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SENATE BILL 5818

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State of Washington

61st Legislature

2009 Regular Session

By Senator Honeyford

Read first time 02/03/09. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to disclosure of production and export information  
2 on patented or trademarked apples; and amending RCW 42.56.380.

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

4 **Sec. 1.** RCW 42.56.380 and 2007 c 177 s 1 are each amended to read  
5 as follows:

6 The following information relating to agriculture and livestock is  
7 exempt from disclosure under this chapter:

8 (1) Business-related information under RCW 15.86.110;

9 (2) Information provided under RCW 15.54.362;

10 (3) Production or sales records required to determine assessment  
11 levels and actual assessment payments to commodity boards and  
12 commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65,  
13 15.66, 15.74, 15.88, 15.100, 15.89, and 16.67 RCW or required by the  
14 department of agriculture to administer these chapters or the  
15 department's programs;

16 (4) Consignment information contained on phytosanitary certificates  
17 issued by the department of agriculture under chapters 15.13, 15.49,  
18 and 15.17 RCW or federal phytosanitary certificates issued under 7  
19 C.F.R. 353 through cooperative agreements with the animal and plant

1 health inspection service, United States department of agriculture, or  
2 on applications for phytosanitary certification required by the  
3 department of agriculture, except that information about the export of  
4 patented or trademarked apples shall be provided upon request to the  
5 holders of the patents or trademarks to verify export volumes, but not  
6 for other commercial purposes;

7 (5) Financial and commercial information and records supplied by  
8 persons (a) to the department of agriculture for the purpose of  
9 conducting a referendum for the potential establishment of a commodity  
10 board or commission; or (b) to the department of agriculture or  
11 commodity boards or commissions formed under chapter 15.24, 15.28,  
12 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.89, or 16.67 RCW with  
13 respect to domestic or export marketing activities or individual  
14 producer's production information, except that information about the  
15 production and export of patented or trademarked apples shall be  
16 provided upon request to the holders of the patents or trademarks to  
17 verify production and export volumes, but not for other commercial  
18 purposes;

19 (6) Except under RCW 15.19.080, information obtained regarding the  
20 purchases, sales, or production of an individual American ginseng  
21 grower or dealer;

22 (7) Information that can be identified to a particular business and  
23 that is collected under RCW 15.17.140(2) and 15.17.143 for certificates  
24 of compliance, except that information about the production and export  
25 of patented or trademarked apples shall be provided upon request to the  
26 holders of the patents or trademarks to verify production and export  
27 volumes, but not for other commercial purposes;

28 (8) Financial statements provided under RCW 16.65.030(1)(d);

29 (9) Information submitted by an individual or business for the  
30 purpose of participating in a state or national animal identification  
31 system. Disclosure to local, state, and federal officials is not  
32 public disclosure. This exemption does not affect the disclosure of  
33 information used in reportable animal health investigations under  
34 chapter 16.36 RCW once they are complete; and

35 (10) Results of testing for animal diseases not required to be  
36 reported under chapter 16.36 RCW that is done at the request of the

1 animal owner or his or her designee that can be identified to a  
2 particular business or individual.

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