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**SUBSTITUTE HOUSE BILL 1745**

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**State of Washington                      58th Legislature                      2003 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Kessler, Romero, Jarrett, Ruderman, Nixon, Clibborn, Rockefeller, Dickerson, Simpson, McDermott, Kenney, Linville and Wood)

READ FIRST TIME 03/10/03.

1            AN ACT Relating to laying hens; amending RCW 16.52.185; and adding  
2 a new section to chapter 16.52 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 16.52.185 and 1994 c 261 s 22 are each amended to read  
5 as follows:

6            (~~Nothing in~~) This chapter (~~applies~~) does not apply to accepted  
7 husbandry practices used in the commercial raising or slaughtering of  
8 livestock or poultry, or products thereof or to the use of animals in  
9 the normal and usual course of rodeo events or to the customary use or  
10 exhibiting of animals in normal and usual events at fairs as defined in  
11 RCW 15.76.120.

12            NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW  
13 to read as follows:

14            (1) The definitions in this subsection apply throughout this  
15 section unless the context clearly requires otherwise.

16            (a) "Department" means the department of agriculture of the state  
17 of Washington.

1 (b) "Director" means the director of the department of agriculture  
2 or the director's representative.

3 (c) "Egg-laying facility" means any single location consisting of  
4 one or more structures which collectively house three thousand or more  
5 laying hens for the purpose of commercial egg production.

6 (d) "Laying hen" means a female chicken kept for commercial egg  
7 production.

8 (e) "Producer" means any person or entity engaged in the commercial  
9 production of eggs whose flock numbers three thousand or more laying  
10 hens.

11 (2)(a) An action or inaction by a producer, or a person acting at  
12 the direction of or on behalf of a producer, that causes the death, at  
13 any one time, of three or more percent of the laying hens in an egg-  
14 laying facility is not an accepted husbandry practice used in the  
15 commercial raising of poultry or products thereof and is not exempted  
16 from this chapter.

17 (b) The director shall establish a program for conducting  
18 inspections of egg-laying facilities in which three thousand or more  
19 laying hens are kept and has the authority to conduct the inspections.  
20 The director shall develop and maintain a list of egg-laying facilities  
21 to be inspected from information the department receives from persons  
22 licensed under chapter 69.25 RCW. Each egg-laying facility shall be  
23 inspected a minimum of two times per year. To the degree practicable,  
24 the inspections must be unannounced.

25 (c) The director shall conduct inspections under the program  
26 designed to: (i) Identify instances in which, in the opinion of the  
27 director, a violation or violations of this chapter have caused the  
28 death of three percent or more of the laying hens in such a facility at  
29 any one time; and (ii) conduct testing of eggs for salmonella serotype  
30 enteritidis.

31 (d) The department shall employ inspectors on an as-needed basis to  
32 conduct the inspections. The department shall not employ an inspector  
33 who is employed by, affiliated with, a member of, or in any other way  
34 associated with, either in the past or present, any humane society,  
35 shelter, or animal welfare agency, or any egg farm, producer, supplier,  
36 processor, or any other private or governmental entity associated with  
37 egg production in the state.

1 (e) The director shall develop guidelines for conducting  
2 inspections under this section. The guidelines shall include  
3 procedures that:

4 (i) Ensure that inspections are conducted in a manner that allows  
5 the inspector to determine whether the egg-laying facilities are  
6 conforming to generally accepted poultry industry standards applicable  
7 to laying hens;

8 (ii) Specify a process for conducting testing of eggs for  
9 salmonella serotype enteritidis and a process for reporting positive  
10 test results to the department of health, the center for disease  
11 control, and the producer; and

12 (iii) Are designed to limit the risk of transference of disease  
13 between egg-laying facilities.

14 (f) Producers shall pay an annual inspection fee to cover the costs  
15 of funding the inspection program. The department shall annually  
16 establish the fee in an amount that is necessary to cover the costs of  
17 the inspection program. The inspection fee shall be assessed in  
18 conjunction with the assessment under RCW 69.25.250.

19 (3) If the director finds evidence of an excessive mortality rate  
20 as a result of one or more violations of this chapter, he or she shall  
21 record evidence of the violations and report the violations to the  
22 prosecuting attorney of the county in which the violation has occurred.  
23 This section may not be construed as providing exclusive authority to  
24 the director to investigate such a violation of this chapter regarding  
25 laying hens.

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