

SENATE BILL REPORT

SHB 2298

As Reported By Senate Committee On:
Agriculture, February 24, 2004

Title: An act relating to diseased and quarantined animals.

Brief Description: Preventing the spread of animal diseases.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture).

Brief History:

Committee Activity: Agriculture: 2/19/04, 2/24/04 [DPA].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass as amended.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: Washington's Animal Health Program regulates the movement and testing of animals coming into or being sold within the state and grants the Washington State Department of Agriculture broad powers to protect the people of the state, their livestock, and other animals from harmful animal diseases.

The director may currently issue a hold order to isolate animals for up to seven days when there is reasonable cause to investigate the presence of or potential exposure to disease. Overt or immediately obvious evidence of disease or exposure is not required to issue a hold order. Upon evidence of animal infection or exposure to disease, the director may also issue a quarantine order to isolate any animal or animal reproductive product that has become diseased or exposed to disease.

With reasonable evidence of animal infection or exposure, the director may enter animal premises to perform tests or examinations on any animal. The director may order the destruction of animals infected with or exposed to disease to protect the public welfare. The director may also order destruction of animals where the animal owner fails or refuses to follow a herd or flock plan.

Summary of Amended Bill: The quarantine and inspection powers of the director are clarified and broadened. The director may issue and enforce a quarantine when there is reasonable cause to investigate animal infection or exposure to disease. Overt or immediately obvious evidence of disease or exposure is not required to issue a quarantine order.

Reasonable cause provides a sufficient basis to enter premises and inspect animals or animal premises. Probable cause of serious disease or contamination risk is required before the director may seize items necessary for testing, inspection or examination purposes.

If access is denied, the director is expressly authorized to apply to the courts for a search warrant authorizing access to conduct tests, inspections or examinations of animals or animal premises and seize or destroy property. The warrant must be issued upon a court finding sufficient probable cause to show a potential threat to agriculture or a potential threat that seriously endangers animals, humans, the environment, or the public welfare. To show denial of access, the director must file an affidavit describing attempts to notify the animal owner and secure consent.

The director's authority to order the destruction of any quarantined animal when public welfare demands is clarified.

Amended Bill Compared to Original Bill: The striking amendment requires the director to determine that there is probable cause of serious risk from disease or contamination before seizing items, instead of allowing seizure where disease or contamination is suspected.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill was developed last year to address contagious animal diseases such as exotic Newcastle disease. The bill will clarify and strengthen the state's ability to quickly investigate potential outbreaks of highly infectious disease; most livestock industry groups are willing to put up with some regulatory inconvenience so the department can quickly respond to animal disease issues and protect the overall industry from wider scale destruction of animals.

Testimony Against: There is concern that the bill might increase the risk of lawsuits due to the potential of unnecessary search and seizure.

Testified: PRO: Leslie Emerick, WSDA; Chris Cheney, WA Dairy Federation and WA Fryer Commission; CON: Chris Cheney, WA Cattlemen's Association.