
**Agriculture & Natural Resources
Committee**

HB 2298

Brief Description: Preventing the spread of animal diseases.

Sponsors: Representatives Linville and Schoesler; by request of Department of Agriculture.

Brief Summary of Bill

- Broadens the authority of the Director of Agriculture to quarantine an animal or its reproductive products for disease control and to conduct related tests, examinations, or inspections
- Authorizes the Director to apply to a court for an administrative search warrant for access to conduct disease control tests, examinations, and inspections and to seize or destroy property.

Hearing Date: 1/13/04

Staff: Kenneth Hirst (786-7105).

Background:

In 1998, legislation was enacted that substantially updated the state's animal health laws and granted the Director of Agriculture more uniform authority to control diseases in all animals (except fish, insects, and non-captive wildlife). Among other provisions, the 1998 legislation:

- expressly gives the Director the authority to issue "hold orders" for up to seven days for disease control and other purposes;
- grants the Director the authority to establish quarantines for the reproductive products (sperm, ova, and embryos) of animals;
- requires veterinarian labs and persons using their own diagnostic services to report immediately reportable diseases among animals, including wildlife;
- requires permits for importing animals with or exposed to reportable diseases;
- requires a person with livestock infected with or exposed to a transmissible spongiform brain disease to report it immediately;
- broadens the types of animals held in quarantine that the Director may order destroyed for failure to abide by a written agreement with the State Veterinarian;
- allows the Director to license veterinary laboratories; and

- permits the Director's rules for disease control to be more stringent than federal rules. (Chapter 8, Laws of 1998 and Chapter 16.36 RCW.)

Summary of Bill:

The Director of Agriculture may quarantine an animal or its reproductive products if there is reasonable cause to investigate whether the animal or its reproductive products are affected with or have been exposed to disease. Overt disease or exposure to disease need not be immediately obvious. (Section 1.)

The authority of the Director to enter premises to test or examine an *animal* when there is reasonable *evidence* of infection or exposure of an animal on the premises to a reportable disease is broadened. It is now an authority to enter to conduct tests, examinations *or inspections*, not just of the animal, but for disease conditions. The Director may do so if there is reasonable *cause to investigate* whether animals on *or that have been on* the premises have been so infected or exposed. If disease or contamination is suspected, the Director may seize items that are necessary to conduct the tests, inspections, or examinations. (Section 2(1).)

If the Director is denied access to the animal premises or the animals to conduct these tests, inspections, or examinations or if the animal owner fails to comply with an order of the Director, the Director may apply to a court of competent jurisdiction for an administrative search warrant. The warrant may authorize access for conducting the tests, inspections, or examinations of an animal or the animal premises, or taking samples. It may also authorize the seizure or destruction of property.

The warrant is to be issued upon probable cause. It is sufficient probable cause to show a potential threat to the agricultural interests of this state or a potential threat which seriously endangers animals, human health, the environment, or public welfare. To show that access is denied, the Director must file with the court an affidavit or declaration containing a description of all attempts to notify and locate the owner or the owner's agent and to secure consent. (Section 2 (2).)

The authority of the Director to order the destruction of an animal held under quarantine if the owner fails to follow a herd or flock plan or to order, when the public welfare demands it, the destruction of an animal affected or exposed to disease is clarified. The destruction of an animal held in quarantine may also be ordered destroyed when the public welfare demands it. (Section 3.)

Appropriation: None.

Fiscal Note: Requested on 1/12/04.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.