten
15 thousand dollars for each instance of a violation. In determining the
16 amount of a fine, the director shall consider the risks or potential
17 risks to the environment, resident wildlife, and traditional and
18 alternative livestock posed by the violation.

19 NEW SECTION. **Sec. 13.** A new section is added to chapter 77.04 RCW
20 to read as follows:

21 This title does not apply to alternative livestock or alternative
22 livestock products, as defined in section 2 of this act or in rules
23 adopted under section 4 of this act. The sole authority of the
24 department of wildlife to regulate such alternative livestock and
25 alternative livestock products is the authority granted by joint rules
26 adopted under section 4 of this act.

27 **Sec. 14.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
28 as follows:

29 As used in this title or rules adopted pursuant to this title,
30 unless the context clearly requires otherwise:

- 31 (1) "Director" means the director of wildlife.
32 (2) "Department" means the department of wildlife.
33 (3) "Commission" means the state wildlife commission.
34 (4) "Person" means and includes an individual, a corporation, or a
35 group of two or more individuals acting with a common purpose whether
36 acting in an individual, representative, or official capacity.

1 (5) "Wildlife agent" means a person appointed and commissioned by
2 the director, with authority to enforce laws and rules adopted pursuant
3 to this title, and other statutes as prescribed by the legislature.

4 (6) "Ex officio wildlife agent" means a commissioned officer of a
5 municipal, county, state, or federal agency having as its primary
6 function the enforcement of criminal laws in general, while the officer
7 is in the appropriate jurisdiction. The term "ex officio wildlife
8 agent" includes fisheries patrol officers, special agents of the
9 national marine fisheries commission, state parks commissioned
10 officers, United States fish and wildlife special agents, department of
11 natural resources enforcement officers, and United States forest
12 service officers, while the agents and officers are within their
13 respective jurisdictions.

14 (7) "To hunt" and its derivatives means an effort to kill, injure,
15 capture, or harass a wild animal or wild bird.

16 (8) "To trap" and its derivatives means a method of hunting using
17 devices to capture wild animals or wild birds.

18 (9) "To fish" and its derivatives means an effort to kill, injure,
19 harass, or catch a game fish.

20 (10) "Open season" means those times, manners of taking, and places
21 or waters established by rule of the commission for the lawful hunting,
22 fishing, or possession of game animals, game birds, or game fish.
23 "Open season" includes the first and last days of the established time.

24 (11) "Closed season" means all times, manners of taking, and places
25 or waters other than those established as an open season.

26 (12) "Closed area" means a place where the hunting of some species
27 of wild animals or wild birds is prohibited.

28 (13) "Closed waters" means all or part of a lake, river, stream, or
29 other body of water, where fishing for game fish is prohibited.

30 (14) "Game reserve" means a closed area where hunting for all wild
31 animals and wild birds is prohibited.

32 (15) "Bag limit" means the maximum number of game animals, game
33 birds, or game fish which may be taken, caught, killed, or possessed by
34 a person, as specified by rule of the commission for a particular
35 period of time, or as to size, sex, or species.

36 (16) "Wildlife" means all species of the animal kingdom whose
37 members exist in Washington in a wild state. This includes but is not
38 limited to mammals, birds, reptiles, amphibians, fish, and
39 invertebrates. The term "wildlife" does not include feral domestic

1 mammals, alternative livestock as defined in section 2 of this act or
2 in rules adopted under section 4 of this act, the family Muridae of the
3 order Rodentia (old world rats and mice), or those fish, shellfish, and
4 marine invertebrates classified by the director of fisheries. The term
5 "wildlife" includes all stages of development and the bodily parts of
6 wildlife members.

7 (17) "Wild animals" means those species of the class Mammalia whose
8 members exist in Washington in a wild state and the species *Rana*
9 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
10 domestic mammals, alternative livestock as defined in section 2 of this
11 act or in rules adopted under section 4 of this act, or the family
12 Muridae of the order Rodentia (old world rats and mice).

13 (18) "Wild birds" means those species of the class Aves whose
14 members exist in Washington in a wild state.

15 (19) "Protected wildlife" means wildlife designated by the
16 commission that shall not be hunted or fished.

17 (20) "Endangered species" means wildlife designated by the
18 commission as seriously threatened with extinction.

19 (21) "Game animals" means wild animals that shall not be hunted
20 except as authorized by the commission.

21 (22) "Fur-bearing animals" means game animals that shall not be
22 trapped except as authorized by the commission.

23 (23) "Game birds" means wild birds that shall not be hunted except
24 as authorized by the commission.

25 (24) "Predatory birds" means wild birds that may be hunted
26 throughout the year as authorized by the commission.

27 (25) "Deleterious exotic wildlife" means species of the animal
28 kingdom not native to Washington and designated as dangerous to the
29 environment or wildlife of the state but excluding alternative
30 livestock as defined in section 2 of this act or in rules adopted under
31 section 4 of this act.

32 (26) "Game farm" means property on which wildlife is held or raised
33 for commercial purposes, trade, or gift. The term "game farm" does not
34 include publicly owned facilities.

35 (27) "Person of disability" means a permanently disabled person who
36 is not ambulatory without the assistance of a wheelchair, crutches, or
37 similar devices.

1 **Sec. 15.** RCW 77.32.010 and 1987 c 506 s 76 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter, a license issued
4 by the director is required to:

5 (a) Hunt for wild animals or wild birds or fish for game fish;

6 (b) Practice taxidermy for profit;

7 (c) Deal in raw furs for profit;

8 (d) Act as a fishing guide;

9 (e) Operate a game farm;

10 (f) Purchase or sell anadromous game fish; or

11 (g) Use department-managed lands or facilities as provided by rules
12 adopted pursuant to this title.

13 (2) A permit issued by the director is required to:

14 (a) Conduct, hold, or sponsor hunting or fishing contests or
15 competitive field trials using live wildlife;

16 (b) Collect wild animals, wild birds, game fish, or protected
17 wildlife for research or display; or

18 (c) Stock game fish.

19 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
20 requirements of this section, except when being stocked in public
21 waters under contract with the department.

22 (4) A license or permit is not required for farming or ranching
23 operations for alternative livestock as such livestock are defined in
24 section 2 of this act or in rules adopted under section 4 of this act.

25 **Sec. 16.** RCW 77.32.211 and 1991 sp.s. c 7 s 4 are each amended to
26 read as follows:

27 (1) A taxidermy license allows the holder to practice taxidermy for
28 profit. The fee for this license is one hundred eighty dollars.

29 (2) A fur dealer's license allows the holder to purchase, receive,
30 or resell raw furs for profit. The fee for this license is one hundred
31 eighty dollars.

32 (3) A fishing guide license allows the holder to offer or perform
33 the services of a professional guide in the taking of game fish. The
34 fee for this license is one hundred eighty dollars for a resident and
35 six hundred dollars for a nonresident.

36 (4) A game farm license allows the holder to operate a game farm
37 (~~to acquire, breed, grow, keep, and sell wildlife~~) under conditions
38 prescribed by the rules adopted pursuant to this title. The fee for

1 this license is seventy-two dollars for the first year and forty-eight
2 dollars for each following year.

3 (5) A game fish stocking permit allows the holder to release game
4 fish into the waters of the state as prescribed by rule of the
5 commission. The fee for this permit is twenty-four dollars.

6 (6) A fishing or field trial permit allows the holder to promote,
7 conduct, hold, or sponsor a fishing or field trial contest in
8 accordance with rules of the commission. The fee for a fishing contest
9 permit is twenty-four dollars. The fee for a field trial contest
10 permit is twenty-four dollars.

11 (7) An anadromous game fish buyer's license allows the holder to
12 purchase or sell steelhead trout and other anadromous game fish
13 harvested by Indian fishermen lawfully exercising fishing rights
14 reserved by federal statute, treaty, or executive order, under
15 conditions prescribed by rule of the director. The fee for this
16 license is one hundred eighty dollars.

17 **Sec. 17.** RCW 77.12.570 and 1987 c 506 s 49 are each amended to
18 read as follows:

19 The commission shall establish the qualifications and conditions
20 for issuing a game farm license. The director shall adopt rules
21 governing the operation of game farms. Private sector cultured aquatic
22 products as defined in RCW 15.85.020 and alternative livestock as
23 defined in section 2 of this act or in rules adopted under section 4 of
24 this act are exempt from regulation under this section.

25 **Sec. 18.** RCW 77.12.580 and 1987 c 506 s 50 are each amended to
26 read as follows:

27 A licensed game farmer may purchase, sell, give away, or dispose of
28 the eggs of game birds or game fish lawfully possessed as provided by
29 rule of the director. The eggs of alternative livestock as defined in
30 section 2 of this act or in rules adopted under section 4 of this act
31 are exempt from regulation under this section.

32 **Sec. 19.** RCW 77.12.590 and 1987 c 506 s 51 are each amended to
33 read as follows:

34 Wildlife given away, sold, or transferred by a licensed game farmer
35 shall have attached to each wildlife member, package, or container, a
36 tag, seal, or invoice as required by rule of the director. Private

1 sector cultured aquatic products as defined in RCW 15.85.020 and
2 alternative livestock and alternative livestock products as defined in
3 section 2 of this act or in rules adopted under section 4 of this act
4 are exempt from regulation under this section.

5 **Sec. 20.** RCW 77.12.600 and 1985 c 457 s 24 are each amended to
6 read as follows:

7 (1) A common carrier may transport wildlife shipped by a licensed
8 game farmer if the wildlife is tagged, sealed, or invoiced as provided
9 in RCW 77.12.590. Packages containing wildlife shall have affixed to
10 them tags or labels showing the name of the licensee and the consignee.

11 (2) For purposes of this section, wildlife does not include private
12 sector cultured aquatic products as defined in RCW 15.85.020 or
13 alternative livestock or alternative livestock products as defined in
14 section 2 of this act or in rules adopted under section 4 of this act.
15 However, if a means of identifying such livestock or products is
16 required by rules adopted under RCW 15.85.060 or section 5 of this act,
17 this exemption from the definition of wildlife applies only if the
18 ((aquatic)) livestock or products are identified in conformance with
19 those rules.

20 NEW SECTION. **Sec. 21.** A new section is added to chapter 16.49A
21 RCW to read as follows:

22 (1) Meat and meat by-products of alternative livestock, as defined
23 in section 2 of this act or in rules adopted under section 4 of this
24 act, whether or not such meat, meat by-products, or animals originate
25 from within the state, shall not be sold or distributed for public
26 consumption without prior inspection by the department, the United
27 States department of agriculture, or another department-recognized
28 local, state, or federal agency responsible for food safety and
29 inspection.

30 (2) The department may adopt rules establishing a program for
31 inspecting meat and meat by-products of alternative livestock. Such
32 rules shall include a fee schedule that will provide for the recovery
33 of the full cost of the inspection program. Fees collected under this
34 section shall be deposited in an account within the agricultural local
35 fund and the revenue from such fees shall be used solely for carrying
36 out the provisions of this section. No appropriation is required for

1 disbursement from the account. The director may employ such personnel
2 as are necessary to carry out the provisions of this section.

3 **Sec. 22.** RCW 16.57.010 and 1989 c 286 s 22 are each amended to
4 read as follows:

5 For the purpose of this chapter:

6 (1) "Department" means the department of agriculture of the state
7 of Washington.

8 (2) "Director" means the director of the department or a duly
9 appointed representative.

10 (3) "Person" means a natural person, individual, firm, partnership,
11 corporation, company, society, and association, and every officer,
12 agent or employee thereof. This term shall import either the singular
13 or the plural as the case may be.

14 (4) "Livestock" includes, but is not limited to, horses, mules,
15 cattle, sheep, swine, goats, poultry (~~and~~), rabbits, and alternative
16 livestock as defined in section 2 of this act or in rules adopted under
17 section 4 of this act.

18 (5) "Brand" means a permanent fire brand or any artificial mark,
19 other than an individual identification symbol, approved by the
20 director to be used in conjunction with a brand or by itself.

21 (6) "Production record brand" means a number brand which shall be
22 used for production identification purposes only.

23 (7) "Brand inspection" means the examination of livestock or
24 livestock hides for brands or any means of identifying livestock or
25 livestock hides and/or the application of any artificial identification
26 such as back tags or ear clips necessary to preserve the identity of
27 the livestock or livestock hides examined.

28 (8) "Individual identification symbol" means a permanent mark
29 placed on a horse for the purpose of individually identifying and
30 registering the horse and which has been approved for use as such by
31 the director.

32 (9) "Registering agency" means any person issuing an individual
33 identification symbol for the purpose of individually identifying and
34 registering a horse.

1 NEW SECTION. **Sec. 23.** Sections 1 through 12 of this act shall
2 constitute a new chapter in Title 15 RCW.

--- **END** ---