
**Agriculture & Natural
Resources Committee**

HB 1754

Brief Description: Concerning the slaughter, preparation, and sale of certain poultry.

Sponsors: Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero.

Brief Summary of Bill

- Under certain circumstances, exempts the slaughter and preparation of 1,000 or fewer poultry in a calendar year from the requirements of the state's custom slaughter laws, Food Processing Act, and Food, Drug, and Cosmetic Act and from state and local rules regulating food or food service establishments.

Hearing Date: 2/18/03

Staff: Kenneth Hirst (786-7105).

Background:

State Laws:

Food Processing. Under the state's Food Processing Act, it is unlawful for a person to operate a food processing plant or to process foods without obtaining a license from the Department of Agriculture (WSDA). (RCW 69.07.040.) For this purpose, "food processing" is defined broadly. It is the handling or processing of any food in any manner in preparation for sale for human consumption, but does not mean merely washing or trimming fresh fruit or vegetables that are being prepared or packaged for sale in their natural state. (RCW 69.07.010.)

Other provisions of the Act allow the WSDA to require a person who is processing food for retail sale to be licensed if the person is not subject to a local health permit, license, or inspection. These provisions also expressly allow the WSDA to waive the licensure requirement for a milk processing plant that is licensed under the milk laws in certain circumstances. (RCW 69.07.040.)

Custom Slaughter. The state's custom slaughter laws establish licensing and facility requirements for persons who slaughter and prepare uninspected meat as a service for the owner of the animal or meat. The meat animals covered by these laws are cattle, swine, sheep and goats, and ratites such as ostriches, emus, and rhea. (Chapter 16.49 RCW.)

Food Service. State law directs the State Board of Health to adopt rules controlling public health related to environmental conditions, including the sanitary facilities and cleanliness of food service establishments. (RCW 43.20.050(2).) The State Board's standards for food service are codified as Chapter 246-215 WAC. The rules allow local boards of health to adopt more stringent rules.

Food, Drug, and Cosmetic Act. For the protection of public health, the state's Food, Drug, and Cosmetics Act allows the WSDA to require the manufacturers, processors, or packers of a class of food to secure a permit under certain circumstances. (RCW 69.04.035.)

Federal Poultry Inspection Rules:

Federal rules administered by the Food Safety and Inspection Service of the U. S. Department of Agriculture require the inspection of the processing of poultry products. Exempted from the federal inspection requirement is a poultry producer with respect to the poultry the producer raised on his or her own farm that is slaughtered by the producer. To qualify for the exemption, the producer cannot slaughter more than 1,000 poultry during a calendar year, the producer must not buy or sell the poultry products of others, and the poultry cannot move in interstate commerce. (9 Code of Federal Regulations Section 381.10(c).)

Summary of Bill:

The slaughter and preparation of 1,000 or fewer poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole or cut-up raw poultry by the producer directly to retail customers, and such sale, are exempted from the state's: custom slaughter laws; Food Processing Act; and Food, Drug, and Cosmetic Act. (Sections 2 - 4.) This activity and sale are also exempted from rules adopted by the State Board of Health, the Department of Health, or a local health jurisdiction regulating food or food service establishments. Such rules may not be applied directly or indirectly to this activity or sale. (Section 1.)

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.