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SENATE BILL 6104

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State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, Constantine, Costa and Kohl-Welles

Read first time 02/21/2001. Referred to Committee on Agriculture & International Trade.

1 AN ACT Relating to limiting exemptions from animal cruelty in the  
2 second degree; amending RCW 16.52.185; and adding a new section to  
3 chapter 16.52 RCW.

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

5 **Sec. 1.** RCW 16.52.185 and 1994 c 261 s 22 are each amended to read  
6 as follows:

7 ~~((Nothing in))~~ Except as provided in section 2 of this act, this  
8 chapter ((applies)) does not apply to accepted husbandry practices used  
9 in the commercial raising or slaughtering of livestock or poultry, or  
10 products thereof or to the use of animals in the normal and usual  
11 course of rodeo events or to the customary use or exhibiting of animals  
12 in normal and usual events at fairs as defined in RCW 15.76.120.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW  
14 to read as follows:

15 An action that constitutes animal cruelty in the second degree and  
16 that causes, at any one time, the death of three or more laying hens  
17 that constitute three or more percent of the laying hens in a facility  
18 is not an accepted husbandry practice used in the commercial raising of

1 poultry or products thereof. The director of the department of  
2 agriculture shall establish a program for conducting inspections of  
3 facilities in which one hundred or more laying hens are kept and has  
4 the authority to conduct such inspections. The director shall develop  
5 and maintain a list of facilities to be inspected from information the  
6 department of agriculture receives from persons licensed under chapter  
7 69.25 RCW. The director of the department of agriculture shall conduct  
8 inspections under the program designed to identify instances in which,  
9 in the opinion of the director, a violation or violations of this  
10 chapter have caused the death of three percent or more of the laying  
11 hens in such a facility at any one time. To the degree practicable,  
12 the inspections shall be unannounced. If the director finds evidence  
13 of such an excessive mortality rate as a result of one or more  
14 violations of this chapter, he or she shall record evidence of the  
15 violations and report the violations to the prosecuting attorney of the  
16 county in which the violation has occurred. This section may not be  
17 construed as providing exclusive authority to the director of the  
18 department of agriculture to investigate such a violation of this  
19 chapter regarding laying hens.

20 As used in this section: "Laying hen" means a female chicken kept  
21 for commercial egg production; "director of the department of  
22 agriculture" means the director or the director's representative; and  
23 "at any one time" means that the carcasses of the three or more laying  
24 hens constituting three or more percent of the laying hens in a  
25 facility are present at the time an inspection is conducted of the  
26 facility.

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