

SENATE BILL REPORT

SB 6408

As Reported By Senate Committee On:
Agriculture, February 5, 2004

Title: An act relating to nonambulatory livestock.

Brief Description: Regulating nonambulatory livestock.

Sponsors: Senators Brandland, Rasmussen, Regala, Spanel, Kline and Esser.

Brief History:

Committee Activity: Agriculture: 2/3/04, 2/5/04 [DPS].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass.

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

Staff: Bob Lee (786-7404)

Background: State legislation enacted in 1967 declares it to be the policy of the state to require that the slaughter of all livestock, and the handling of livestock in connection with slaughter to be carried out only by humane methods and that methods of slaughter shall conform generally to those authorized by the Federal Humane Slaughter Act of 1958, and regulations thereunder.

Recently, the issue of the transportation and delivery of nonambulatory livestock has arisen in Congress and in other states.

On December 23, the United States Department of Agriculture announced that one cow imported from Canada tested positive to the Bovine Spongiform Encephalopathy test. On January 12, 2004, the United States Department of Agriculture announced the adoption of rules that prevent nonambulatory disabled cattle from being slaughtered for human consumption. This federal rule defines nonambulatory disabled livestock as livestock that cannot rise from a recumbent position or that cannot walk including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions. The ban from going into food supplies applies only to cattle and not other species of livestock.

On January 26, 2004, United States Department of Health and Human Services announced a ban on any material from downer cattle and cattle that die on the farm from FDA-regulated human food (including dietary supplements) and cosmetics.

Summary of Substitute Bill: Nonambulatory livestock are defined as cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk.

A person is guilty of a gross misdemeanor if he or she knowingly transports or accepts delivery of a live nonambulatory livestock to, from, or between any livestock market, feed lot, slaughtering facility, or other facility that trades in livestock.

A person convicted of violating this act is guilty of a gross misdemeanor punishable by up to one year in jail and/or a fine of \$5,000.

Substitute Bill Compared to Original Bill: The penalty is changed from a misdemeanor to a gross misdemeanor. An emergency clause is added. The section would be placed in the chapter that covers humane treatment of animals. Clarification is provided that the illegal act is transporting or accepting delivery of live nonambulatory animals to, from, or between locations that trade in livestock.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill contains an emergency clause and takes effect immediately.

Testimony For: The dairy industry and groups concerned with humane treatment of animals have worked toward common language that covers their respective concerns. Personal experience of dealing with downed animals at a slaughtering plant was given.

Testimony Against: None.

Testified: Susan Micheals, Pasado's Safe Haven (pro); Jay Gordon, Washington State Dairy (pro); Karen Mueller, Veterinarian (pro); David Louthan.

Signed In/Did Not Testify: Hertha Lund, Washington Farm Bureau (concerns); Kathy Connell, DVM, Washington State Department of Agriculture (technical information); Terry L. Willis, citizen, Washington Farm Bureau (concerns); Heather Hansen, Washington Cattle Feeders Association; Mark Triplett, Tyson/IBP; Ralph Turner, Retired Safeway Security Director; Jan Gee, Washington Food Industry (pro).