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ENGROSSED HOUSE BILL 2523

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Rayburn, Schoesler, Chappell, Chandler, Foreman, Hansen, R. Meyers and Mastin; by request of Department of Agriculture

Read first time 01/17/94. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to violations concerning custom slaughtering and  
2 poultry products; amending RCW 16.49.444, 16.49.510, and 16.74.650; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 16.49.444 and 1985 c 415 s 12 are each amended to read  
6 as follows:

7 The director of agriculture may, subsequent to a hearing under  
8 chapter 34.05 RCW, deny, suspend, establish conditions of probation for  
9 a designated period of time, or revoke any license required under this  
10 chapter if it is determined that an applicant has committed any of the  
11 following acts:

12 (1) Refused, neglected, or failed to comply with the provisions of  
13 this chapter, the rules (~~and regulations~~) adopted hereunder, or any  
14 lawful order of the department of agriculture;

15 (2) Refused, neglected, or failed to keep and maintain records  
16 required by this chapter, or to make the records available when  
17 requested under this chapter; or

18 (3) Refused the director of agriculture access to any facilities or  
19 parts of the facilities subject to this chapter.

1       **Sec. 2.** RCW 16.49.510 and 1985 c 415 s 6 are each amended to read  
2 as follows:

3       If the director finds that a person has committed a violation of  
4 any provision of this chapter or rules adopted under this chapter, the  
5 director may impose upon and collect from the violator, a civil penalty  
6 not exceeding one thousand dollars per violation per day. Each  
7 violation is a separate and distinct offense.

8       The violation of any provision of this chapter ~~((and/or))~~ or rules  
9 ~~((and regulations))~~ adopted hereunder shall constitute a gross  
10 misdemeanor.

11       Both a civil penalty and a criminal penalty may not be imposed for  
12 the same violation.

13       **Sec. 3.** RCW 16.74.650 and 1969 ex.s. c 146 s 61 are each amended  
14 to read as follows:

15       If the director finds that a person has committed a violation of  
16 the provisions of this chapter or rules adopted under this chapter, the  
17 director may impose upon and collect from the violator a civil penalty  
18 not exceeding one thousand dollars per violation per day. Each  
19 violation is a separate and distinct offense.

20       Any person violating any provisions of this chapter or any rules  
21 ~~((or regulations))~~ adopted hereunder shall be ~~((guilty of a misdemeanor~~  
22 ~~and))~~ guilty of a gross misdemeanor ~~((for any second and subsequent~~  
23 ~~violation: PROVIDED, That any offense committed more than five years~~  
24 ~~after a previous conviction shall be considered a first offense))~~.

25       Both a civil penalty and a criminal penalty may not be imposed for  
26 the same violation.

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