

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1151**

56th Legislature  
1999 Regular Session

Passed by the House April 19, 1999  
Yeas 95 Nays 2

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 14, 1999  
Yeas 48 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1151** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1151**

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** Representatives Linville, G. Chandler, Cooper and Koster; by request of Department of Agriculture

Read first time 01/15/1999. Referred to Committee on Agriculture & Ecology.

1            AN ACT Relating to updating or repealing dairy and food laws;  
2 amending RCW 15.36.012, 15.36.021, 15.36.051, 15.36.081, 15.36.111,  
3 15.36.151, 15.36.161, 15.36.171, 15.36.181, 15.36.191, 15.36.231,  
4 15.36.401, 15.36.421, 15.36.451, 15.36.471, 15.36.481, 15.36.491,  
5 15.36.511, 15.36.551, 15.36.561, 16.49.435, 16.49.670, 16.67.030,  
6 35A.69.010, and 69.04.930; reenacting and amending RCW 15.36.201;  
7 adding new sections to chapter 15.36 RCW; repealing RCW 15.36.031,  
8 15.36.061, 15.36.121, 15.36.211, 15.36.251, 15.36.291, 15.36.301,  
9 15.36.311, 15.36.411, 15.36.431, 15.36.441, 15.36.461, 15.36.501,  
10 15.36.521, 15.38.001, 15.38.010, 15.38.020, 15.38.030, 15.38.040,  
11 15.38.050, 15.40.010, 15.40.030, 15.40.040, 15.40.050, 15.40.900,  
12 15.41.010, 15.41.020, 16.48.120, 16.48.280, 16.48.310, 16.48.311,  
13 16.48.312, 16.48.320, 16.48.325, 16.49A.010, 16.49A.020, 16.49A.030,  
14 16.49A.040, 16.49A.050, 16.49A.060, 16.49A.070, 16.49A.080, 16.49A.090,  
15 16.49A.100, 16.49A.110, 16.49A.120, 16.49A.130, 16.49A.140, 16.49A.150,  
16 16.49A.160, 16.49A.170, 16.49A.180, 16.49A.190, 16.49A.200, 16.49A.210,  
17 16.49A.220, 16.49A.230, 16.49A.240, 16.49A.250, 16.49A.255, 16.49A.260,  
18 16.49A.270, 16.49A.280, 16.49A.290, 16.49A.300, 16.49A.310, 16.49A.320,  
19 16.49A.330, 16.49A.340, 16.49A.350, 16.49A.360, 16.49A.370, 16.49A.380,  
20 16.49A.390, 16.49A.400, 16.49A.410, 16.49A.420, 16.49A.430, 16.49A.440,  
21 16.49A.450, 16.49A.460, 16.49A.470, 16.49A.480, 16.49A.520, 16.49A.530,

1 16.49A.540, 16.49A.550, 16.49A.560, 16.49A.570, 16.49A.580, 16.49A.590,  
2 16.49A.600, 16.49A.610, 16.49A.620, 16.49A.630, 16.49A.640, 16.49A.650,  
3 16.49A.900, 16.49A.910, 16.49A.920, 16.74.010, 16.74.020, 16.74.030,  
4 16.74.040, 16.74.050, 16.74.060, 16.74.070, 16.74.080, 16.74.090,  
5 16.74.100, 16.74.110, 16.74.120, 16.74.130, 16.74.140, 16.74.150,  
6 16.74.160, 16.74.170, 16.74.180, 16.74.190, 16.74.200, 16.74.210,  
7 16.74.220, 16.74.230, 16.74.240, 16.74.250, 16.74.260, 16.74.270,  
8 16.74.280, 16.74.290, 16.74.300, 16.74.310, 16.74.320, 16.74.330,  
9 16.74.340, 16.74.350, 16.74.360, 16.74.370, 16.74.380, 16.74.390,  
10 16.74.400, 16.74.410, 16.74.420, 16.74.430, 16.74.440, 16.74.450,  
11 16.74.460, 16.74.470, 16.74.480, 16.74.490, 16.74.500, 16.74.510,  
12 16.74.520, 16.74.530, 16.74.540, 16.74.550, 16.74.560, 16.74.570,  
13 16.74.580, 16.74.590, 16.74.600, 16.74.610, 16.74.615, 16.74.620,  
14 16.74.630, 16.74.640, 16.74.650, 16.74.900, 16.74.910, 16.74.920,  
15 19.92.100, 19.92.110, 19.92.120, and 19.92.240; prescribing penalties;  
16 and providing an expiration date.

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

18 **Sec. 1.** RCW 15.36.012 and 1995 c 374 s 1 are each amended to read  
19 as follows:

20 For the purpose of this chapter:

21 "Adulterated milk" means milk that is deemed adulterated under  
22 appendix L of the PMO.

23 (~~"Aseptic processing" means the process by which milk or milk~~  
24 ~~products have been subjected to sufficient heat processing and packaged~~  
25 ~~in a hermetically sealed container so as to meet the standards of the~~  
26 ~~PMO.~~)

27 "Colostrum milk" means milk produced within ten days before or  
28 until practically colostrum free after parturition.

29 "DMO" means supplement I, the recommended sanitation ordinance for  
30 grade A condensed and dry milk products and condensed and dry whey, to  
31 the PMO published by the United States public health service, food and  
32 drug administration.

33 "Dairy farm" means a place or premises where one or more cows,  
34 goats, or other mammals are kept, a part or all of the milk or milk  
35 products from which is sold or offered for sale to a milk processing  
36 plant, transfer station, or receiving station.

1 "Dairy technician" means any person who takes samples of milk or  
2 cream or fluid derivatives thereof, on which sample tests are to be  
3 made as a basis of payment, or who grades, weighs, or measures milk or  
4 cream or the fluid derivatives thereof, the grade, weight, or measure  
5 to be used as a basis of payment, or who operates equipment wherein  
6 milk or products thereof are pasteurized.

7 "Degrade" means the lowering in grade from grade A to grade C.

8 "Department" means the state department of agriculture.

9 "Director" means the director of agriculture of the state of  
10 Washington or the director's duly authorized representative.

11 (~~"Distributor" means a person other than a producer who offers for  
12 sale or sells to another, milk or milk products.~~)

13 "Grade A milk processing plant" means any milk processing plant  
14 that meets all of the standards of the PMO to process grade A  
15 pasteurized milk or milk products.

16 "Grade A pasteurized milk" means grade A raw milk that has been  
17 pasteurized.

18 "Grade A raw milk" means raw milk produced upon dairy farms  
19 conforming with all of the items of sanitation contained in the PMO, in  
20 which the bacterial plate count does not exceed twenty thousand per  
21 milliliter and the coliform count does not exceed ten per milliliter as  
22 determined in accordance with RCW 15.36.201.

23 "Grade A raw milk for pasteurization" means raw milk produced upon  
24 dairy farms conforming with all of the same items of sanitation  
25 contained in the PMO of grade A raw milk, and the bacterial plate  
26 count, as delivered from the farm, does not exceed eighty thousand per  
27 milliliter as determined in accordance with RCW 15.36.201.

28 "Grade C milk" is milk that violates any of the requirements for  
29 grade A milk but that is not deemed to be adulterated.

30 (~~"Homogenized" means milk or milk products which have been treated  
31 to ensure breakup of the fat globules to an extent consistent with the  
32 requirements outlined in the PMO.~~)

33 "Milk" means the lacteal secretion, practically free of colostrum,  
34 obtained by the complete milking of one or more healthy cows, goats, or  
35 other mammals.

36 "Milk hauler" means a person who transports milk or milk products  
37 in bulk to or from a milk processing plant, receiving station, or  
38 transfer station.

1 "Milk processing" means the handling, preparing, packaging, or  
2 processing of milk in any manner in preparation for sale as food, as  
3 defined in chapter 69.04 RCW. Milk processing does not include milking  
4 or producing milk on a dairy farm that is shipped to a milk processing  
5 plant for further processing.

6 "Milk processing plant" means a place, premises, or establishment  
7 where milk or milk products are collected, handled, processed, stored,  
8 bottled, pasteurized, aseptically processed, bottled, or prepared for  
9 distribution, except an establishment that merely receives the  
10 processed milk products and serves them or sells them at retail.

11 "Milk products" means the product of a milk manufacturing process.

12 "Misbranded milk" means milk or milk products that carries a grade  
13 label unless such grade label has been awarded by the director and not  
14 revoked, or that fails to conform in any other respect with the  
15 statements on the label.

16 (~~("Official brucellosis adult vaccinated cattle" means those  
17 cattle, officially vaccinated over the age of official calthood  
18 vaccinated cattle, that the director has determined have been  
19 commingled with, or kept in close proximity to, cattle identified as  
20 brucellosis reactors, and have been vaccinated against brucellosis in  
21 a manner and under the conditions prescribed by the director after a  
22 hearing and under rules adopted under chapter 34.05 RCW, the  
23 administrative procedure act.))~~)

24 "Official laboratory" means a biological, chemical, or physical  
25 laboratory that is under the direct supervision of the state or a local  
26 regulatory agency.

27 "Officially designated laboratory" means a commercial laboratory  
28 authorized to do official work by the department, or a milk industry  
29 laboratory officially designated by the department for the examination  
30 of grade A raw milk for pasteurization and commingled milk tank truck  
31 samples of raw milk for antibiotic residues and bacterial limits.

32 "PMO" means the grade "A" pasteurized milk ordinance published by  
33 the United States public health service, food and drug administration.

34 "Pasteurized" means the process of heating every particle of milk  
35 or milk product in properly designed and operated equipment to the  
36 temperature and time standards specified in the PMO.

37 "Person" means an individual, partnership, firm, corporation,  
38 company, trustee, or association.

1 "Producer" means a person or organization who operates a dairy farm  
2 and provides, sells, or offers milk for sale to a milk processing  
3 plant, receiving station, or transfer station.

4 "Receiving station" means a place, premises, or establishment where  
5 raw milk is received, collected, handled, stored, or cooled and  
6 prepared for further transporting.

7 "Sale" means selling, offering for sale, holding for sale,  
8 preparing for sale, trading, bartering, offering a gift as an  
9 inducement for sale of, and advertising for sale in any media.

10 "Transfer station" means any place, premises, or establishment  
11 where milk or milk products are transferred directly from one milk tank  
12 truck to another.

13 ~~(( "Ultrapasteurized" means the process by which milk or milk  
14 products have been thermally processed in accordance with the time and  
15 temperature standards of the PMO, so as to produce a product which has  
16 an extended shelf life under refrigerated conditions.~~

17 ~~"Ungraded processing plant" means a milk processing plant that  
18 meets all of the standards of the PMO to produce milk products other  
19 than grade A milk or milk products.))~~

20 "Wash station" means a place, facility, or establishment where milk  
21 tanker trucks are cleaned in accordance with the standards of the PMO.

22 ~~((All dairy products mentioned in this chapter mean those fit or  
23 used for human consumption.))~~

24 **Sec. 2.** RCW 15.36.021 and 1996 c 188 s 3 are each amended to read  
25 as follows:

26 The director of agriculture is authorized to:

27 (1) Adopt rules necessary to carry out the purposes of chapter ~~((§))~~  
28 15.36 ~~((and 15.38))~~ RCW, which includes rules governing the farm  
29 storage tank and bulk milk tanker requirements, however the rules may  
30 not restrict the display or promotion of products covered under this  
31 section.

32 (2) By rule, establish, amend, or both, definitions and standards  
33 for milk and milk products. Such definitions and standards established  
34 by the director shall conform, insofar as practicable, with the  
35 definitions and standards for milk and milk products adopted by the  
36 federal food and drug administration. ~~((The director of agriculture,  
37 by rule, may likewise establish, amend, or both, definitions and  
38 standards for products whether fluid, powdered or frozen, compounded or~~

1 manufactured to resemble or in semblance or imitation of genuine dairy  
2 products as defined under the provisions of this chapter. — Such  
3 products made to resemble or in semblance or imitation of genuine dairy  
4 products shall conform with all the provisions of chapter 15.38 RCW and  
5 be made wholly of nondairy products.

6 All such products compounded or manufactured to resemble or in  
7 semblance or imitation of a genuine dairy product shall set forth on  
8 the container or labels the specific generic name of each ingredient  
9 used.

10 In the event any product compounded or manufactured to resemble or  
11 in semblance or imitation of a genuine dairy product contains vegetable  
12 fat or oil, the generic name of such fat or oil shall be set forth on  
13 the label. — If a blend or variety of oils is used, the ingredient  
14 statement shall contain the term "vegetable oil" in the appropriate  
15 place in the ingredient statement, with the qualifying phrase following  
16 the ingredient statement, such as "vegetable oils are soybean,  
17 cottonseed and coconut oils" or "vegetable oil, may be cottonseed,  
18 coconut or soybean oil."

19 The labels or containers of such products compounded or  
20 manufactured to resemble or in semblance or imitation of genuine dairy  
21 products shall not use dairy terms or words or designs commonly  
22 associated with dairying or genuine dairy products, except as to the  
23 extent that such words or terms are necessary to meet legal  
24 requirements for labeling. — The term "nondairy" may be used as an  
25 informative statement.))

26 (3) By rule, adopt the PMO, DMO, and supplemental documents by  
27 reference to establish requirements for grade A pasteurized and grade  
28 A raw milk.

29 (4) Adopt rules establishing standards for grade A pasteurized and  
30 grade A raw milk that are more stringent than the PMO based upon  
31 current industry or public health information for the enforcement of  
32 this chapter whenever he or she determines that any such rules are  
33 necessary to carry out the purposes of this section and RCW 15.36.481.  
34 ((The adoption of rules under this chapter, or the holding of a hearing  
35 in regard to a license issued or that may be issued under this chapter  
36 are subject to the applicable provisions of chapter 34.05 RCW, the  
37 administrative procedure act.))

1 (5) By rule, certify an officially designated laboratory to analyze  
2 milk for standard of quality, adulteration, contamination, and  
3 unwholesomeness.

4 (6) Adopt rules setting standards and requirements for the  
5 production of grade C milk and milk products.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.36 RCW  
7 to read as follows:

8 Chapter 34.05 RCW governs the rights, remedies, and procedures  
9 respecting the administration of this chapter, including rule making,  
10 assessment of civil penalties, emergency actions, and license  
11 suspension, revocation, or denial.

12 **Sec. 4.** RCW 15.36.051 and 1994 c 143 s 203 are each amended to  
13 read as follows:

14 A milk processing plant must obtain an annual milk processing plant  
15 license from the department, which shall expire on ~~((a date set by rule~~  
16 ~~by the director))~~ June 30 of each year. A milk processing plant may  
17 choose to process (1) grade A milk and milk products, or (2) other milk  
18 products that are not classified grade A.

19 Only one license may be required to process milk; however, milk  
20 processing plants must obtain the necessary endorsements from the  
21 department in order to process products as defined for each type of  
22 milk or milk product processing. ~~((License fees shall be prorated if~~  
23 ~~necessary to accommodate staggering of expiration dates.))~~ Application  
24 for a license shall be on a form prescribed by the director and  
25 accompanied by a twenty-five dollar annual license fee. The applicant  
26 shall include on the application the full name of the applicant for the  
27 license and the location of the milk processing plant he or she intends  
28 to operate and any other necessary information. Upon the approval of  
29 the application by the director and compliance with the provisions of  
30 this chapter, including the applicable rules adopted under this chapter  
31 by the department, the applicant shall be issued a license or a renewal  
32 of a license.

33 Licenses shall be issued to cover only those products, processes,  
34 and operations specified in the license application and approved for  
35 licensing. If a license holder wishes to engage in processing a type  
36 of milk product that is different than the type specified on the  
37 application supporting the licensee's existing license and processing  
38 that type of food product would require a major addition to or



1 modification of the licensee's processing facilities, the licensee  
2 shall submit an amendment to the current license application. In such  
3 a case, the licensee may engage in processing the new type of milk  
4 product only after the amendment has been approved by the department.

5 A licensee under this section shall not be required to obtain ((a  
6 ~~milk distributor's license under this chapter or~~) a food processing  
7 plant license under chapter 69.07 RCW.

8 **Sec. 5.** RCW 15.36.081 and 1994 c 143 s 206 are each amended to  
9 read as follows:

10 A dairy technician must obtain a dairy technician's license to  
11 conduct operations under this chapter. Such license shall be limited  
12 to those functions which the licensee has been found qualified ((by  
13 ~~examination~~)) to perform. Before issuing the license the director  
14 shall ((~~examine~~)) assess the ((~~applicant as to his or her~~)) applicant's  
15 qualifications and may test the applicant for the functions for which  
16 application has been made.

17 Application for a license as a dairy technician shall be made upon  
18 forms provided by the director, and shall be filed with the department.  
19 The director may issue a temporary license to the applicant for such  
20 period as may be prescribed and stated in the license, not to exceed  
21 sixty days, but the license may not be renewed to extend the period  
22 beyond sixty days.

23 The initial application for a dairy technician's license must be  
24 accompanied by a license fee of ten dollars. ((~~If it is not necessary~~  
25 ~~that an examination be given,~~)) The fee for renewal of the license is  
26 five dollars. ((~~For circumstance[s] that require an examination the~~  
27 ~~renewal fee is ten dollars.~~)) All dairy technicians' licenses shall  
28 expire ((~~biennially on a date set by rule by the director. License~~  
29 ~~fees shall be prorated where necessary to accommodate staggering of~~  
30 ~~expiration dates of a license or licenses~~)) on December 31 of odd-  
31 numbered years.

32 **Sec. 6.** RCW 15.36.111 and 1996 c 189 s 1 are each amended to read  
33 as follows:

34 (1) The director shall inspect all dairy farms and all milk  
35 processing plants prior to issuance of a license under this chapter and  
36 at a frequency determined by the director by rule: PROVIDED, That the  
37 director may accept the results of periodic industry inspections of

1 producer dairies if such inspections have been officially checked  
2 periodically and found satisfactory. In case the director discovers  
3 the violation of any item of grade requirement, he or she shall make a  
4 second inspection after a lapse of such time as he or she deems  
5 necessary for the defect to be remedied, but not before the lapse of  
6 three days, and the second inspection shall be used in determining  
7 compliance with the grade requirements of this chapter. Whenever there  
8 is any violation of the same requirement of this chapter on ((such  
9 reinspection shall call for degrading or summary suspension of the  
10 license in accordance with the requirements of chapter 34.05 RCW)) the  
11 second inspection, the director may initiate proceedings to degrade,  
12 suspend the license, or assess a civil penalty.

13 (2) One copy of the inspection report detailing the grade  
14 requirement violations shall be posted by the director in a conspicuous  
15 place upon an inside wall of ((one of)) the ((dairy farm or)) milk tank  
16 room or a mutually agreed upon location on a dairy farm or given to an  
17 operator of the milk processing plant ((buildings)), and said  
18 inspection report shall not be defaced or removed by any person except  
19 the director. Another copy of the inspection report shall be filed  
20 with the records of the director.

21 (3) Every milk producer and ((distributor)) milk processing plant  
22 shall permit the director access to all parts of the establishment  
23 during the working hours of the producer or ((distributor)) milk  
24 processing plant, which shall at a minimum include the hours from 8  
25 a.m. to 5 p.m., and every ((distributor)) milk processing plant shall  
26 furnish the director, upon his or her request, for official use only,  
27 samples of any milk product for laboratory analysis, a true statement  
28 of the actual quantities of milk and milk products of each grade  
29 purchased and sold, together with a list of all sources, records of  
30 inspections and tests, and recording thermometer charts.

31 **Sec. 7.** RCW 15.36.151 and 1994 c 143 s 303 are each amended to  
32 read as follows:

33 It is unlawful to sell, offer for sale, or deliver:

34 (1) Milk or products produced from milk from cows, goats, or other  
35 mammals affected with disease or of which the owner thereof has refused  
36 official examination and tests for disease; or

37 (2) Colostrum milk for consumption by humans, except that colostrum  
38 milk from cows that have been tested for brucellosis within sixty days

1 of parturition may be made available to persons having multiple  
2 sclerosis, or other persons acting on their behalf, who, at the time of  
3 the initial sale, present a form, signed by a licensed physician,  
4 certifying that the intended user has multiple sclerosis and that the  
5 user releases the provider of the milk from liability resulting from  
6 the consumption of the milk. Colostrum milk provided under this  
7 section is exempt from meeting the standards for grade A raw milk  
8 required by this chapter.

9 ~~((3) The department of agriculture shall adopt rules to carry out  
10 this section. The rules shall include but not be limited to  
11 establishing standards requiring hyper-immunization.))~~

12 **Sec. 8.** RCW 15.36.161 and 1982 c 131 s 2 are each amended to read  
13 as follows:

14 ~~((Except as provided hereinafter, tuberculin test of all herds and  
15 additions thereto shall be made before any milk therefrom is sold, and  
16 at least once every twelve months thereafter, by an accredited and  
17 licensed veterinarian approved by the state department of agriculture  
18 or veterinarian employed by the bureau of animal industry, United  
19 States department of agriculture. Said tests shall be made and the  
20 reactors disposed of in accordance with the requirements approved by  
21 the director for accredited herds. A certificate signed by the  
22 veterinarian or attested to by the director and filed with the director  
23 shall be evidence of the above test: PROVIDED, That in modified  
24 accredited counties in which the modified accredited area plan is  
25 applied to the dairy herds, the modified accredited area system  
26 approved by the director shall be accepted in lieu of annual testing.~~

27 ~~No fluid milk or cream designated or represented to be "grade A"  
28 fluid milk or cream shall be sold, offered or exposed for sale which  
29 has been produced from a herd of cows, one or more of which are  
30 infected with brucellosis at the time such milk is produced, or from  
31 animals in such herd which have not been blood tested for brucellosis  
32 at least once during the preceding calendar year, or milk ring tested  
33 for brucellosis at least semiannually during the preceding year. The  
34 results of a test for brucellosis by the state or federal laboratory of  
35 a blood sample drawn by an official veterinarian, shall be prima facie  
36 evidence of the infection or noninfection of the animal or herds:  
37 PROVIDED, That in lieu thereof, two official negative milk ring tests  
38 for brucellosis not less than six months apart may be accepted as such~~

1 evidence. All herds of cows, the fluid milk or cream from which is  
2 designated or represented to be "grade A" fluid milk or cream shall be  
3 blood tested for brucellosis annually or milk ring tested for  
4 brucellosis semiannually. Such herds showing any reaction to the milk  
5 ring test shall be blood tested and all reactors to the blood test  
6 removed from the herd and disposed of within fifteen days from the date  
7 they are tagged and branded. The remaining animals in the infected  
8 herd shall be retested at not less than thirty day nor more than sixty-  
9 day intervals from the date of the first test: PROVIDED, That herds  
10 that have been officially brucellosis adult vaccinated shall be  
11 retested not less than sixty days nor more than one hundred fifty days  
12 after being so vaccinated and such herds shall be retested and released  
13 from quarantine at intervals and under conditions prescribed by the  
14 director. A series of retests, with removal and disposition of  
15 reacting animals, shall be continued until the herd shall have passed  
16 two successive tests in which no reactors are found. If upon a final  
17 test, not less than six months nor more than seven months from the date  
18 of the last negative test, no reactors are found in the herd, it shall  
19 be deemed a disease free herd. Results of official blood or milk ring  
20 tests shall be conspicuously displayed in the milk house.

21 All milk and milk products consumed raw shall be from herds or  
22 additions thereto which have been found free from brucellosis, as shown  
23 by blood serum tests or other approved tests for agglutinins against  
24 brucella organisms made in a laboratory approved by the director. All  
25 such herds shall be retested at least every twelve months and all  
26 reactors removed from the herd. If a herd is found to have one or more  
27 animals positive to the brucellosis test, all milk from that herd is to  
28 be pasteurized until the three consecutive brucellosis tests obtained  
29 at thirty day intervals between each test are found to be negative. A  
30 certificate identifying each animal by number and signed by the  
31 laboratory making the test shall be evidence of the above test.))

32 (1) All milking cows, goats, and other mammals must meet the animal  
33 health requirements established by the state veterinarian under the  
34 authority of chapter 16.36 RCW.

35 (2) Milk or milk products from cows, goats, and other mammals  
36 intended for consumption in the raw state must be from a herd which is  
37 tested negative within the previous twelve months for brucellosis,  
38 tuberculosis, and any other disease the director may designate by rule.  
39 Additions to the herd must be tested negative for the diseases within

1 the previous thirty days before introduction into the herd. The state  
2 veterinarian shall direct all testing procedures in accordance with  
3 state and national standards for animal disease eradication.

4 ~~(3) Cows ((which show an extensive or entire induration of one or~~  
5 ~~more quarters of the udder upon physical examination)), goats, and~~  
6 other mammals showing chronic mastitis, whether ((secreting)) producing  
7 abnormal milk or not, shall be permanently excluded from the milking  
8 herd. Cows ((giving)), goats, and other mammals producing bloody,  
9 ((or)) stringy, or otherwise abnormal milk, but with only slight  
10 ((induration)) inflammation of the udder shall be excluded from the  
11 herd until reexamination shows that the milk has become normal.

12 ~~((For other diseases such tests and examinations as the director~~  
13 ~~may require after consultation with state livestock sanitary officials~~  
14 ~~shall be made at intervals and by methods prescribed by him.))~~

15 **Sec. 9.** RCW 15.36.171 and 1995 c 374 s 3 are each amended to read  
16 as follows:

17 ~~((No milk or milk products shall be sold to the final consumer or~~  
18 ~~to restaurants, soda fountains, grocery stores, or similar~~  
19 ~~establishments except grade A pasteurized milk, or grade A raw milk.))~~  
20 The director may revoke the license of any ~~((milk distributor,))~~ milk  
21 processing plant~~((,))~~ or producer whose product fails to qualify as  
22 grade A pasteurized or grade A raw, or in lieu thereof may degrade  
23 ~~((his or her))~~ the product to grade C and permit its sale as other than  
24 fluid milk or grade A milk products during a period not exceeding  
25 thirty days. In the event of an emergency, the director may permit the  
26 sale of grade C milk for more than thirty days.

27 **Sec. 10.** RCW 15.36.181 and 1994 c 143 s 302 are each amended to  
28 read as follows:

29 No person shall produce, sell, offer, or expose for sale, or have  
30 in possession with intent to sell, any milk or milk product which is  
31 adulterated~~((,))~~ or misbranded~~((, or ungraded))~~. It ~~((shall be))~~ is  
32 unlawful for any person, elsewhere than in a private home, to have in  
33 possession any adulterated~~((,))~~ or misbranded~~((, or ungraded))~~ milk or  
34 milk products~~((: PROVIDED, That in an emergency the sale of ungraded~~  
35 ~~milk or milk products may be authorized by the director, in which case~~  
36 ~~they shall be labeled "ungraded."))~~.

1 Adulterated(~~(7)~~) or misbranded(~~(7 and/or ungraded)~~) milk or milk  
2 products may be impounded and disposed of by the director.

3 **Sec. 11.** RCW 15.36.191 and 1994 c 143 s 304 are each amended to  
4 read as follows:

5 (~~The department,~~) After obtaining a sample of milk or milk  
6 product for analysis, the department shall, within ten days (~~after~~)  
7 of obtaining the result of the analysis, send (~~the~~) any violative  
8 results to the person from whom the sample was taken or to the person  
9 responsible for the condition of the milk.

10 **Sec. 12.** RCW 15.36.201 and 1994 c 143 s 401 and 1994 c 46 s 11 are  
11 each reenacted and amended to read as follows:

12 (1) During any consecutive six months at least four samples of raw  
13 milk, raw milk for pasteurization, or both, from each dairy farm and  
14 raw milk for pasteurization, after receipt by the milk processing plant  
15 and prior to pasteurization, heat-treated milk products, and  
16 pasteurized milk and milk products from each grade A milk processing  
17 plant, for purposes of compliance with the PMO, shall be collected in  
18 at least four separate months and examined in (~~a~~) an official  
19 laboratory (~~approved by the director~~): PROVIDED, That in the case of  
20 raw milk for pasteurization the director may accept the results of an  
21 officially designated laboratory. (~~Samples of other milk products may~~  
22 ~~be taken and examined in a laboratory approved by the director as often~~  
23 ~~as he or she deems necessary. Samples of milk and milk products from~~  
24 ~~stores, cafes, soda fountains, restaurants, and other places where milk~~  
25 ~~or milk products are sold shall be examined as often as the director~~  
26 ~~may require. Bacterial plate counts, direct microscopic counts,~~  
27 ~~coliform determinations, phosphatase tests and other laboratory tests~~  
28 ~~shall conform to the requirements of the PMO. Examinations may include~~  
29 ~~such other chemical and physical determinations as the director may~~  
30 ~~deem necessary for the detection of adulteration or for purposes of~~  
31 ~~compliance. Samples may be taken by the director at any time prior to~~  
32 ~~the final delivery of the milk or milk products. All proprietors of~~  
33 ~~cafes, stores, restaurants, soda fountains, and other similar places~~  
34 ~~shall furnish the director, upon his or her request, with the name of~~  
35 ~~all distributors from whom their milk and milk products are obtained.))~~

36 (2) If two of the last four consecutive bacterial counts, somatic  
37 cell counts, coliform determinations, or cooling temperatures, taken on

1 separate days, exceed the standard for milk or milk products  
2 established in this chapter and rules adopted under this chapter, the  
3 director shall send written notice thereof to the person concerned.  
4 This notice shall remain in effect so long as two of the last four  
5 consecutive samples exceed the limit of the same standard. An  
6 additional sample shall be taken (~~within twenty-one days of the~~)  
7 after sending of the notice, but not before the lapse of three days.  
8 The director (~~shall~~) may initiate proceedings to degrade or  
9 (~~summarily~~) suspend the milk producer's license or milk processing  
10 plant license or assess a civil penalty whenever the standard is again  
11 violated so that three of the last five consecutive samples exceed the  
12 limit of the same standard. (~~A milk producer's license or milk~~  
13 ~~processing plant license shall subsequently be reinstated in notice~~  
14 ~~status upon receipt of sample results that are within the standard for~~  
15 ~~which the suspension occurred.~~)

16 ~~In case of violation of the phosphatase test requirements, the~~  
17 ~~cause of underpasteurization shall be determined and removed before~~  
18 ~~milk or milk products from this milk processing plant can again be sold~~  
19 ~~as pasteurized milk or milk products.)~~)

20 NEW SECTION. Sec. 13. A new section is added to chapter 15.36 RCW  
21 to read as follows:

22 Any person selling milk or milk products shall furnish the  
23 director, upon request, with the name of all milk processing plants or  
24 distributors from whom their milk and milk products are obtained.

25 **Sec. 14.** RCW 15.36.231 and 1961 c 11 s 15.36.265 are each amended  
26 to read as follows:

27 (1) Milk and milk products for consumption in the raw state shall  
28 be bottled or packaged on the farm where produced. Bottling and  
29 capping shall be done in a sanitary manner by means of approved  
30 equipment and these operations shall be integral in one machine. Caps  
31 or cap stock shall be purchased in sanitary containers and kept therein  
32 in a clean dry place until used.

33 (2) All containers enclosing raw milk or any raw milk product shall  
34 be plainly labeled or marked with the word "raw" and the name of the  
35 producer or packager. The label or mark shall be in letters of a size,  
36 kind, and color approved by the director and shall contain no marks or  
37 words which are misleading.

1       **Sec. 15.** RCW 15.36.401 and 1994 c 143 s 501 are each amended to  
2 read as follows:

3       (1) A license issued under this chapter may be denied ((or)),  
4 suspended, or revoked by the director ((upon violation by the holder of  
5 any of the terms of this chapter, for interference with the director in  
6 the performance of his or her duties, or if the holder has exhibited in  
7 the discharge of his or her functions negligence, misconduct, or lack  
8 of qualification.)) when a person:

9       (a) Fails to comply with the provisions of this chapter or the  
10 rules adopted under this chapter;

11       (b) Refuses the department access to a portion or area of a  
12 facility regulated under this chapter, for the purpose of carrying out  
13 the provisions of this chapter;

14       (c) Fails to comply with an order of the director;

15       (d) Refuses to make available to the department records required to  
16 be kept under the provisions of this chapter;

17       (e) Fails to comply with the applicable provisions of chapter 69.04  
18 RCW, Washington intrastate commerce in food, drugs, and cosmetics act,  
19 or rules adopted under that chapter;

20       (f) Interferes with the director in the performance of his or her  
21 duties; or

22       (g) Exhibits negligence, misconduct, or lack of qualification in  
23 the discharge of his or her functions.

24       Upon notice by the director to deny, revoke, or suspend a license,  
25 a person may request a hearing under chapter 34.05 RCW.

26       (2) Whenever a milk transport vehicle is found in violation of this  
27 chapter or rules adopted under this chapter, the endorsement for that  
28 milk transport vehicle contained on a milk hauler's license may be  
29 suspended or revoked. The suspension or revocation does not apply to  
30 any other milk transport vehicle operated by the milk hauler.

31       (3) A license may be revoked ((after an opportunity for a hearing))  
32 by the director upon serious or repeated violations or after ((the)) a  
33 license ((has been suspended)) suspension or degrade for thirty  
34 continuous days without correction of the items causing the suspension  
35 or degrade.

36       **Sec. 16.** RCW 15.36.421 and 1994 c 143 s 503 are each amended to  
37 read as follows:



1 (1) If the director finds a milk processing plant or producer  
2 operating under conditions that constitute an immediate danger to  
3 public health, safety, or welfare or if the licensee or an employee of  
4 the licensee actively prevents the director or the director's  
5 representative, during an on-site inspection, from determining whether  
6 such a (~~conditions~~ ~~[condition]~~) condition exists, the director may  
7 summarily suspend(~~(, pending a hearing,)~~) a license provided for in  
8 this chapter.

9 (2) If a license is summarily suspended, the holder of the license  
10 shall be notified in writing that the license is, upon service of the  
11 notice, immediately suspended and that prompt opportunity for a hearing  
12 will be provided.

13 (3) If a license is summarily suspended, processing and shipping  
14 operations shall immediately cease. However, the director may  
15 reinstate the license if the condition that caused the suspension has  
16 been abated to the director's satisfaction.

17 **Sec. 17.** RCW 15.36.451 and 1996 c 189 s 2 are each amended to read  
18 as follows:

19 Any producer or (~~distributor of milk or milk products the grade of~~  
20 ~~which has been lowered~~) milk processing plant whose milk has been  
21 degraded by the director, or whose (~~permit~~) license has been  
22 suspended may at any time make application for the regrading of his or  
23 her products or the reinstatement of his or her (~~permit~~) license.

24 Upon receipt of a satisfactory application, in case the lowered  
25 grade or the (~~permit~~) license suspension was the result of violation  
26 of the bacteriological or cooling temperature standards, the director  
27 shall take further samples of the applicant's output, at a rate of not  
28 more than two samples per week. The director shall regrade the milk or  
29 milk products upward or reinstate the (~~permit~~) license on compliance  
30 with grade requirements as determined in accordance with the provisions  
31 of RCW 15.36.201.

32 In case the lowered grade of the applicant's product or the  
33 (~~permit~~) license suspension was due to a violation of an item other  
34 than bacteriological standard or cooling temperature, the said  
35 application must be accompanied by a statement signed by the applicant  
36 to the effect that the violated item of the specifications had been  
37 conformed with. Within one week of the receipt of such an application  
38 and statement the director shall make a reinspection of the applicant's

1 establishment and thereafter as many additional reinspections as he or  
2 she may deem necessary to assure himself or herself that the applicant  
3 is again complying with the higher grade requirements(~~(, and in case~~  
4 ~~the findings justify, shall regrade the milk or milk products upward or~~  
5 ~~reinstate the permit)~~). The higher grade or license shall be  
6 reinstated upon confirmation that all violated items are corrected and  
7 any period for reduction in grade or license suspensions as ordered by  
8 the director has been completed.

9 NEW SECTION. Sec. 18. A new section is added to chapter 15.36 RCW  
10 to read as follows:

11 (1) Except as provided in RCW 15.36.471 or subsection (2) or (3) of  
12 this section, any person who fails to comply with this chapter or the  
13 rules adopted under this chapter may be subject to a civil penalty in  
14 an amount of not more than one thousand dollars per violation per day.

15 (2) The director shall adopt rules establishing civil penalties  
16 assessed under RCW 15.36.111(1) and 15.36.201(2). The penalties shall  
17 be equitably based on the volume of milk or milk product handled by the  
18 producer or milk processor subject to the penalty.

19 (3) Whenever the results of an antibiotic, pesticide, or other drug  
20 residue test on a producer's milk are above the actionable level  
21 established in the PMO, the producer is subject to a civil penalty in  
22 an amount equal to one-half the value of the sum of the volumes of milk  
23 produced on the day prior to and the day of the adulteration. The  
24 value of the milk shall be computed using the weighted average price  
25 for the federal market order under which the milk is delivered.

26 (4) Each violation is a separate and distinct offense. The  
27 director shall impose the civil penalty in accordance with chapter  
28 34.05 RCW. Moneys collected under this section and RCW 15.36.471 shall  
29 be remitted to the department and deposited into the revolving fund of  
30 the Washington state dairy products commission.

31 NEW SECTION. Sec. 19. A new section is added to chapter 15.36 RCW  
32 to read as follows:

33 The authority to assess a civil penalty under RCW 15.36.111(1) and  
34 15.36.201(2) shall be used only as consistent with the 1995 grade A  
35 pasteurized milk ordinance published by the United States public health  
36 service, food and drug administration and adopted by department in WAC

1 16-101-700, or any subsequent version as adopted by the department  
2 under the authority of RCW 15.36.021(3).

3 **Sec. 20.** RCW 15.36.471 and 1994 c 143 s 511 are each amended to  
4 read as follows:

5 (1) The director (~~(of agriculture)~~) shall adopt rules imposing a  
6 civil penalty of not more than ten thousand dollars for violations of  
7 the standards for component parts of fluid dairy products which are  
8 established under this chapter or adopted pursuant to RCW 69.04.398.  
9 (~~The penalty shall not exceed ten thousand dollars and shall be such~~  
10 ~~as is necessary to achieve proper enforcement of the standards. The~~  
11 ~~rules shall be adopted before January 1, 1987, and shall become~~  
12 ~~effective on July 1, 1987.~~

13 (2) ~~The penalty is imposed by the department giving a written~~  
14 ~~notice which is either personally served upon or transmitted by~~  
15 ~~certified mail, return receipt requested, to the person incurring the~~  
16 ~~penalty. The notice of the civil penalty shall be a final order of the~~  
17 ~~department unless, within fifteen days after the notice is received,~~  
18 ~~the person incurring the penalty appeals the penalty by filing a notice~~  
19 ~~of appeal with the department. If a notice of appeal is filed in a~~  
20 ~~timely manner, a hearing shall be conducted on behalf of the department~~  
21 ~~by the office of administrative hearings in accordance with chapters~~  
22 ~~34.05 and 34.12 RCW. At the conclusion of the hearing, the department~~  
23 ~~shall determine whether the penalty should be affirmed, reduced, or not~~  
24 ~~imposed and shall issue a final order setting forth the civil penalty~~  
25 ~~assessed, if any. The order may be appealed to superior court in~~  
26 ~~accordance with chapter 34.05 RCW. Tests performed for the component~~  
27 ~~parts of milk products by a state laboratory of a milk sample collected~~  
28 ~~by a department official shall be admitted as prima facie evidence of~~  
29 ~~the amounts of milk components in the product.~~

30 (3) ~~Any penalty imposed under this section is due and payable upon~~  
31 ~~the issuance of the final order by the department.~~

32 (4) ~~All penalties received or recovered from violations of this~~  
33 ~~section shall be remitted by the violator to the department and~~  
34 ~~deposited in the revolving fund of the Washington state dairy products~~  
35 ~~commission. One half of the funds received shall be used for purposes~~  
36 ~~of education with the remainder one half to be used for dairy~~  
37 ~~processing or marketing research, or both. No appropriation is~~  
38 ~~required for disbursements from this fund.~~

1       ~~(5))~~ (2) In case of a violation of the standards for the  
2 composition of milk products, an investigation shall be made to  
3 determine the cause of the violation which shall be corrected.  
4 Additional samples shall be taken as soon as possible and tested by the  
5 department.

6       NEW SECTION. Sec. 21. A new section is added to chapter 15.36 RCW  
7 to read as follows:

8       Tests performed by an official laboratory or an officially  
9 designated laboratory of a milk sample drawn by a department official  
10 or a licensed dairy technician shall be admitted as prima facie  
11 evidence of a violation in any proceeding to enforce this chapter.

12       **Sec. 22.** RCW 15.36.481 and 1969 ex.s. c 102 s 4 are each amended  
13 to read as follows:

14       The director may bring an action to enjoin the violation of any  
15 provision of this chapter~~((s 15.36 and 15.38 RCW))~~ or any rule adopted  
16 ~~((thereunder))~~ under this chapter in the superior court of the county  
17 in which the defendant resides or maintains his or her principal place  
18 of business~~((, notwithstanding any other remedy at law))~~ or Thurston  
19 county.

20       **Sec. 23.** RCW 15.36.491 and 1961 c 11 s 15.32.710 are each amended  
21 to read as follows:

22       All moneys received for licenses ~~((or from the sale of articles~~  
23 ~~confiscated))~~ under this chapter shall be ~~((paid on the first of each~~  
24 ~~month to the state treasurer to be placed))~~ deposited in the general  
25 fund.

26       **Sec. 24.** RCW 15.36.511 and 1961 c 11 s 15.32.730 are each amended  
27 to read as follows:

28       It ~~((shall be))~~ is unlawful for any person to:

29       (1) Interfere with or obstruct any person in the performance of  
30 ~~((his))~~ official duties under this chapter;

31       (2) Employ a tester, sampler, weigher, grader, or pasteurizer who  
32 is not licensed as a dairy technician;

33       (3) Alter or tamper with a seal placed by the director; or

34       (4) Alter or tamper with a sample of milk or milk products taken or  
35 sealed by the director.

1 Except as provided under RCW 15.35.131, it is unlawful for a milk  
2 processing plant to accept milk from a person not licensed as a  
3 producer or milk processor.

4 NEW SECTION. Sec. 25. A new section is added to chapter 15.36 RCW  
5 to read as follows:

6 The department may issue sanitary certificates to milk processing  
7 plants under this chapter subject to such requirements as it may  
8 establish by rule. The fee for issuance is fifty dollars per  
9 certificate. Fees collected under this section shall be deposited in  
10 the agricultural local fund.

11 **Sec. 26.** RCW 15.36.551 and 1995 c 15 s 1 are each amended to read  
12 as follows:

13 There is levied on all milk processed in this state an assessment  
14 not to exceed fifty-four one-hundredths of one cent per hundredweight.  
15 The director shall determine, by rule, an assessment, that with  
16 contribution from the general fund, will support an inspection program  
17 to maintain compliance with the provisions of the pasteurized milk  
18 ordinance of the national conference on interstate milk shipment. All  
19 assessments shall be levied on the operator of the first milk  
20 processing plant receiving the milk for processing. This shall include  
21 milk processing plants that produce their own milk for processing and  
22 milk processing plants that receive milk from other sources. Milk  
23 processing plants whose monthly assessment for receipt of milk totals  
24 less than twenty dollars in any given month are exempted from paying  
25 this assessment for that month. All moneys collected under this  
26 section shall be paid to the director by the twentieth day of the  
27 succeeding month for the previous month's assessments. The director  
28 shall deposit the funds into the dairy inspection account hereby  
29 created within the agricultural local fund established in RCW  
30 43.23.230. The funds shall be used only to provide inspection services  
31 to the dairy industry. If the operator of a milk processing plant  
32 fails to remit any assessments, that sum shall be a lien on any  
33 property owned by him or her, and shall be reported by the director and  
34 collected in the manner and with the same priority over other creditors  
35 as prescribed for the collection of delinquent taxes under chapters  
36 84.60 and 84.64 RCW.

37 This section (~~shall~~) expires June 30, ((2000)) 2005.

1       **Sec. 27.** RCW 15.36.561 and 1994 c 143 s 507 are each amended to  
2 read as follows:

3       (1) There is created a dairy inspection program advisory committee.  
4 The committee shall consist of ~~((nine))~~ eleven members~~((.~~~~—The~~  
5 ~~committee shall be))~~ appointed by the director. The director shall  
6 solicit nominations for members of the committee from ~~((names submitted~~  
7 ~~by))~~ Washington dairy producer organizations ~~((or from handlers of milk~~  
8 ~~products))~~ and milk processors. The committee shall consist of four  
9 members who are producers ~~((of milk))~~ or their representatives, ~~((and))~~  
10 four members who are ~~((handlers))~~ milk processors or their  
11 representatives, ~~((and))~~ one member who ~~((must be))~~ is a ~~((producer-~~  
12 ~~handler))~~ producer processor, one member who is a milk hauler, and one  
13 member who is a milk equipment dealer.

14       (2) The purpose of this advisory committee is to ~~((assist the~~  
15 ~~director by providing recommendations regarding the dairy inspection~~  
16 ~~program, that are consistent with the pasteurized milk ordinance. The~~  
17 ~~advisory committee shall (a) review and evaluate the program including~~  
18 ~~the efficiency of the administration of the program, the adequacy of~~  
19 ~~the level of inspection staff, the ratio of inspectors to number of~~  
20 ~~dairy farm inspections per year, and the ratio of inspectors to~~  
21 ~~management employees; and (b) consider alternatives to the state~~  
22 ~~program, which may include privatization of various elements of the~~  
23 ~~inspection program.~~

24       ~~((3) The committee shall meet as necessary to complete its work.~~  
25 ~~Meetings of the committee are subject to the open public meetings act))~~  
26 advise the director in the administration of the dairy inspection  
27 program and regarding policy issues related to this chapter.

28       (3) The terms of the members of the committee shall be staggered  
29 and the members shall serve a term of three years until their successor  
30 has been appointed and qualified. In the event a committee member  
31 resigns, is disqualified, or vacates a position on the committee for  
32 any reason the vacancy may be filled by the director under the  
33 provisions of this section governing appointments. The director may  
34 remove a member for cause.

35       (4) The committee shall elect one of its members as chair. The  
36 committee shall meet by the call of the director, chair, or a majority  
37 of the committee. Members of the committee shall serve without  
38 compensation.

1       **Sec. 28.** RCW 16.49.435 and 1987 c 77 s 4 are each amended to read  
2 as follows:

3       For the purposes of this chapter:

4       (1) "Department" means the department of agriculture of the state  
5 of Washington.

6       (2) "Director" means the director of the department or the  
7 director's designee.

8       (3) "Custom farm slaughterer" means any person licensed under this  
9 chapter who may under such license engage in the business of  
10 slaughtering meat food animals only for the consumption of the owner  
11 thereof through the use of an approved mobile unit under such  
12 conditions as may be prescribed by the director.

13       (4) "Custom slaughtering establishment" means the facility operated  
14 by any person licensed under this chapter who may under such license  
15 engage in the business of slaughtering meat food animals only for the  
16 consumption of the owner thereof at a fixed location under such  
17 conditions as may be prescribed by the director.

18       (5) "Custom meat facility" means the facility operated by any  
19 person licensed under this chapter who may under such license engage in  
20 the business of preparing uninspected meat for the sole consumption of  
21 the owner of the uninspected meat being prepared. Operators of custom  
22 meat facilities may also prepare inspected meat for household users  
23 only under such conditions as may be prescribed by the director and may  
24 sell such prepared inspected meat to household users only. Operators  
25 of custom meat facilities may also sell prepackaged inspected meat to  
26 any person, provided the prepackaged inspected meat is not prepared in  
27 any manner by the operator and the operator does not open or alter the  
28 original package that the inspected meat was placed in.

29       (6) "Inspected meat" means the carcasses or parts thereof of meat  
30 food animals which have been slaughtered and inspected at  
31 establishments subject to inspection under (~~chapter 16.49A RCW or~~) a  
32 federal meat inspection act.

33       (7) "Uninspected meat" means the carcasses or parts thereof of meat  
34 food animals which have been slaughtered by the owner thereof, or which  
35 have been slaughtered by a custom farm slaughterer.

36       (8) "Household user" means the ultimate consumer, the members of  
37 the consumer's household, and his or her nonpaying guests and  
38 employees.

1 (9) "Person" means any natural person, firm, partnership, exchange,  
2 association, trustee, receiver, corporation, and any member, officer,  
3 or employee thereof or assignee for the benefit of creditors.

4 (10) "Meat food animal" means cattle, swine, sheep, or goats.

5 (11) "Official establishment" means an establishment operated for  
6 the purpose of slaughtering meat food animals for sale or use as human  
7 food in compliance with the federal meat inspection act (21 U.S.C. Sec.  
8 71 et seq.).

9 (12) "Prepared" means canned, salted, rendered, boned, cut up or  
10 otherwise manufactured, or processed.

11 **Sec. 29.** RCW 16.49.670 and 1987 c 77 s 11 are each amended to read  
12 as follows:

13 The provisions of this chapter relating to custom meat facilities  
14 ((and RCW 16.49A.370)) shall in no way supersede or restrict the  
15 authority of any county or any city to adopt ordinances which are more  
16 restrictive for the handling of meat than those provided for herein.

17 **Sec. 30.** RCW 16.67.030 and 1969 c 133 s 2 are each amended to read  
18 as follows:

19 For the purpose of this chapter:

20 (1) "Commission" means the Washington state beef commission.

21 (2) "Director" means the director of agriculture of the state of  
22 Washington or his duly appointed representative.

23 (3) "Ex officio members" means those advisory members of the  
24 commission who do not have a vote.

25 (4) "Department" means the department of agriculture of the state  
26 of Washington.

27 (5) "Person" includes any individual, firm, corporation, trust,  
28 association, partnership, society, or any other organization of  
29 individuals.

30 (6) "Beef producer" means any person who raises, breeds, grows, or  
31 purchases cattle or calves for beef production.

32 (7) "Dairy (beef) producer" means any person who raises, breeds,  
33 grows, or purchases cattle for dairy production and who is actively  
34 engaged in the production of fluid milk.

35 (8) "Feeder" means any person actively engaged in the business of  
36 feeding cattle and usually operating a feed lot.



1 (9) "Producer" means any person actively engaged in the cattle  
2 industry including beef producers and dairy (beef) producers.

3 (10) "Washington cattle" shall mean all cattle owned or controlled  
4 by affected producers and located in the state of Washington.

5 (11) "Meat packer" means any person (~~((licensed to operate))~~)  
6 operating a slaughtering establishment (~~((under the provisions of~~  
7 ~~chapter 16.49A RCW as enacted or hereafter amended))~~) subject to  
8 inspection under a federal meat inspection act.

9 (12) "Livestock salesyard operator" means any person licensed to  
10 operate a cattle auction market or salesyard under the provisions of  
11 chapter 16.65 RCW as enacted or hereafter amended.

12 **Sec. 31.** RCW 35A.69.010 and 1994 c 143 s 512 are each amended to  
13 read as follows:

14 Every code city shall have the powers, perform the functions and  
15 duties and enforce the regulations prescribed by general laws relating  
16 to food and drugs for any class of city as provided by Title 69 RCW;  
17 (~~((relating to inspection of foods, meat, dairies, and milk as provided~~  
18 ~~by chapter 16.49A RCW;))~~) relating to water pollution control as  
19 provided by chapter 90.48 RCW; and relating to food fish and shellfish  
20 as provided by Title 75 RCW.

21 **Sec. 32.** RCW 69.04.930 and 1988 c 254 s 8 are each amended to read  
22 as follows:

23 It shall be unlawful for any person to sell at retail or display  
24 for sale at retail any food fish or shellfish as defined in RCW  
25 75.08.011, any meat (~~((capable of use as human food as defined in RCW~~  
26 ~~16.49A.150 as now or hereafter amended))~~), or any meat food product (~~((as~~  
27 ~~defined in RCW 16.49A.130 as now or hereafter amended))~~) which has been  
28 frozen at any time, without having the package or container in which  
29 the same is sold bear a label clearly discernible to a customer that  
30 such product has been frozen and whether or not the same has since been  
31 thawed. No such food fish or shellfish, meat or meat food product  
32 shall be sold unless in such a package or container bearing said label:  
33 PROVIDED, That this section shall not include any of the aforementioned  
34 food or food products that have been frozen prior to being smoked,  
35 cured, cooked or subjected to the heat of commercial sterilization.

1        NEW SECTION.    **Sec. 33.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 15.36.031 and 1994 c 143 s 201, 1989 c 354 s 16, & 1961 c  
4 11 s 15.36.080;

5        (2) RCW 15.36.061 and 1994 c 143 s 204, 1991 c 109 s 1, 1989 c 354  
6 s 4, 1983 c 3 s 20, 1963 c 58 s 3, & 1961 c 11 s 15.32.100;

7        (3) RCW 15.36.121 and 1995 c 225 s 2, 1994 c 143 s 210, & 1961 c 11  
8 s 15.36.490;

9        (4) RCW 15.36.211 and 1994 c 143 s 402 & 1961 c 11 s 15.36.090;

10       (5) RCW 15.36.251 and 1994 c 143 s 403, 1989 c 354 s 19, & 1961 c  
11 11 s 15.36.300;

12       (6) RCW 15.36.291 and 1961 c 11 s 15.32.460;

13       (7) RCW 15.36.301 and 1994 c 143 s 404, 1989 c 354 s 23, & 1961 c  
14 11 s 15.36.520;

15       (8) RCW 15.36.311 and 1961 c 11 s 15.36.530;

16       (9) RCW 15.36.411 and 1995 c 374 s 5 & 1994 c 143 s 502;

17       (10) RCW 15.36.431 and 1995 c 374 s 6, 1994 c 143 s 504, 1963 c 58  
18 s 11, & 1961 c 11 s 15.32.610;

19       (11) RCW 15.36.441 and 1995 c 374 s 7, 1994 c 143 s 505, & 1993 c  
20 212 s 1;

21       (12) RCW 15.36.461 and 1961 c 11 s 15.32.550;

22       (13) RCW 15.36.501 and 1987 c 202 s 173, 1969 ex.s. c 199 s 12, &  
23 1961 c 11 s 15.32.720;

24       (14) RCW 15.36.521 and 1989 1st ex.s. c 9 s 236;

25       (15) RCW 15.38.001 and 1961 c 11 s 15.38.001;

26       (16) RCW 15.38.010 and 1979 c 154 s 21 & 1961 c 11 s 15.38.010;

27       (17) RCW 15.38.020 and 1961 c 11 s 15.38.020;

28       (18) RCW 15.38.030 and 1961 c 11 s 15.38.030;

29       (19) RCW 15.38.040 and 1961 c 11 s 15.38.040;

30       (20) RCW 15.38.050 and 1961 c 11 s 15.38.050;

31       (21) RCW 15.40.010 and 1961 c 11 s 15.40.010;

32       (22) RCW 15.40.030 and 1961 c 11 s 15.40.030;

33       (23) RCW 15.40.040 and 1961 c 11 s 15.40.040;

34       (24) RCW 15.40.050 and 1961 c 11 s 15.40.050;

35       (25) RCW 15.40.900 and 1961 c 11 s 15.40.900;

36       (26) RCW 15.41.010 and 1961 c 11 s 15.41.010;

37       (27) RCW 15.41.020 and 1961 c 11 s 15.41.020;

38       (28) RCW 16.48.120 and 1945 c 161 s 6;

39       (29) RCW 16.48.280 and 1949 c 98 s 13;

- 1 (30) RCW 16.48.310 and 1937 c 75 s 16;
- 2 (31) RCW 16.48.311 and 1945 c 161 s 14;
- 3 (32) RCW 16.48.312 and 1949 c 98 s 17;
- 4 (33) RCW 16.48.320 and 1939 c 198 s 6 & 1937 c 75 s 15;
- 5 (34) RCW 16.48.325 and 1949 c 98 s 18;
- 6 (35) RCW 16.49A.010 and 1969 ex.s. c 145 s 1;
- 7 (36) RCW 16.49A.020 and 1969 ex.s. c 145 s 2;
- 8 (37) RCW 16.49A.030 and 1969 ex.s. c 145 s 3;
- 9 (38) RCW 16.49A.040 and 1969 ex.s. c 145 s 4;
- 10 (39) RCW 16.49A.050 and 1969 ex.s. c 145 s 5;
- 11 (40) RCW 16.49A.060 and 1969 ex.s. c 145 s 6;
- 12 (41) RCW 16.49A.070 and 1969 ex.s. c 145 s 7;
- 13 (42) RCW 16.49A.080 and 1969 ex.s. c 145 s 8;
- 14 (43) RCW 16.49A.090 and 1969 ex.s. c 145 s 9;
- 15 (44) RCW 16.49A.100 and 1969 ex.s. c 145 s 10;
- 16 (45) RCW 16.49A.110 and 1969 ex.s. c 145 s 11;
- 17 (46) RCW 16.49A.120 and 1969 ex.s. c 145 s 12;
- 18 (47) RCW 16.49A.130 and 1969 ex.s. c 145 s 13;
- 19 (48) RCW 16.49A.140 and 1969 ex.s. c 145 s 14;
- 20 (49) RCW 16.49A.150 and 1969 ex.s. c 145 s 15;
- 21 (50) RCW 16.49A.160 and 1969 ex.s. c 145 s 16;
- 22 (51) RCW 16.49A.170 and 1969 ex.s. c 145 s 17;
- 23 (52) RCW 16.49A.180 and 1969 ex.s. c 145 s 18;
- 24 (53) RCW 16.49A.190 and 1969 ex.s. c 145 s 19;
- 25 (54) RCW 16.49A.200 and 1969 ex.s. c 145 s 20;
- 26 (55) RCW 16.49A.210 and 1969 ex.s. c 145 s 21;
- 27 (56) RCW 16.49A.220 and 1969 ex.s. c 145 s 22;
- 28 (57) RCW 16.49A.230 and 1969 ex.s. c 145 s 23;
- 29 (58) RCW 16.49A.240 and 1969 ex.s. c 145 s 24;
- 30 (59) RCW 16.49A.250 and 1969 ex.s. c 145 s 25;
- 31 (60) RCW 16.49A.255 and 1969 ex.s. c 145 s 67;
- 32 (61) RCW 16.49A.260 and 1969 ex.s. c 145 s 26;
- 33 (62) RCW 16.49A.270 and 1969 ex.s. c 145 s 27;
- 34 (63) RCW 16.49A.280 and 1969 ex.s. c 145 s 28;
- 35 (64) RCW 16.49A.290 and 1969 ex.s. c 145 s 29;
- 36 (65) RCW 16.49A.300 and 1969 ex.s. c 145 s 30;
- 37 (66) RCW 16.49A.310 and 1969 ex.s. c 145 s 31;
- 38 (67) RCW 16.49A.320 and 1969 ex.s. c 145 s 32;
- 39 (68) RCW 16.49A.330 and 1969 ex.s. c 145 s 33;

1 (69) RCW 16.49A.340 and 1969 ex.s. c 145 s 34;  
2 (70) RCW 16.49A.350 and 1969 ex.s. c 145 s 35;  
3 (71) RCW 16.49A.360 and 1969 ex.s. c 145 s 36;  
4 (72) RCW 16.49A.370 and 1971 ex.s. c 98 s 1 & 1969 ex.s. c 145 s  
5 37;  
6 (73) RCW 16.49A.380 and 1969 ex.s. c 145 s 38;  
7 (74) RCW 16.49A.390 and 1969 ex.s. c 145 s 39;  
8 (75) RCW 16.49A.400 and 1969 ex.s. c 145 s 40;  
9 (76) RCW 16.49A.410 and 1969 ex.s. c 145 s 41;  
10 (77) RCW 16.49A.420 and 1969 ex.s. c 145 s 42;  
11 (78) RCW 16.49A.430 and 1969 ex.s. c 145 s 43;  
12 (79) RCW 16.49A.440 and 1969 ex.s. c 145 s 44;  
13 (80) RCW 16.49A.450 and 1969 ex.s. c 145 s 45;  
14 (81) RCW 16.49A.460 and 1969 ex.s. c 145 s 46;  
15 (82) RCW 16.49A.470 and 1969 ex.s. c 145 s 47;  
16 (83) RCW 16.49A.480 and 1969 ex.s. c 145 s 48;  
17 (84) RCW 16.49A.520 and 1969 ex.s. c 145 s 55;  
18 (85) RCW 16.49A.530 and 1969 ex.s. c 145 s 52;  
19 (86) RCW 16.49A.540 and 1969 ex.s. c 145 s 57;  
20 (87) RCW 16.49A.550 and 1969 ex.s. c 145 s 59;  
21 (88) RCW 16.49A.560 and 1971 ex.s. c 108 s 1 & 1969 ex.s. c 145 s  
22 54;  
23 (89) RCW 16.49A.570 and 1971 ex.s. c 108 s 2 & 1969 ex.s. c 145 s  
24 60;  
25 (90) RCW 16.49A.580 and 1969 ex.s. c 145 s 58;  
26 (91) RCW 16.49A.590 and 1969 ex.s. c 145 s 61;  
27 (92) RCW 16.49A.600 and 1993 c 166 s 1, 1971 ex.s. c 108 s 3, &  
28 1969 ex.s. c 145 s 68;  
29 (93) RCW 16.49A.610 and 1969 ex.s. c 145 s 69;  
30 (94) RCW 16.49A.620 and 1969 ex.s. c 145 s 62;  
31 (95) RCW 16.49A.630 and 1969 ex.s. c 145 s 63;  
32 (96) RCW 16.49A.640 and 1969 ex.s. c 145 s 53;  
33 (97) RCW 16.49A.650 and 1969 ex.s. c 145 s 56;  
34 (98) RCW 16.49A.900 and 1969 ex.s. c 145 s 70;  
35 (99) RCW 16.49A.910 and 1969 ex.s. c 145 s 66;  
36 (100) RCW 16.49A.920 and 1969 ex.s. c 145 s 65;  
37 (101) RCW 16.74.010 and 1969 ex.s. c 146 s 1;  
38 (102) RCW 16.74.020 and 1969 ex.s. c 146 s 2;  
39 (103) RCW 16.74.030 and 1969 ex.s. c 146 s 3;

1 (104) RCW 16.74.040 and 1969 ex.s. c 146 s 4;  
2 (105) RCW 16.74.050 and 1969 ex.s. c 146 s 5;  
3 (106) RCW 16.74.060 and 1969 ex.s. c 146 s 6;  
4 (107) RCW 16.74.070 and 1969 ex.s. c 146 s 7;  
5 (108) RCW 16.74.080 and 1969 ex.s. c 146 s 8;  
6 (109) RCW 16.74.090 and 1969 ex.s. c 146 s 9;  
7 (110) RCW 16.74.100 and 1969 ex.s. c 146 s 10;  
8 (111) RCW 16.74.110 and 1969 ex.s. c 146 s 11;  
9 (112) RCW 16.74.120 and 1969 ex.s. c 146 s 12;  
10 (113) RCW 16.74.130 and 1969 ex.s. c 146 s 13;  
11 (114) RCW 16.74.140 and 1969 ex.s. c 146 s 14;  
12 (115) RCW 16.74.150 and 1969 ex.s. c 146 s 15;  
13 (116) RCW 16.74.160 and 1969 ex.s. c 146 s 16;  
14 (117) RCW 16.74.170 and 1969 ex.s. c 146 s 17;  
15 (118) RCW 16.74.180 and 1969 ex.s. c 146 s 18;  
16 (119) RCW 16.74.190 and 1969 ex.s. c 146 s 19;  
17 (120) RCW 16.74.200 and 1969 ex.s. c 146 s 20;  
18 (121) RCW 16.74.210 and 1969 ex.s. c 146 s 21;  
19 (122) RCW 16.74.220 and 1969 ex.s. c 146 s 22;  
20 (123) RCW 16.74.230 and 1969 ex.s. c 146 s 23;  
21 (124) RCW 16.74.240 and 1969 ex.s. c 146 s 24;  
22 (125) RCW 16.74.250 and 1969 ex.s. c 146 s 25;  
23 (126) RCW 16.74.260 and 1969 ex.s. c 146 s 26;  
24 (127) RCW 16.74.270 and 1969 ex.s. c 146 s 27;  
25 (128) RCW 16.74.280 and 1969 ex.s. c 146 s 28;  
26 (129) RCW 16.74.290 and 1969 ex.s. c 146 s 64;  
27 (130) RCW 16.74.300 and 1969 ex.s. c 146 s 29;  
28 (131) RCW 16.74.310 and 1969 ex.s. c 146 s 30;  
29 (132) RCW 16.74.320 and 1969 ex.s. c 146 s 31;  
30 (133) RCW 16.74.330 and 1969 ex.s. c 146 s 32;  
31 (134) RCW 16.74.340 and 1969 ex.s. c 146 s 33;  
32 (135) RCW 16.74.350 and 1969 ex.s. c 146 s 34;  
33 (136) RCW 16.74.360 and 1969 ex.s. c 146 s 35;  
34 (137) RCW 16.74.370 and 1989 c 175 s 56 & 1969 ex.s. c 146 s 36;  
35 (138) RCW 16.74.380 and 1969 ex.s. c 146 s 37;  
36 (139) RCW 16.74.390 and 1969 ex.s. c 146 s 38;  
37 (140) RCW 16.74.400 and 1969 ex.s. c 146 s 39;  
38 (141) RCW 16.74.410 and 1969 ex.s. c 146 s 41;  
39 (142) RCW 16.74.420 and 1969 ex.s. c 146 s 42;

1 (143) RCW 16.74.430 and 1969 ex.s. c 146 s 40;  
2 (144) RCW 16.74.440 and 1969 ex.s. c 146 s 43;  
3 (145) RCW 16.74.450 and 1969 ex.s. c 146 s 44;  
4 (146) RCW 16.74.460 and 1969 ex.s. c 146 s 45;  
5 (147) RCW 16.74.470 and 1969 ex.s. c 146 s 46;  
6 (148) RCW 16.74.480 and 1969 ex.s. c 146 s 47;  
7 (149) RCW 16.74.490 and 1969 ex.s. c 146 s 48;  
8 (150) RCW 16.74.500 and 1969 ex.s. c 146 s 49;  
9 (151) RCW 16.74.510 and 1969 ex.s. c 146 s 50;  
10 (152) RCW 16.74.520 and 1969 ex.s. c 146 s 51;  
11 (153) RCW 16.74.530 and 1969 ex.s. c 146 s 52;  
12 (154) RCW 16.74.540 and 1969 ex.s. c 146 s 53;  
13 (155) RCW 16.74.550 and 1969 ex.s. c 146 s 54;  
14 (156) RCW 16.74.560 and 1969 ex.s. c 146 s 55;  
15 (157) RCW 16.74.570 and 1993 c 166 s 2 & 1969 ex.s. c 146 s 65;  
16 (158) RCW 16.74.580 and 1969 ex.s. c 146 s 66;  
17 (159) RCW 16.74.590 and 1969 ex.s. c 146 s 56;  
18 (160) RCW 16.74.600 and 1969 ex.s. c 146 s 57;  
19 (161) RCW 16.74.610 and 1971 ex.s. c 108 s 4 & 1969 ex.s. c 146 s  
20 58;  
21 (162) RCW 16.74.615 and 1971 ex.s. c 108 s 5;  
22 (163) RCW 16.74.620 and 1969 ex.s. c 146 s 59;  
23 (164) RCW 16.74.630 and 1969 ex.s. c 146 s 60;  
24 (165) RCW 16.74.640 and 1969 ex.s. c 146 s 67;  
25 (166) RCW 16.74.650 and 1994 c 128 s 3 & 1969 ex.s. c 146 s 61;  
26 (167) RCW 16.74.900 and 1969 ex.s. c 146 s 68;  
27 (168) RCW 16.74.910 and 1969 ex.s. c 146 s 63;  
28 (169) RCW 16.74.920 and 1969 ex.s. c 146 s 62;  
29 (170) RCW 19.92.100 and 1983 c 89 s 1, 1955 c 61 s 1, 1937 c 214 s  
30 1, & 1927 c 194 s 10;  
31 (171) RCW 19.92.110 and 1983 c 89 s 2 & 1955 c 61 s 3;  
32 (172) RCW 19.92.120 and 1955 c 61 s 4; and  
33 (173) RCW 19.92.240 and 1890 p 522 s 1.

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