

SENATE BILL REPORT

SB 6107

As Reported By Senate Committee On:
Agriculture, January 29, 2004

Title: An act relating to diseased and quarantined animals.

Brief Description: Preventing the spread of animal diseases.

Sponsors: Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture: 1/20/04, 1/29/04 [DPS].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass.

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 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 Substitute 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 and to seize items necessary for testing or inspection 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 is authorized to order the destruction of any quarantined animal when public welfare demands.

Substitute Bill Compared to Original Bill: The substitute bill no longer refers to the search warrant issued by the court as an administrative search warrant and clarifies that the warrant is to be issued if the court finds probable cause.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed because it will clarify and strengthen the state's ability to quickly investigate potential outbreaks of highly infectious diseases; the Senate passed a bill that was substantially the same last year. Most livestock industry groups are willing to put up with some regulatory inconvenience to protect the industry overall from the potential spread of animal disease and the destruction of animals that can go with that.

Testimony Against: The reasonable cause language may allow the department to overstep the bounds of private property rights. Language reducing the threshold for a departmental quarantine may lead to unnecessary stigmatization of a producer's product because the word "quarantine" conveys a message of dangerous or damaged product that "hold" does not, but the bill would make the requirements for both the same.

Testified: Jamie Henneman, rancher (con); Leslie Emerick, Kathy Kravit Smith, WSDA (pro); Chris Cheney, WA Dairy Fed., WA Cattlemen, WA Fryer Comm. (pro); Dan Wood, Farm Bureau (pro).