
SUBSTITUTE HOUSE BILL 2298

State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 01/22/04.

1 AN ACT Relating to diseased and quarantined animals; and amending
2 RCW 16.36.010, 16.36.060, 16.36.090, and 16.36.098.

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

4 **Sec. 1.** RCW 16.36.010 and 1998 c 8 s 2 are each amended to read as
5 follows:

6 (1) The director shall supervise the prevention of the spread and
7 the suppression of infectious, contagious, communicable, and dangerous
8 diseases affecting animals within, in transit through, and imported
9 into the state.

10 (2) The director may issue a quarantine order and enforce the
11 quarantine of any animal or its reproductive products (~~that is~~) when
12 any animal or its reproductive products are affected with or (~~has~~)
13 have been exposed to disease or when there is reasonable cause to
14 investigate whether any animal or its reproductive products are
15 affected with or have been exposed to disease, either within or outside
16 the state. Overt disease or exposure to disease in any animal or its
17 reproductive products need not be immediately obvious for a quarantine
18 order to be issued or enforced. The quarantine shall remain in effect
19 as long as the director deems necessary.

1 (3) The director may issue a hold order when:

2 (a) Overt disease or exposure to disease in an animal is not
3 immediately obvious but there is reasonable cause to investigate
4 whether an animal is diseased or has been exposed to disease;

5 (b) Import health papers, permits, or other transportation
6 documents required by law or rule are not complete or are suspected to
7 be fraudulent; or

8 (c) Further transport of an animal would jeopardize the well-being
9 of the animal or other animals in Washington state.

10 A hold order is in effect for seven days and expires at midnight on
11 the seventh day from the date of the hold order. A hold order may be
12 replaced with a quarantine order for the purpose of animal disease
13 control.

14 (4) Any animal or animal reproductive product placed under a
15 quarantine or hold order shall be kept separate and apart from other
16 animals designated in the instructions of the quarantine or hold order,
17 and shall not be allowed to have anything in common with other animals.

18 (5) The expenses of handling and caring for any animal or animal
19 reproductive product placed under a quarantine or hold order are the
20 responsibility of the owner.

21 (6) The director has authority over the quarantine or hold area
22 until the quarantine or hold order is released or the hold order
23 expires.

24 (7) Any animal or animal reproductive product placed under a
25 quarantine or hold order may not be moved, transported, or sold without
26 written approval from the director or until the quarantine or hold
27 order is released, or the hold order expires.

28 (8) The director may administer oaths and examine witnesses and
29 records in the performance of his or her duties to control diseases
30 affecting animals.

31 **Sec. 2.** RCW 16.36.060 and 1998 c 8 s 6 are each amended to read as
32 follows:

33 (1) The director has the authority to enter the animal premises of
34 any animal owner at any reasonable time to ~~((make tests on or
35 examinations of any animals))~~ conduct tests, examinations, or
36 inspections for disease conditions when there is reasonable ~~((evidence
37 that))~~ cause to investigate whether animals on the premises or that

1 have been on the premises are infected with or have been exposed to a
2 reportable disease. It is unlawful for any person to interfere with
3 the tests, inspections, or examinations, or to alter any segregation or
4 identification systems made in connection with the tests, inspections,
5 or examinations. Where disease or contamination is suspected, the
6 director may seize those items necessary to conduct the tests,
7 inspections, or examinations.

8 (2) If the director is denied access to the animal premises or the
9 animals for purposes of conducting tests, inspections, or examinations
10 or the animal owner fails to comply with an order of the director, the
11 director may apply to a court of competent jurisdiction for a search
12 warrant. The warrant may authorize access to any animal or animal
13 premises for purposes of conducting tests, inspections, or examinations
14 of any animal or animal premises, or taking samples, and may authorize
15 seizure or destruction of property. The warrant shall be issued upon
16 probable cause being found by the court. It is sufficient probable
17 cause to show a potential threat to the agricultural interests of this
18 state or a potential threat which seriously endangers animals, human
19 health, the environment, or public welfare. To show that access is
20 denied, the director shall file with the court an affidavit or
21 declaration containing a description of all attempts to notify and
22 locate the owner or the owner's agent and to secure consent.

23 **Sec. 3.** RCW 16.36.090 and 1998 c 8 s 9 are each amended to read as
24 follows:

25 When public welfare demands, the director may order the slaughter
26 or destruction of any animal affected with or exposed to any
27 contagious, infectious, or communicable disease that is affecting or
28 may affect the health of the state's animal population. The director
29 may order destruction of any animal held under quarantine when public
30 welfare demands or the owner of the animal fails or refuses to follow
31 a herd or flock plan. The director shall give a written order
32 directing an animal be destroyed by or under the direction of the state
33 veterinarian.

34 **Sec. 4.** RCW 16.36.098 and 1998 c 8 s 17 are each amended to read
35 as follows:

36 Any person whose animal or animal reproductive products are placed

1 under a quarantine, a hold order, or destruct order under RCW 16.36.090
2 may request a hearing. The request for a hearing must be in writing
3 and filed with the director. Any hearing will be held in conformance
4 with RCW 34.05.422 and 34.05.479.

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