

FINAL BILL REPORT

ESHB 2323

C 301 L 02

Synopsis as Enacted

Brief Description: Creating the direct retail license for commercial fishers.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Buck, Doumit and Linville).

House Committee on Natural Resources

House Committee on Appropriations

Senate Committee on Natural Resources, Parks & Shorelines

Senate Committee on Ways & Means

Background:

Individuals possessing a Washington commercial fishing license are allowed to sell their catch or harvest only to a licensed wholesale fish dealer. Commercial fishers wishing to sell their catch to someone other than a licensed wholesale fish dealer must obtain a wholesale fish dealer's license from the Department of Fish and Wildlife.

A wholesale license is required for any business engaging in the commercial processing of food fish or shellfish; any business engaging in the buying, selling, or brokering of food fish or shellfish; any business commercially manufacturing byproducts of food fish or shellfish; and any commercial fisher selling his or her catch or harvest to someone other than a licensed wholesale dealer. Wholesale dealers are responsible for documenting the commercial harvest of food fish and shellfish.

The department is required by statute to charge \$250 for an annual wholesale fish dealers license and to require that the applicant execute a surety bond for between \$2,000 and \$50,000. The bond must be executed in favor of the department and is conditioned upon compliance with the rules of the department relating to accounting for the commercial harvest of food fish and shellfish.

In addition to the wholesale fish dealers license, any commercial fisher wishing to sell his or her catch directly to the retail market must also comply with all local health permitting and licensing requirements.

Summary:

The Department of Fish and Wildlife is required to offer a direct retail endorsement. This endorsement serves as the single license necessary to permit the holder of a

commercial fishing license to clean, dress, and sell his or her salmon or crab harvest directly to the retail market. The direct retail endorsement is offered as an addition to an underlying commercial fishing license, but it may not be transferred or assigned with the underlying license. Only one direct retail endorsement is necessary even if a fisher owns multiple commercial fishing licenses. The holder of the endorsement is responsible for documenting the commercial harvest of salmon and crab pursuant to wholesale fish dealer rules. The department may charge a reasonable fee to administer the direct retail endorsement.

Prior to issuing a direct retail endorsement, the department must receive from the applicant a letter from a local health department concerning whether the individual is in compliance with the health standards of that community and has paid any inspection fees, whether the individual is in compliance with any standards developed by the Board of Health, and whether the individual is in possession of a valid food handlers card.

Counties and cities are prohibited from passing ordinances that require licenses or permits in addition to the direct retail endorsement for the retail sale of salmon and crab by licensed commercial fishers. However, the holder of a direct retail endorsement must notify a county prior to selling within its borders and open his or her facilities for inspection in that county. If the county finds a health violation it may assess a fine and suspend the endorsement for up to seven days.

The direct retail endorsement and underlying licenses are conditioned upon compliance with the requirements for the accounting of salmon and crab, the payment of any fines, and compliance with the standards promulgated by the Board of Health. If the owner of a direct retail endorsement violates these rules, the department or a county prosecuting attorney may bring an action in superior court to seek suspension of the direct retail endorsement for up to five years. Suspension may not be sought for a direct retail endorsement holder who executes a surety bond in accordance with the requirements for a wholesale fish dealer. The privileges granted by the direct retail endorsement may be suspended for up to 120 days during prosecution unless the holder executes a surety bond.

Fish and Wildlife Code violations are updated to reflect the existence of the direct retail endorsement.

Votes on Final Passage:

House 97 1
Senate 47 1 (Senate amended)
House 97 0 (House concurred)

Effective: July 1, 2002