

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6299

61st Legislature
2010 Regular Session

Passed by the Senate February 16, 2010
YEAS 45 NAYS 3

President of the Senate

Passed by the House February 28, 2010
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6299** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6299

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield, and Shin)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to animal inspection; amending RCW 16.36.005,
2 16.36.050, 16.36.060, 16.57.010, 16.57.160, 16.57.220, 16.57.240,
3 16.57.243, 16.57.245, 16.57.280, and 16.57.290; adding a new section to
4 chapter 16.36 RCW; and adding a new section to chapter 16.57 RCW.

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

6 **Sec. 1.** RCW 16.36.005 and 2003 c 39 s 9 are each amended to read
7 as follows:

8 ~~((As used in this chapter*))~~ The definitions in this section apply
9 throughout this chapter unless the context clearly requires otherwise.

10 (1) "Animal" means all members of the animal kingdom except humans,
11 fish, and insects. However, "animal" does not mean noncaptive wildlife
12 as defined in RCW 77.08.010(~~(+16)~~), except as used in RCW 16.36.050(1)
13 and 16.36.080 (1), (2), (3), and (5).

14 (2) "Animal reproductive product" means sperm, ova, fertilized ova,
15 and embryos from animals.

16 (3) "Certificate of veterinary inspection" means a legible
17 veterinary health inspection certificate on an official electronic or
18 paper form from the state of origin or from the animal and plant health
19 inspection service (APHIS) of the United States department of

1 agriculture, executed by a licensed and accredited veterinarian or a
2 veterinarian approved by the animal and plant health inspection
3 service. "Certificate of veterinary inspection" is also known as an
4 "official health certificate."

5 (4) "Farm-raised fish" means fish raised by aquaculture as defined
6 in RCW 15.85.020. Farm-raised fish are considered to be a part of
7 animal agriculture; however, disease inspection, prevention, and
8 control programs and related activities for farm-raised fish are
9 administered by the department of fish and wildlife under chapter
10 77.115 RCW.

11 (5) "Communicable disease" means a disease due to a specific
12 infectious agent or its toxic products transmitted from an infected
13 person, animal, or inanimate reservoir to a susceptible host, either
14 directly or indirectly through an intermediate plant or animal host,
15 vector, or the environment.

16 (6) "Contagious disease" means a communicable disease that is
17 capable of being easily transmitted from one animal to another animal
18 or a human.

19 (7) "Director" means the director of (~~agriculture of the state of~~
20 ~~Washington~~) the department or his or her authorized representative.

21 (8) "Department" means the department of agriculture of the state
22 of Washington.

23 (9) "Deputized state veterinarian" means a Washington state
24 licensed and accredited veterinarian appointed and compensated by the
25 director according to state law and department policies.

26 (10) "Garbage" means the solid animal and vegetable waste and offal
27 together with the natural moisture content resulting from the handling,
28 preparation, or consumption of foods in houses, restaurants, hotels,
29 kitchens, markets, meat shops, packing houses and similar
30 establishments or any other food waste containing meat or meat
31 products.

32 (11) "Herd or flock plan" means a written management agreement
33 between the owner of a herd or flock and the state veterinarian, with
34 possible input from a private accredited veterinarian designated by the
35 owner and the area veterinarian-in-charge of the United States
36 department of agriculture, animal and plant health inspection service,
37 veterinary services in which each participant agrees to undertake
38 actions specified in the herd or flock plan to control the spread of

1 infectious, contagious, or communicable disease within and from an
2 infected herd or flock and to work toward eradicating the disease in
3 the infected herd or flock.

4 (12) "Hold order" means an order by the director to the owner or
5 agent of the owner of animals or animal reproductive products which
6 restricts the animals or products to a designated holding location
7 pending an investigation by the director of the disease, disease
8 exposure, well-being, movement, or import status of the animals or
9 animal reproductive products.

10 (13) "Infectious agent" means an organism including viruses,
11 rickettsia, bacteria, fungi, protozoa, helminthes, or prions that is
12 capable of producing infection or infectious disease.

13 (14) "Infectious disease" means a clinical disease of humans or
14 animals resulting from an infection with an infectious agent that may
15 or may not be communicable or contagious.

16 (15) "Livestock" means horses, mules, donkeys, cattle, bison,
17 sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry,
18 waterfowl, game birds, and other species so designated by statute.
19 "Livestock" does not mean free ranging wildlife as defined in Title 77
20 RCW.

21 (16) "Person" means a person, persons, firm, or corporation.

22 (17) "Quarantine" means the placing and restraining of any animal
23 or its reproductive products by the owner or agent of the owner within
24 a certain described and designated enclosure or area within this state,
25 or the restraining of any animal or its reproductive products from
26 entering this state, as may be directed in an order by the director.

27 (18) "Reportable disease" means a disease designated by rule by the
28 director as reportable to the department by veterinarians and others
29 made responsible to report by statute.

30 (19) "Veterinary biologic" means any virus, serum, toxin, and
31 analogous product of natural or synthetic origin, or product prepared
32 from any type of genetic engineering, such as diagnostics, antitoxins,
33 vaccines, live microorganisms, killed microorganisms, and the antigenic
34 or immunizing components intended for use in the diagnosis, treatment,
35 or prevention of diseases in animals.

36 **Sec. 2.** RCW 16.36.050 and 2007 c 71 s 2 are each amended to read
37 as follows:

1 (1) It is unlawful for ~~((any))~~ a person to~~((+~~
2 ~~(1+))~~ bring an animal into ~~((this))~~ Washington state ~~((for any~~
3 ~~purpose any animals))~~ without first ~~((having secured an official health~~
4 ~~certificate or))~~ securing a certificate of veterinary inspection,
5 reviewed by the state veterinarian of the state of origin, verifying
6 that the animal~~((s))~~ meets the Washington state animal health
7 requirements ~~((of the state of Washington))~~. This subsection does not
8 apply to:

9 (a) Livestock ~~((destined for immediate slaughter at a federally~~
10 ~~inspected slaughter facility where federal disease control standards~~
11 ~~are applied))~~, which are governed by section 3 of this act; or

12 (b) Other animals exempted by the director by rule~~((+))~~.

13 ~~((+a))~~ ~~Divert en route to other than an approved, inspected~~
14 ~~feedlot for subsequent slaughter or (b) sell for other than immediate~~
15 ~~slaughter or (c) fail to slaughter or deliver to a slaughter~~
16 ~~establishment within three calendar days after entry, any animal~~
17 ~~imported into this state for immediate slaughter;~~

18 ~~((+))~~ It is unlawful for a person to intentionally falsely make,
19 complete, alter, use, or sign ~~((an animal health certificate,))~~ a
20 certificate of veterinary inspection~~((+))~~ or official ~~((written))~~
21 animal health document of the department~~((+))~~.

22 ~~((+4))~~ (3) It is unlawful for a person to intentionally falsely
23 apply, alter, or remove an official animal health or official animal
24 identification tag, permanent mark, or other device~~((+))~~.

25 ~~((+5))~~ (4) It is unlawful for a person to willfully hinder,
26 obstruct, or resist the director, or any peace officer or deputized
27 state veterinarian acting under him or her, when engaged in the
28 performance of their duties~~((+ or))~~.

29 ~~((+6))~~ (5) It is unlawful for a person to willfully fail to comply
30 with or to violate any rule or order adopted by the director under this
31 chapter.

32 NEW SECTION. Sec. 3. A new section is added to chapter 16.36 RCW
33 to read as follows:

34 (1) It is unlawful for a person to bring livestock into Washington
35 state without first securing a certificate of veterinary inspection,
36 reviewed by the state veterinarian of the state of origin, verifying

1 that the livestock meet Washington state animal health requirements.

2 This subsection does not apply to livestock that:

3 (a) Have been exempted by the director by rule; or

4 (b) Will be delivered within twelve hours after entry into
5 Washington state to:

6 (i) An approved, inspected feed lot for slaughter;

7 (ii) A federally inspected slaughter plant; or

8 (iii) A licensed public livestock market for sale and subsequent
9 delivery within twelve hours to:

10 (A) An approved, inspected feed lot for slaughter; or

11 (B) A federally inspected slaughter plant.

12 (2) The director may monitor livestock entering Washington state.

13 Persons importing, transporting, receiving, feeding, or housing
14 imported livestock shall:

15 (a) Comply with the requirement and any exemptions specified in
16 subsection (1) of this section; and

17 (b) Make the livestock and related records available for inspection
18 by the director.

19 (3) The department may charge a time and mileage fee for inspecting
20 livestock and related records during an investigation of a proven
21 violation of this section. The fee is eighty-five dollars per hour and
22 the current mileage rate set by the office of financial management.
23 The director may increase the hourly fee by rule as necessary to cover
24 costs of investigations. All fees collected pursuant to this
25 subsection shall be deposited in an account in the agricultural local
26 fund and used to carry out the purposes of this chapter.

27 (4) The director may adopt and enforce rules necessary to carry out
28 the purpose and provisions of this section.

29 **Sec. 4.** RCW 16.36.060 and 2004 c 251 s 2 are each amended to read
30 as follows:

31 (1) The director has the authority to enter (~~the animal premises~~
32 ~~of any animal owner~~) a property at any reasonable time to:

33 (a) Conduct tests, examinations, or inspections (~~for disease~~
34 ~~conditions~~) to take samples, and to examine and copy records when

35 there is reasonable cause to investigate whether animals on the

36 (~~premises~~) property or that have been on the (~~premises~~) property

37 are infected with or have been exposed to (~~a reportable~~) disease; and

1 (b) Determine, when there is reasonable cause to investigate,
2 whether livestock on the property have been imported into Washington
3 state in violation of requirements of this chapter, and to conduct
4 tests, examinations, and inspections, take samples, and examine and
5 copy records during such investigations.

6 (2) It is unlawful for any person to interfere with ((the))
7 investigations, tests, inspections, or examinations, or to alter any
8 segregation or identification systems made in connection with ((the))
9 tests, inspections, or examinations conducted pursuant to subsection
10 (1) of this section. ((When the director has determined that there is
11 probable cause that there is a serious risk from disease or
12 contamination, the director may seize those items necessary to conduct
13 the tests, inspections, or examinations.

14 ~~(2))~~ (3) If the director is denied access to ((the animal
15 premises)) a property or ((the)) animals for purposes of ((conducting
16 tests, inspections, or examinations or the animal owner)) this chapter,
17 or a person fails to comply with an order of the director, the director
18 may apply to a court of competent jurisdiction for a search warrant.
19 To show that access is denied, the director shall file with the court
20 an affidavit or declaration containing a description of all attempts to
21 notify and locate the owner or owner's agent and secure consent. The
22 court may issue a search warrant ((may authorize)) authorizing access
23 to any animal or ((animal premises for purposes of conducting))
24 property at reasonable times to conduct investigations, tests,
25 inspections, or examinations of any animal or ((animal premises))
26 property, or ((taking)) to take samples, and examine and copy records,
27 and may authorize seizure or destruction of property. ((The warrant
28 shall be issued upon probable cause being found by the court. It is
29 sufficient probable cause to show a potential threat to the
30 agricultural interests of this state or a potential threat which
31 seriously endangers animals, human health, the environment, or public
32 welfare. To show that access is denied, the director shall file with
33 the court an affidavit or declaration containing a description of all
34 attempts to notify and locate the owner or the owner's agent and to
35 secure consent.))

36 **Sec. 5.** RCW 16.57.010 and 2003 c 326 s 2 are each amended to read
37 as follows:

1 (~~For the purpose of this chapter~~) The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Department" means the department of agriculture of the state
5 of Washington.

6 (2) "Director" means the director of the department or his or her
7 duly authorized representative.

8 (3) "Person" means a natural person, individual, firm, partnership,
9 corporation, company, society, and association, and every officer,
10 agent or employee thereof. This term shall import either the singular
11 or the plural as the case may be.

12 (4) "Livestock" includes, but is not limited to, horses, mules,
13 cattle, sheep, swine, and goats.

14 (5) "Brand" means a permanent fire brand or any artificial mark,
15 other than an individual identification symbol, approved by the
16 director to be used in conjunction with a brand or by itself.

17 (6) "Production record brand" means a number brand which shall be
18 used for production identification purposes only.

19 (7) "Livestock inspection" or "inspection" means the examination of
20 livestock or livestock hides for brands or any means of identifying
21 livestock or livestock hides including the examination of documents
22 providing evidence of ownership.

23 (8) "Individual identification symbol" means a permanent mark
24 placed on a horse for the purpose of individually identifying and
25 registering the horse and which has been approved for use as such by
26 the director.

27 (9) "Registering agency" means any person issuing an individual
28 identification symbol for the purpose of individually identifying and
29 registering a horse.

30 (10) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
31 other flightless bird used for human consumption, whether live or
32 slaughtered.

33 (11) "Microchipping" means the implantation of an identification
34 microchip or similar electronic identification device to establish the
35 identity of an individual animal:

36 (a) In the pipping muscle of a chick ratite or the implantation of
37 a microchip in the tail muscle of an otherwise unidentified adult
38 ratite;

1 (b) In the nuchal ligament of a horse unless otherwise specified by
2 rule of the director; and

3 (c) In locations of other livestock species as specified by rule of
4 the director when requested by an association of producers of that
5 species of livestock.

6 (12) "Certificate of permit" means a form prescribed by and
7 obtained from the director that is completed by the owner or a person
8 authorized to act on behalf of the owner to show the ownership of
9 livestock. It is used to document ownership of livestock while in
10 transit within the state or on consignment to any public livestock
11 market, special sale, slaughter plant or certified feed lot. It does
12 not evidence inspection of livestock.

13 (13) "Inspection certificate" means a certificate issued by the
14 director or a veterinarian certified by the director documenting the
15 ownership of an animal based on an inspection of the animal. It
16 includes an individual identification certificate.

17 (14) "Individual identification certificate" means an inspection
18 certificate that authorizes the livestock owner to transport the animal
19 out of state multiple times within a set period of time.

20 (15) "Self-inspection certificate" means a form prescribed by and
21 obtained from the director that (~~is~~) was completed and signed by the
22 buyer and seller of livestock to document a change in ownership before
23 the effective date of this section.

24 (16) "Horses" means horses, burros, and mules.

25 **Sec. 6.** RCW 16.57.160 and 2006 c 156 s 3 are each amended to read
26 as follows:

27 (1) The director may adopt rules:

28 (~~(1)~~) (a) Designating any point for mandatory inspection of
29 cattle or horses or the furnishing of proof that cattle or horses
30 passing or being transported through the point have been inspected or
31 identified and are lawfully being transported;

32 (~~(2) Providing for self-inspection of twenty-five head or less of~~
33 ~~cattle;~~

34 ~~(3)~~) (b) Providing for issuance of individual horse and cattle
35 identification certificates or other means of horse and cattle
36 identification; and

1 ((+4)) (c) Designating the documents that constitute other
2 satisfactory proof of ownership for cattle and horses. A bill of sale
3 may not be designated as documenting satisfactory proof of ownership
4 for cattle.

5 (2) A self-inspection certificate may be accepted as satisfactory
6 proof of ownership for cattle if the director determines that the self-
7 inspection certificate, together with other available documentation,
8 sufficiently establishes ownership. Self-inspection certificates
9 completed after the effective date of this section are not satisfactory
10 proof of ownership for cattle.

11 **Sec. 7.** RCW 16.57.220 and 2006 c 156 s 1 are each amended to read
12 as follows:

13 (1) Except as provided for in RCW 16.65.090 and otherwise in this
14 section, the fee for livestock inspection is one dollar and sixty cents
15 per head for cattle and three dollars and fifty cents for horses or the
16 time and mileage fee, whichever is greater.

17 (2) When cattle are identified with the owner's brand or other form
18 of identification specified by the director by rule, the fee for
19 livestock inspection is one dollar and ten cents per head or the time
20 and mileage fee, whichever is greater. ~~((This fee does not apply for
21 inspection of cattle when documenting a change of ownership with a
22 self-inspection certificate.))~~

23 (3) No inspection fee is charged for a calf that is inspected
24 before moving out-of-state under an official temporary grazing permit
25 if the calf is part of a cow-calf unit and the calf is identified with
26 the owner's Washington-recorded brand or other form of identification
27 specified by the director by rule.

28 (4) The fee for inspection of cattle at a processing plant with a
29 daily capacity of no more than five hundred head of cattle where the
30 United States department of agriculture maintains a meat inspection
31 program is four dollars per head.

32 (5) When a single inspection certificate issued for thirty or more
33 horses belonging to one person, the fee for livestock inspection is two
34 dollars per head or the time and mileage fee, whichever is greater.

35 (6) The fee for individual identification certificates is twenty
36 dollars for an annual certificate and sixty dollars for a lifetime
37 certificate or the time and mileage fee, whichever is greater.

1 However, the fee for an annual certificate listing thirty or more
2 animals belonging to one person is five dollars per head or the time
3 and mileage fee, whichever is greater. A lifetime certificate shall
4 not be issued until the fee has been paid to the director.

5 (7) The minimum fee for the issuance of an inspection certificate
6 by the director is five dollars. The minimum fee does not apply to
7 livestock consigned to a public livestock market or special sale or
8 inspected at a cattle processing plant.

9 (8) For purposes of this section, "the time and mileage fee" means
10 seventeen dollars per hour and the current mileage rate set by the
11 office of financial management.

12 **Sec. 8.** RCW 16.57.240 and 2003 c 326 s 27 are each amended to read
13 as follows:

14 (1) Certificates of permit, inspection certificates, and self-
15 inspection certificates meeting the requirements of RCW 16.57.160 shall
16 show the owner, number, breed, sex, brand, or other method of
17 identification of the cattle or horses and any other necessary
18 information required by the director.

19 (2) The director may issue certificate of permit forms to any
20 person on payment of a fee established by rule.

21 (3) Certificates of permit, inspection certificates, self-
22 inspection certificates meeting the requirements of RCW 16.57.160, or
23 other satisfactory proof of ownership shall be kept by the owner and/or
24 person in possession of any cattle and shall be furnished to the
25 director or any peace officer upon demand.

26 (4) A self-inspection certificate meeting the requirements of RCW
27 16.57.160 is not valid if proof of ownership (~~(is)~~) had not been
28 provided by the seller to the buyer for cattle bearing brands not
29 recorded to the seller.

30 **Sec. 9.** RCW 16.57.243 and 2003 c 326 s 28 are each amended to read
31 as follows:

32 (1) Cattle may not be moved or transported within (~~(this))~~
33 Washington state without being accompanied by a certificate of permit,
34 inspection certificate, self-inspection certificate meeting the
35 requirements of RCW 16.57.160, or other satisfactory proof of
36 ownership, except(~~(÷~~

1 ~~(1)~~) when the cattle are moved or transported:

2 (a) Upon lands under the exclusive control of the person moving or
3 transporting the cattle; or

4 ~~((2) When the cattle are being moved or transported))~~ (b) For
5 temporary grazing or feeding purposes and have the recorded brand of
6 the person having or transporting the cattle.

7 (2) Certificates of permit, inspection certificates, self-
8 inspection certificates meeting the requirements of RCW 16.57.160, or
9 other satisfactory proof of ownership accompanying cattle being moved
10 or transported within ~~((this))~~ Washington state shall be subject to
11 inspection at any time by the director or any peace officer.

12 **Sec. 10.** RCW 16.57.245 and 2003 c 326 s 29 are each amended to
13 read as follows:

14 The director or any peace officer may stop vehicles carrying cattle
15 or horses to determine if the livestock being transported are
16 accompanied by a certificate of permit, inspection certificate, self-
17 inspection certificate meeting the requirements of RCW 16.57.010, or
18 other satisfactory proof of ownership, as determined by the director.

19 **Sec. 11.** RCW 16.57.280 and 2003 c 326 s 34 are each amended to
20 read as follows:

21 (1) No person shall knowingly have possession of any cattle or
22 horse marked with a recorded brand of another person unless the:

23 ~~((1))~~ (a) Cattle or horse lawfully bears the person's own healed
24 recorded brand; ~~((or~~

25 ~~(2))~~ (b) Cattle or horse is accompanied by a certificate of permit
26 from the owner of the recorded brand; ~~((or~~

27 ~~(3))~~ (c) Cattle or horse is accompanied by an inspection
28 certificate; ~~((or~~

29 ~~(4))~~ (d) Cattle ~~((is))~~ are accompanied by a self-inspection
30 certificate meeting the requirements of RCW 16.57.010; ~~((or~~

31 ~~(5))~~ (e) Horse is accompanied by a bill of sale from the previous
32 owner; or

33 ~~((6))~~ (f) Cattle or horse is accompanied by other satisfactory
34 proof of ownership as designated in rule.

35 (2) A violation of this section constitutes a gross misdemeanor.

1 **Sec. 12.** RCW 16.57.290 and 2003 c 326 s 35 are each amended to
2 read as follows:

3 All cattle and horses that are not accompanied by a certificate of
4 permit, inspection certificate, self-inspection certificate meeting the
5 requirements of RCW 16.57.160, or other satisfactory proof of ownership
6 when offered for sale and presented for inspection by the director,
7 shall be impounded. If theft is suspected, the director shall
8 immediately initiate an investigation. If theft is not suspected, the
9 animal shall be sold and the proceeds retained by the director. Upon
10 the sale of the cattle or horses, the director shall give the
11 purchasers an inspection certificate for the cattle or horses
12 documenting their ownership.

13 NEW SECTION. **Sec. 13.** A new section is added to chapter 16.57 RCW
14 to read as follows:

15 The director may:

16 (1) Adopt rules governing issuance of replacement copies of brand
17 inspection documents; and

18 (2) Charge a fee of twenty-five dollars for such copies, which may
19 be increased by rule.

--- END ---