

2 **SSB 5315** - H AMDS TO AG COMM AMD (H2801.3) **730 WITHDRAWN 4/13/95**
3 By Representatives Sehlin and Chandler

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5 Beginning on page 43, line 5 of the amendment, strike all material
6 through page 54, line 3, and insert the following:

7 "NEW SECTION. **Sec. 49.** The legislature declares that the
8 husbandry of alternative livestock as a farming operation may provide
9 a consistent source of healthful food, offers opportunities for new
10 jobs and increased farm income stability, and improves the balance of
11 trade.

12 The legislature intends to establish a process to identify animal
13 species that may be commercially raised in the state of Washington.

14 The legislature finds that many areas of the state of Washington
15 may be suitable for alternative livestock farms, and therefore the
16 legislature encourages the promotion of alternative livestock farming
17 activities, programs, and development with the same status as other
18 agricultural activities, programs, and development within the state.

19 The legislature finds that alternative livestock farming should be
20 considered a branch of the agricultural industry of the state for
21 purposes of laws that apply to or provide for the advancement, benefit,
22 or protection of the agriculture industry within the state. The
23 legislature further finds, however, that alternative livestock farming
24 may pose threats to the state's wildlife, and therefore requires
25 effective regulation to minimize these threats.

26 Therefore, it is the policy of this state to protect wildlife and
27 existing domestic livestock industries by providing for effective
28 regulation of alternative livestock farming including but not limited
29 to a disease inspection and control program for alternative livestock
30 farming operations.

31 NEW SECTION. **Sec. 50.** Unless the context clearly requires
32 otherwise, the definitions in this section apply throughout this
33 chapter.

34 (1) "Alternative livestock" means those species classified under
35 the provisions of section 57 of this act, so long as the alternative

1 livestock are: Confined by humans; raised or used in farm or ranch
2 operations in the private sector; and produced on the farm or ranch or
3 legally acquired for the farm or ranch. "Alternative livestock" does
4 not include: Domestic dogs (*canis familiaris*) or domestic cats (*felis*
5 *domestica*) or other members of the family *Felidae*; domestic livestock
6 as defined in RCW 16.36.005; private-sector aquatic products as defined
7 in and regulated under chapter 15.85 RCW; animals raised for release
8 into the wild; animals raised for the purpose of hunting that takes
9 place in this state; or fur farming and game farming as currently
10 allowed and regulated by chapters 16.72, 17.12, and 77.32 RCW.

11 (2) "Alternative livestock farm or ranch" means the farm or ranch
12 upon which alternative livestock are reared and shall not include
13 publicly and privately owned facilities for which a license or permit
14 is required under RCW 77.12.570 or 77.32.010.

15 (3) "Alternative livestock products" means the agricultural
16 products of alternative livestock including, but not limited to, meat
17 and meat products, velvet, antlers, horns, leather, hides, feathers,
18 eggs, gametes, and genetic materials. "Alternative livestock products"
19 does not include a product that is required to be identified under
20 section 53 of this act and that is not identified as required.

21 (4) "Department" means the department of agriculture.

22 NEW SECTION. **Sec. 51.** The department is the principal state
23 agency for providing state marketing support services for the
24 alternative livestock industry. The department shall exercise its
25 authorities, including those provided by chapters 15.64, 15.65, 15.66,
26 and 43.23 RCW, to develop a program for assisting the alternative
27 livestock industry to market and promote the use of its products.

28 NEW SECTION. **Sec. 52.** It is unlawful to hunt or allow others to
29 hunt for a fee, any alternative livestock reared on or derived from an
30 alternative livestock farm.

31 NEW SECTION. **Sec. 53.** The director of agriculture shall, in
32 consultation with the director of fish and wildlife, establish methods
33 of identification requirements, such as tattoos, branding, or ear tags,
34 for alternative livestock and alternative livestock products to the
35 extent that identifying the livestock or the source or quantity of the
36 products is necessary to permit the department of fish and wildlife to

1 effectively administer and enforce Title 77 RCW. The director of
2 agriculture shall also consult with the director of fish and wildlife
3 to ensure that such rules enable the department of fish and wildlife to
4 enforce the programs administered under Title 77 RCW.

5 NEW SECTION. **Sec. 54.** The department shall, in consultation with
6 the department of fish and wildlife and other interests, develop a
7 program of disease inspection and control for alternative livestock.
8 The purpose of the program is to protect the domestic and alternative
9 livestock industries from the loss of animals or productivity to
10 disease and to protect wildlife in this state.

11 The department shall adopt new or amend existing rules in
12 conformance with chapter 34.05 RCW. The department shall administer a
13 program of disease inspection and control for alternative livestock.
14 As used in this section "disease" means, in addition its ordinary
15 meanings, infestations of parasites or pests.

16 NEW SECTION. **Sec. 55.** The owner of a farm or ranch for
17 alternative livestock shall register the farm or ranch annually with
18 the department. The director shall develop and maintain a registration
19 list of all alternative livestock farms and ranches. Registered
20 alternative livestock farms and ranches shall provide the department
21 production statistical data. The director of agriculture and the
22 director of fish and wildlife shall establish by rule reasonable annual
23 registration fees sufficient to cover the costs of development of rules
24 and the administration of this chapter and the rules adopted under this
25 chapter. Fees may differ between species based upon factors including
26 but not limited to economic value, degree of services required, and
27 complexity of rules. Seventy-five percent of the fees collected under
28 this section shall be deposited in the alternative livestock farm
29 account, hereby created, within the agricultural local fund and the
30 remainder shall be deposited in the wildlife fund, and shall be used
31 solely to carry out the provisions of this chapter.

32 NEW SECTION. **Sec. 56.** The director of agriculture and the
33 director of fish and wildlife shall study, with input from the
34 alternative livestock industry and other interested parties, the needs
35 for assuring adequate fences or other methods of enclosure for various
36 species of alternative livestock. The directors shall jointly adopt

1 rules establishing enclosure standards for one or more types of
2 alternative livestock as deemed necessary to assure adequate protection
3 to domestic livestock, wildlife, and alternative livestock.

4 If an animal is not enclosed as required in rules adopted under
5 this section or if it is found by a state fish and wildlife or
6 agricultural official or local law enforcement officer outside an area
7 of an enclosure that is required in rules adopted under this section,
8 the unenclosed or found animal is declared to be a public nuisance. An
9 owner of alternative livestock may request assistance from the
10 department of agriculture, department of fish and wildlife, or local
11 law enforcement office in recapturing escaped alternative livestock and
12 may be billed for the cost of services rendered.

13 Alternative livestock that escape a required enclosure and are
14 recaptured may be impounded at a suitable facility at the owner's
15 expense. Animals may not be returned to the owner's premises until
16 sufficient repairs or improvements are made to assure that escape will
17 not reoccur. The owner of the animal is liable for damages that are
18 shown to be caused by the animal during the time of the escape.

19 NEW SECTION. **Sec. 57.** (1) Animals shall be classified as
20 alternative livestock under the process established in this section.

21 (2) A species may be petitioned for regulation by the director of
22 fish and wildlife, the director of agriculture, or any person by filing
23 with either department a completed written petition requesting the
24 joint regulation of a species under this chapter.

25 (3) The directors shall decide if and how a species is to be
26 regulated through jointly adopted rules. Each determination shall be
27 in writing and shall be published in the Washington State Register.

28 (4) If the directors do not reach agreement as to whether and how
29 a species should be regulated under this chapter, the directors will
30 convene a scientific review panel that will make a written
31 recommendation to the directors as to the status of the species in
32 question.

33 (5)(a) Any species that is not present in the state as of the
34 effective date of this section, may be petitioned by any person for
35 possible regulation and such petition acted upon under this section
36 prior to entry for allowance or prohibition as alternative livestock.

1 (b) The legal status of a species that is present in the state on
2 the effective date of this section does not change unless new or
3 amended rules regarding such species are adopted.

4 NEW SECTION. **Sec. 58.** Wildlife species that exist in a wild state
5 in the state of Washington may not be trapped or captured or otherwise
6 taken for use in an alternative livestock farming operation.

7 NEW SECTION. **Sec. 59.** The director of agriculture and the
8 director of fish and wildlife shall develop by rule the requirements
9 for documents, data, scientific evidence, or other items to be
10 submitted that will constitute a completed written petition for the
11 purpose of section 57 of this act. The directors shall develop
12 criteria upon which to make evaluations as to whether and how
13 petitioned species will be regulated.

14 The department of agriculture and the department of fish and
15 wildlife may adopt rules in accordance with chapter 34.05 RCW to carry
16 out the provisions of this chapter.

17 NEW SECTION. **Sec. 60.** All rules of the department of fish and
18 wildlife and the department of agriculture that are inconsistent with
19 the provisions of chapter . . . , Laws of 1995 (this act) or the rules
20 adopted under it, shall be amended or repealed to comply with chapter
21 . . . , Laws of 1995 (this act) or such rules.

22 **Sec. 61.** RCW 16.36.005 and 1987 c 163 s 1 are each amended to read
23 as follows:

24 As used in this chapter:

25 "Animal" means all members of the animal kingdom except humans,
26 fish, and insects.

27 "Director" means the director of agriculture of the state of
28 Washington or his or her authorized representative.

29 "Department" means the department of agriculture of the state of
30 Washington.

31 "Domestic livestock" means horses, mules, donkeys, cattle, sheep,
32 goats, swine, poultry, rabbits, llamas, alpacas, ratites, and other
33 species so designated by statute.

34 "Garbage" means the solid animal and vegetable waste and offal
35 together with the natural moisture content resulting from the handling,

1 preparation, or consumption of foods in houses, restaurants, hotels,
2 kitchens, markets, meat shops, packing houses and similar
3 establishments or any other food waste containing meat or meat
4 products.

5 "Veterinary biologic" means any virus, serum, toxin, and analogous
6 product of natural or synthetic origin, or product prepared from any
7 type of genetic engineering, such as diagnostics, antitoxins, vaccines,
8 live microorganisms, killed microorganisms, and the antigenic or
9 immunizing components intended for use in the diagnosis, treatment, or
10 prevention of diseases in animals.

11 NEW SECTION. **Sec. 62.** A new section is added to chapter 16.49A
12 RCW to read as follows:

13 (1) Meat and meat by-products of alternative livestock, as defined
14 in section 50 of this act, whether or not such meat, meat by-products,
15 or animals originate from within the state, shall not be sold or
16 distributed for public consumption without prior inspection by the
17 department, the United States department of agriculture, or another
18 department-recognized local, state, or federal agency responsible for
19 food safety and inspection.

20 (2) The department may adopt rules establishing a program for
21 inspecting meat and meat by-products of alternative livestock. Such
22 rules shall include a fee schedule that will provide for the recovery
23 of the cost of the inspection program. Fees collected under this
24 section shall be deposited in an account within the agricultural local
25 fund and the revenue from such fees shall be used solely for carrying
26 out the provisions of this section. The director may employ such
27 personnel as are necessary to carry out the provisions of this section.

28 **Sec. 63.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read
29 as follows:

30 The word "quarantine" as used in (~~this act shall~~) this chapter
31 and chapter 16.44 RCW means the placing and restraining of any animal
32 or animals by the owner or agents in charge thereof, either within a
33 certain described and designated enclosure or area within this state,
34 or the restraining of any such animal, animals, or animal(~~s~~) species
35 from entering this state, as may be directed in writing by the director
36 of agriculture, or his or her duly authorized representative. Any
37 animal or animals so quarantined within the state shall at all times be

1 kept separate and apart from other ((domestic)) animals and not allowed
2 to have anything in common therewith.

3 **Sec. 64.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read
4 as follows:

5 The director shall have general supervision of the prevention of
6 the spread and the suppression of infectious, contagious, communicable
7 and dangerous diseases affecting animals within, in transit through and
8 being imported into the state. The director may establish and enforce
9 quarantine of and against any and all ((domestic)) animals which are
10 affected with any such disease or that may have been exposed to others
11 thus affected, whether within or without the state, for such length of
12 time as he or she deems necessary to determine whether any such animal
13 is infected with any such disease. The director shall also enforce and
14 administer the provisions of this chapter pertaining to garbage feeding
15 and when garbage has been fed to swine, the director may require the
16 disinfection of all facilities, including yard, transportation and
17 feeding facilities, used for keeping such swine.

18 The director shall also have the authority to regulate the sale,
19 distribution, and use of veterinary biologics in the state and may
20 adopt rules to restrict the sale, distribution, or use of any
21 veterinary biologic in any manner the director determines to be
22 necessary to protect the health and safety of the public and the
23 state's animal population.

24 **Sec. 65.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to
25 read as follows:

26 It is unlawful for any person to intentionally falsely make,
27 complete, alter, use, or sign an animal health certificate, certificate
28 of veterinary inspection, or official written animal health instrument
29 of the department. It ((shall be)) is unlawful for any person, or any
30 railroad or transportation company, or other common carrier, to bring
31 into this state for any purpose any ((domestic)) animals without first
32 having secured an official health certificate or certificate of
33 veterinary inspection, ((certified)) reviewed by the state veterinarian
34 of origin that such animals meet the health requirements
35 ((promulgated)) adopted by the director of agriculture of the state of
36 Washington((:—PROVIDED, That)). This section shall not apply to
37 domestic ((animals)) livestock imported into this state for immediate

1 slaughter, or (~~domestic~~) livestock animals imported for the purpose
2 of unloading for feed, rest, and water, for a period not in excess of
3 twenty-eight hours except upon prior permit therefor secured from the
4 director of agriculture. It (~~shall be~~) is unlawful for any person to
5 divert en route for other than to an approved, inspected stockyard for
6 immediate slaughter or to sell for other than immediate slaughter or to
7 fail to slaughter within fourteen days after arrival, any animal
8 imported into this state for immediate slaughter. It (~~shall be~~) is
9 unlawful for any person, railroad, transportation company, or other
10 common carrier, to keep any (~~domestic~~) animals which are unloaded for
11 feed, rest and water in other than quarantined pens, or not to report
12 any missing animals to the director of agriculture at the time the
13 animals are reloaded. This section does not allow or purport to allow
14 importation, possession, or uses of animals which are in violation of
15 Title 77 RCW or the rules adopted thereunder.

16 **Sec. 66.** RCW 16.36.040 and 1979 c 154 s 10 are each amended to
17 read as follows:

18 The director of agriculture shall have power to (~~promulgate~~)
19 adopt and enforce (~~such~~) reasonable rules(~~(regulations)~~) and orders
20 as he or she may deem necessary or proper to prevent the introduction
21 or spreading of infectious, contagious, communicable or dangerous
22 diseases affecting (~~domestic~~) animals in this state, and to
23 (~~promulgate~~) adopt and enforce (~~such~~) reasonable rules(~~(regulations)~~) and orders as he or she may deem necessary or proper
24 governing the inspection and (~~test~~) testing of all animals within or
25 about to be imported into this state, and to (~~promulgate~~) adopt and
26 enforce (~~intercounty~~) intrastate embargoes, hold orders, and
27 quarantine (~~to prevent the shipment, trailing, trucking, transporting~~
28 ~~or movement of bovine animals from any county that has not been~~
29 ~~declared modified accredited by the United States department of~~
30 ~~agriculture, animal and plant health inspection service, for~~
31 ~~tuberculosis and/or certified brucellosis free, into a county which has~~
32 ~~been declared modified accredited by the United States department of~~
33 ~~agriculture, animal and plant health inspection service, for~~
34 ~~tuberculosis and/or certified brucellosis free, unless such animals are~~
35 ~~accompanied by a negative certificate of tuberculin test made within~~
36 ~~sixty days and/or a negative brucellosis test made within the forty-~~
37 ~~five day period prior to the movement of such animal into such county,~~

1 issued by a duly authorized veterinary inspector of the state
2 department of agriculture, or of the United States department of
3 agriculture, animal and plant health inspection service, or an
4 accredited veterinarian authorized by permit issued by the director of
5 agriculture to execute such certificate)). However, these rules shall
6 not allow or purport to allow importation, possession, or uses of
7 animals that are in violation of Title 77 RCW or the rules adopted
8 under Title 77 RCW. In adopting such rules for animals other than
9 domestic livestock, the department shall consult with the department of
10 fish and wildlife.

11 **Sec. 67.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read
12 as follows:

13 It (~~shall be~~) is unlawful for any person to willfully hinder,
14 obstruct, or resist the director of agriculture or any duly authorized
15 representative, or any peace officer acting under him or her or them,
16 when engaged in the performance of the duties or in the exercise of the
17 powers conferred by this chapter, and it (~~shall be~~) is unlawful for
18 any person to willfully fail to comply with or violate any rule(~~(~~
19 ~~regulation)~~) or order (~~(promulgated)~~) adopted by the director of
20 agriculture or his or her duly authorized representatives under the
21 provisions of this chapter. The director of agriculture or his or her
22 duly authorized representative shall have the authority under (~~such~~)
23 rules (~~(and regulations)~~) as shall be (~~(promulgated by him)~~) adopted by
24 the director to enter at any reasonable time the premises of any
25 (~~(livestock)~~) animal owner to make tests on or examinations of any
26 animals for diseased condition(~~(s, and it shall be)~~). It is unlawful
27 for any person to interfere with (~~such~~) the tests or examinations in
28 any manner, or to (~~violate~~) alter any segregation or identification
29 (~~(order)~~) systems made in connection with (~~such~~) the tests or
30 examinations by the director of agriculture, or his or her duly
31 authorized representative.

32 **Sec. 68.** RCW 16.36.070 and 1947 c 172 s 6 are each amended to read
33 as follows:

34 Whenever a majority of any board of health, board of county
35 commissioners, city council or other governing body of any incorporated
36 city or town, or trustees of any township, whether in session or not,
37 shall, in writing or by (~~telegraph~~) facsimile, notify the director of

1 agriculture of the prevalence of or probable danger of infection from
2 any of the diseases of ((domestic)) animals the director of agriculture
3 personally, or by the ((supervisor of dairy and livestock)) state
4 veterinarian, or by a duly appointed and deputized veterinarian of the
5 division of ((dairy and livestock)) food safety and animal health,
6 shall at once go to the place designated in ((said)) the notice and
7 take ((such)) action as the exigencies may in his or her judgment
8 demand, and may in case of an emergency appoint deputies or assistants,
9 with equal power to act. The compensation to be paid ((such)) the
10 emergency deputies and assistants, shall be fixed by the director of
11 agriculture in conformity with the standards effective in the locality
12 in which the services are performed.

13 **Sec. 69.** RCW 16.36.080 and 1947 c 172 s 7 are each amended to read
14 as follows:

15 It ((shall be)) is unlawful for any person registered to practice
16 veterinary medicine, surgery and dentistry in this state not to
17 immediately report in writing to the director of agriculture the
18 discovery of the existence or suspected existence among ((domestic))
19 animals within the state of any reportable diseases as published by the
20 director of agriculture.

21 **Sec. 70.** RCW 16.36.100 and 1927 c 165 s 10 are each amended to
22 read as follows:

23 The governor and the director of agriculture shall have the power
24 to cooperate with the government of the United States in the prevention
25 and eradication of diseases of ((domestic)) animals and the governor
26 shall have the power to receive and receipt for any moneys receivable
27 by this state under the provisions of any act of congress and pay the
28 same into the hands of the state treasurer as custodian for the state
29 to be used and expended in carrying out the provisions of this act and
30 the act or acts of congress under which ((said)) the moneys are paid
31 over to the state."

32 Renumber the remaining sections consecutively, correct internal
33 references, and correct the title.

1 **SSB 5315** - H AMDS TO AG COMM AMD (H2801.3)

2 By Representative

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4 On page 66, line 11 of the amendment, strike "50 through 59" and
5 insert "49 through 60"

6 On page 66, line 20 of the amendment, strike "52, 95," and insert
7 "95"

8 EFFECT: The amendment alters the provisions of the bill regarding
9 the designation and regulation of alternative livestock. (1) Animal
10 species commercially brought into production in this state since 1980
11 are not automatically designated as alternative livestock. Companion
12 animals other than dogs and cats are no longer expressly exempted from
13 being considered as alternative livestock. (2) The Washington State
14 Department of Agriculture (WSDA) is no longer the sole regulatory
15 agency for such livestock. The Director of the WSDA and the Director
16 of the Department of Fish and Wildlife (F&W) jointly decide if and how
17 a species is to be regulated as alternative livestock. Both develop
18 criteria upon which evaluations of proposals are to be evaluated.
19 Enclosure requirements are to be established jointly. The WSDA must
20 consult F&W regarding identification requirements. (3) The WSDA is
21 directed to establish and administer a disease inspection and control
22 program for alternative livestock. (4) Registration fees must be set
23 by the WSDA and F&W and must cover the costs of administering the
24 program. 75 percent of the fees are to be deposited in the
25 Agricultural Local Fund and the remainder in the Wildlife Fund. (5)
26 Animals required to be enclosed which are not so enclosed are declared
27 to be public nuisances. They may be impounded, but may not be returned
28 to the alternative livestock farm until enclosure improvements have
29 been made that will prevent a recurrence. The owner of such unenclosed
30 alternative livestock is liable for damages done by the livestock. (6)
31 The definitions of wildlife and deleterious exotic wildlife no longer
32 exempt alternative livestock, but rules adopted under those provisions
33 of law must be consistent with the rules adopted under the alternative
34 livestock laws. (7) The animals for which the WSDA has disease control
35 authority under its general disease control laws expressly do not
36 include humans, fish, or insects.

--- END ---