
SENATE BILL 5517

State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen, Schoesler, Hobbs, Honeyford, Shin, Marr, Hatfield, Morton, King, Parlette, Delvin, and Haugen

Read first time 01/26/09. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to meat and poultry inspection programs; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** FINDINGS--INTENT. The legislature finds
5 that several states administer state meat and poultry inspection
6 programs at facilities for which inspection by the federal food safety
7 inspection service of the United States department of agriculture is
8 not readily available. The legislature finds that a state inspection
9 program would support the needs of local producers who wish to sell to
10 local consumers, aid in developing niche markets and the supply of
11 low-volume specialty meat products, and increase the ability to supply
12 inspected meat products at farmers markets, retail outlets, and
13 restaurants that specialize in locally produced agricultural products.

14 It is the intent of the legislature that the meat and poultry
15 inspection program established under this chapter enforce requirements
16 that are at least equal to those imposed under federal law including
17 the federal meat inspection act, the poultry products inspection act,
18 and the humane methods of slaughter act. It is the intent that

1 products inspected under this chapter may be sold in intrastate
2 commerce.

3 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "Adulterated" means a whole carcass, part of a carcass, or meat
7 food product:

8 (a) That bears or contains a poisonous or harmful substance that
9 may render it injurious to health;

10 (b) That bears or contains a chemical pesticide that is unsafe
11 under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et
12 seq.;

13 (c) That bears or contains a food or color additive that is unsafe
14 under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et
15 seq.;

16 (d) That contains a filthy, putrid, or decomposed substance or is
17 for any other reason unfit for human food;

18 (e) That has been prepared, packed, or held under unsanitary
19 conditions;

20 (f) That is wholly or partly the product of an animal that has died
21 in a manner other than slaughter;

22 (g) The container of which is wholly or partly composed of a
23 poisonous or harmful substance that may make the contents harmful to
24 health;

25 (h) That has been intentionally subjected to radiation, unless the
26 use of the radiation conformed with a regulation or exemption in effect
27 under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et
28 seq.;

29 (i) That is damaged or inferior and that damage or inferiority has
30 been concealed; or

31 (j) That has had a substance added to it or mixed or packed with it
32 so as to increase its bulk or weight, or make it appear better than or
33 of greater value than it is.

34 (2) "Animal" includes cattle, swine, sheep, goats, bison, bison
35 hybrids, and poultry.

36 (3) "Container" includes a can, pot, tin, canvas, or other
37 receptacle containing a meat food product.

1 (4) "Custom processing" means slaughtering, eviscerating, dressing,
2 or processing an animal or processing meat products for the owner of
3 the animal or of the meat products, if all meat products derived from
4 the custom operation are returned to the owner of the animal or of the
5 meat products.

6 (5) "Director" means the director of the department of agriculture.

7 (6) "Intrastate commerce" means commerce within this state.

8 (7) "Meat food product" means a product usable as human food and
9 made wholly or in part from meat or a portion of an animal carcass.
10 "Meat food product" does not include any product that contains meat or
11 other portions of the carcasses of animals in a relatively small
12 proportion or that historically has not been considered by consumers as
13 a product of the meat food industry, and that is not represented as a
14 meat food product.

15 (8) "Poultry" includes domesticated chickens, ducks, geese,
16 pheasants, quail, ratites, and turkeys.

17 (9) "Prepared" means slaughtered, canned, salted, rendered, boned,
18 cut up, or otherwise manufactured or processed.

19 NEW SECTION. **Sec. 3.** INSPECTORS--APPOINTMENTS--DUTIES. (1) The
20 director shall appoint inspectors to examine and inspect meat food
21 products prepared solely for intrastate commerce in a slaughtering,
22 meat canning, salting, packing, or similar establishment. The
23 inspections must take place at any time during which the slaughtering
24 of animals or the preparation of food products is being conducted.
25 Upon completing an inspection, the inspector shall mark, stamp, tag, or
26 label the product "Washington inspected and passed" if it is
27 unadulterated or as "Washington inspected and condemned" if the product
28 is found to be adulterated.

29 (2) The director shall appoint inspectors to examine and inspect
30 each slaughtering, meat canning, salting, packing, or similar
31 establishment in which meat food products are prepared solely for
32 intrastate commerce. The director shall adopt rules of sanitation
33 applicable to these establishments. If any facility does not meet the
34 sanitary conditions required by the director, the director may not
35 allow any meat food product from that facility to be labeled, marked,
36 stamped, or tagged as "Washington inspected and passed."

1 (3) Meat food products inspected and passed under this chapter may
2 be sold at retail in this state.

3 (4) Neither the director, nor any inspector appointed by the
4 director, may undertake any activity that is duplicative of an activity
5 performed by meat inspectors of the United States department of
6 agriculture.

7 NEW SECTION. **Sec. 4.** ACCESS BY INSPECTORS--PENALTY. (1) The
8 director and any authorized representative of the director have access
9 to:

10 (a) Any place where meat or meat products, the manufacture, sale,
11 use, or transportation of which is restricted, regulated, or prohibited
12 by a law of this state, are or may be manufactured, prepared, stored,
13 sold, used, transported, offered for sale or transportation, or
14 possessed with intent to use, sell, or transport;

15 (b) Any place where an animal may be slaughtered or is presented
16 for inspection;

17 (c) Any car or other carriage used to transport a meat food product
18 or an animal;

19 (d) Any place where food is or may be cooked, prepared, sold, or
20 kept for sale to or for the public or distributed as a part of the
21 compensation of an employee or agent; and

22 (e) Any place where a meat food product may be manufactured, sold,
23 used, offered for sale or transportation, or possessed with intent to
24 use, sell, or transport.

25 (2) The director and any authorized representative of the director
26 may inspect any container believed to hold food, a food ingredient, or
27 some other product, the manufacture, use, sale, or transportation of
28 which is restricted, regulated, or forbidden by state law, and may take
29 samples from it for analysis.

30 (3) It is a violation of this chapter for any person to obstruct
31 entry or inspection under this chapter or to fail, upon request, to
32 assist in an inspection authorized by this chapter.

33 NEW SECTION. **Sec. 5.** MARKS AND LABELS. (1) If a meat food
34 product that is inspected and marked "Washington inspected and passed"
35 is being placed or packed in a container, the person preparing the
36 product shall attach to the container, under supervision of an

1 inspector, a label indicating that the product has been "Washington
2 inspected and passed." An inspection under this chapter is not
3 complete until the product has been sealed or enclosed in the
4 container, under the supervision of an inspector.

5 (2) A meat food product inspected under this chapter and found not
6 to be adulterated must bear, directly or on its container, a legible
7 label or official mark as required by the director.

8 (3) The director shall prescribe by rule the style and size of type
9 to be used in labeling meat under this chapter and standards of
10 identity, composition, and fill of container for meat food products
11 inspected under this chapter, but the standards must be consistent with
12 those established under federal law.

13 NEW SECTION. **Sec. 6.** FALSE OR MISLEADING MARKS, LABELS, AND
14 CONTAINERS. A person may not sell in intrastate commerce any meat food
15 product subject to inspection under this chapter under a name, mark, or
16 label that is false or misleading, or in a container of a misleading
17 form or size. If the director has reason to believe that a mark,
18 label, or container is false or misleading, the director may direct
19 that its use be withheld unless the mark, label, or container is
20 modified in a manner approved by the director. If the person using or
21 proposing to use the mark, label, or container does not accept the
22 determination of the director, the person may request a hearing. The
23 director may direct that the mark, label, or container not be used
24 pending a hearing and final determination by the director. A
25 determination by the director is conclusive unless the person adversely
26 affected appeals to the district court within thirty days after
27 receiving the notice of final determination.

28 NEW SECTION. **Sec. 7.** PROHIBITIONS. A person may not:

29 (1) Slaughter an animal or prepare an item usable as human food at
30 any establishment preparing items solely for intrastate commerce,
31 unless the person complies with this chapter;

32 (2) Sell, transport, offer for sale or transportation, or receive
33 for transportation, in intrastate commerce any item that is usable as
34 human food and that is adulterated or misbranded or any item that has
35 not been inspected and passed under this chapter; or

1 (3) Alter an item that is usable as human food while the item is
2 being transported in intrastate commerce or held for sale after
3 transportation, if the alteration is intended to cause or has the
4 effect of causing the item to be adulterated or misbranded.

5 NEW SECTION. **Sec. 8.** OFFICIAL MARKS AND CERTIFICATES--REQUIRED
6 AUTHORIZATION. A person may not:

7 (1) Cast, print, or otherwise make a device containing an official
8 mark, simulation of an official mark, label bearing a mark or
9 simulation, or form of official certificate or simulation, without
10 authorization from the director;

11 (2) Forge an official device, mark, or certificate;

12 (3) Use a real or simulated official device, mark, or certificate,
13 or alter, detach, deface, or destroy an official device, mark, or
14 certificate, without authorization from the director;

15 (4) Fail to use an official device, mark, or certificate if
16 appropriate;

17 (5) Knowingly possess, without promptly notifying the director, a
18 counterfeit, simulated, forged, or improperly altered official
19 certificate, device, or label, or a whole carcass or part of a carcass
20 bearing a counterfeit, simulated, forged, or improperly altered
21 official mark;

22 (6) Knowingly make a false statement in a certificate; or

23 (7) Knowingly represent falsely that an item has been inspected and
24 passed, or exempted, under this chapter.

25 NEW SECTION. **Sec. 9.** BRIBERY. A person may not give or receive
26 anything of value to influence the performance of an inspector under
27 this chapter.

28 NEW SECTION. **Sec. 10.** INDIVIDUAL AND CUSTOM PROCESSING--EXEMPTION
29 FROM INSPECTION REQUIREMENTS. (1) This chapter does not apply to an
30 individual processing the individual's own animals and the individual's
31 preparation and transportation in intrastate commerce of the whole
32 carcasses, parts of carcasses, and meat food products if the animals
33 are for the exclusive use of the individual, members of the
34 individual's household, the individual's nonpaying guests, and
35 employees.

1 (2) The provisions of this chapter requiring inspection of the
2 slaughter of animals, the preparation of the carcasses and parts
3 thereof, and meat and meat food products at establishments conducting
4 such operations do not apply to the custom processing by a person of
5 animals delivered by the owner for processing, and the preparation or
6 transportation in intrastate commerce of the whole carcasses, parts of
7 carcasses, and meat food products of the animals, if the products are
8 to be used exclusively in the household of the animal's owner by the
9 owner and members of the owner's household, nonpaying guests, and
10 employees.

11 (3) A custom processor may not engage in the business of buying or
12 selling whole carcasses, parts of carcasses, or meat food products of
13 animals, other than poultry, usable as human food unless the whole
14 carcasses, parts of carcasses, or meat food products have been
15 inspected and passed and are identified as inspected and passed by the
16 director or the United States department of agriculture.

17 (4) The provisions of this chapter requiring inspection of the
18 preparation of poultry carcasses and parts thereof, and poultry food
19 products at establishments conducting those operations, do not apply to
20 any retailer with respect to poultry products sold in commerce directly
21 to consumers in an individual retail store, if the retailer does not
22 engage in the business of custom slaughter, and if the poultry products
23 sold in commerce are derived from poultry inspected and passed by the
24 director or the United States department of agriculture.

25 NEW SECTION. **Sec. 11.** STORING AND HANDLING CONDITIONS--RULES.
26 The director shall adopt rules regarding the manner in which all whole
27 carcasses, parts of carcasses, and meat food products of animals usable
28 as human food and subject to this chapter must be stored, handled, and
29 transported.

30 NEW SECTION. **Sec. 12.** ITEMS NOT INTENDED AS HUMAN FOOD. The
31 director may not provide inspection under this chapter at an
32 establishment for the slaughter of animals or the preparation of
33 carcasses or parts or products of animals that are not intended for use
34 as human food. Before these items are offered for sale or
35 transportation in intrastate commerce, they must be denatured or
36 otherwise identified, as prescribed by rules of the director, to deter

1 their use for human food, unless they are naturally inedible by humans.
2 A person may not buy, sell, transport, offer for sale or
3 transportation, or receive for transportation, in intrastate commerce,
4 any carcasses, parts of carcasses, or meat food products of animals
5 that are not intended for use as human food, unless the items are
6 denatured or otherwise identified.

7 NEW SECTION. **Sec. 13.** RECORDS. (1) The following persons shall
8 keep records that fully and accurately disclose the transactions
9 described:

10 (a) A person in the business of slaughtering animals or preparing,
11 freezing, packaging, or labeling animal carcasses, parts, or products
12 of carcasses for use as human or animal food;

13 (b) A person buying, selling, transporting, or storing animal
14 carcasses or parts or products of animal carcasses; and

15 (c) A person rendering or buying, selling, or transporting dead,
16 dying, disabled, or diseased animals or parts of the carcasses of
17 animals that died other than by slaughter.

18 (2) Upon notice by the director, any person subject to the
19 recordkeeping requirements of this chapter shall give the director
20 access to the person's place of business at all reasonable times and an
21 opportunity to examine the facilities, inventory, and records of the
22 business, to copy business records, and to take reasonable samples of
23 the person's inventory upon payment of the fair market value of the
24 samples.

25 (3) Any person subject to the recordkeeping requirements of this
26 chapter shall maintain the records for the period prescribed by the
27 director.

28 NEW SECTION. **Sec. 14.** REGISTRATION. A person may not engage in
29 intrastate business as a meat broker, renderer, or animal food
30 manufacturer; a wholesaler of animal carcasses, carcass parts, or
31 products of carcasses, intended for human food or other purposes; a
32 public warehouse operator storing carcasses or parts of carcasses of
33 animals in or for intrastate commerce; or a buyer, seller, or
34 transporter of dead, dying, disabled, or diseased animals, or parts of
35 the carcasses of animals that died other than by slaughter, unless the

1 person first provides the director with the person's name, the address
2 of each place of business under which the person conducts business, and
3 all trade names under which the person conducts business.

4 NEW SECTION. **Sec. 15.** DEAD, DYING, DISABLED, OR DISEASED
5 ANIMALS--RULES. The director shall adopt rules to ensure that dead,
6 dying, disabled, or diseased animals are not used as human food.

7 NEW SECTION. **Sec. 16.** COOPERATION WITH FEDERAL GOVERNMENT--
8 FEDERAL LAWS. The director shall cooperate with the United States
9 department of agriculture to develop and administer the state meat
10 inspection program provided for under this chapter and to meet any
11 applicable requirements imposed by federal law. The director may
12 accept, from the United States department of agriculture, advice and
13 assistance in planning and otherwise developing the state meat
14 inspection program; technical and laboratory assistance and training,
15 including necessary curricular and instructional materials and
16 equipment; and assistance for the administration of the program.

17 NEW SECTION. **Sec. 17.** REFUSAL OR WITHDRAWAL OF INSPECTION. (1)
18 For the length of time the director considers necessary to carry out
19 the purposes of this chapter, the director may refuse to provide, or
20 withdraw, inspection services from an establishment if after a hearing
21 the director determines that the recipient or potential recipient is
22 unfit to engage in any business requiring inspection under this chapter
23 because the recipient, potential recipient, or anyone responsibly
24 connected with the recipient or potential recipient has been convicted
25 of:

26 (a) An offense determined by the director to have a direct bearing
27 on the person's ability to serve the public in a business requiring
28 inspection under this chapter, or the director determines the person is
29 not sufficiently rehabilitated;

30 (b) More than one violation of a law based on the acquisition,
31 handling, or distributing of unwholesome, mislabeled, or deceptively
32 packaged food; or

33 (c) Fraud in connection with transactions involving food.

34 (2) For the purpose of this section, "anyone responsibly connected

1 with a business" means an individual who is a partner, officer,
2 director, holder, or owner of ten percent or more of its voting stock,
3 or an employee in a managerial or executive capacity.

4 NEW SECTION. **Sec. 18.** DETENTION OF ANIMALS OR PRODUCTS. If an
5 inspector finds a whole carcass, part of a carcass, or meat food
6 product, a product exempted from the definition of a meat food product,
7 or a dead, dying, disabled, or diseased animal on premises where it is
8 held for purposes of, during, or after distribution in intrastate
9 commerce, and the inspector reasonably believes that the item is
10 adulterated or misbranded and is usable as human food, or that it has
11 not been inspected, in violation of this chapter or federal law, or
12 that the item or animal has been or is intended to be distributed in
13 violation of this chapter or federal law, the inspector may detain the
14 item for up to twenty days pending a hearing or notification of federal
15 authorities having jurisdiction over the item or animal. The item may
16 not be moved by any person from the place at which it was located when
17 detained, until released by the director. The director may require all
18 official marks to be removed from the item or animal before it is
19 released unless the director is satisfied that the item or animal is
20 eligible to retain the official marks.

21 NEW SECTION. **Sec. 19.** SEIZURE AND CONDEMNATION. The director may
22 initiate action to seize and condemn a whole carcass, part of a
23 carcass, or meat food product, or a dead, dying, disabled, or diseased
24 animal that is being transported in intrastate commerce, or is held for
25 sale in this state after transportation in intrastate commerce if:

26 (1) The item is or has been prepared, sold, transported, or
27 otherwise distributed or offered or received for distribution in
28 violation of this chapter;

29 (2) The item is usable as human food and is adulterated or
30 misbranded; or

31 (3) The item is in any other way violative of this chapter.

32 NEW SECTION. **Sec. 20.** SALE OF CONDEMNED ITEMS. If an item or
33 animal is condemned, it must be disposed of by destruction or sale, as
34 directed by a court. If it is sold, the proceeds must be paid to the
35 state, less the court costs, fees, storage, and reasonable expenses,

1 but the item or animal must not be sold contrary to this chapter or
2 federal law. If a bond is delivered conditioned that the item or
3 animal not be sold or otherwise disposed of contrary to this chapter or
4 federal law, the court may direct that the item or animal be delivered
5 to its owner subject to supervision by the director.

6 NEW SECTION. **Sec. 21.** TYPES OF PROCEEDINGS--AWARD OF COSTS. If
7 a decree of condemnation is entered against an item or animal and it is
8 released under bond or destroyed, a court may award costs, fees,
9 storage, and other reasonable expenses against any person intervening
10 as a claimant of the item or animal. Either party to a proceeding may
11 demand trial by jury of any issue of fact joined in the case, and all
12 proceedings must be in the name of the state. Nothing in this section
13 changes the authority for condemnation or seizure otherwise conferred
14 by law.

15 NEW SECTION. **Sec. 22.** POWERS OF THE DIRECTOR. For the purposes
16 of this chapter, the director may:

17 (1) Gather and compile information concerning and investigate the
18 organization, business, conduct, practices, and management of a person
19 in intrastate commerce and the person's relation to other persons;

20 (2) Require that a person engaged in intrastate commerce file with
21 the director, in the form and manner prescribed by the director, annual
22 and special reports or written answers to specific questions, giving
23 the director the information the director requires about the
24 organization, business, conduct, practices, management, and relation to
25 other persons, of the person filing the reports or answers;

26 (3) Examine and copy documentary evidence of a person being
27 investigated or against whom there are proceedings. A person may not
28 refuse to submit to the director, for inspection and copying, any
29 documentary evidence of a person subject to this chapter in the
30 person's possession or control;

31 (4) Adopt rules, in accordance with chapter 34.05 RCW, to implement
32 this chapter, including establishing inspection fees for providing
33 inspection services under this chapter.

34 NEW SECTION. **Sec. 23.** PENALTY. A violation of this chapter or a

1 rule adopted under this chapter is subject to the civil penalty in RCW
2 16.49.105.

3 NEW SECTION. **Sec. 24.** CAPTIONS NOT LAW. Captions used in this
4 chapter are not any part of the law.

5 NEW SECTION. **Sec. 25.** Sections 1 through 24 of this act
6 constitute a new chapter in Title 16 RCW.

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