

FINAL BILL REPORT

SSB 6107

C 251 L 04

Synopsis as Enacted

Brief Description: Preventing the spread of animal diseases.

Sponsors: Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture).

Senate Committee on Agriculture
House Committee on Agriculture & Natural Resources

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: 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. The director is required to find probable cause that there is a serious risk from disease or contamination before the director may seize items needed to conduct tests, inspections, or examinations.

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.

Votes on Final Passage:

Senate	48	0	
House	93	1	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 10, 2004