

# HOUSE BILL REPORT

## SSB 5631

---

### As Reported by House Committee On: Agriculture & Natural Resources

**Title:** An act relating to removing obsolete provisions in statutes administered by the department of agriculture.

**Brief Description:** Removing obsolete provisions in statutes administered by the department of agriculture.

**Sponsors:** Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Swecker, Hatfield, Haugen and Shin).

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 2/17/12, 2/21/12 [DP].

#### **Brief Summary of Substitute Bill**

- Makes a number of changes to statutes administered by the Washington State Department of Agriculture affecting areas such as: movie theatre popcorn; methanol and ethanol signage; commodity commission sales; and the reporting of pesticide sampling.

---

### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Finn, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

[The Washington State Department of Agriculture.](#)

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Washington State Department of Agriculture (WSDA) oversees, manages, regulates, and supports programs that relate to food safety and the agriculture industry. The scope of the WSDA includes: animal services, commodity inspections, consumer services, pesticide management, plant services, food assistance programs, and the marketing of Washington agricultural products.

#### Movie Theatre Popcorn.

One of the responsibilities of the WSDA is to oversee the intrastate commerce of food, drugs, and cosmetics. This includes the regulation of food color additives, out-of-state poultry marketed with the outline of Washington on its packaging, allowable bacon packaging, and movie theatre popcorn signage.

Specifically, all popcorn sold by a theatre or other commercial food service is required to post a sign that discloses if the butter or butter-like flavoring used on the popcorn is indeed butter. In lieu of a definition for "butter," there is a reference to a different definition statute that has since been repealed. Thus, the term is undefined.

#### Methanol and Ethanol Signage.

Any dealer who sells gasoline with more than 1 percent ethanol or methanol must place a label on the dispensing device stating the type and maximum percentage of alcohol contained in the product. However, dealers located in an area that has been found by the United States Environmental Protection Agency to exceed the minimum air quality standards for carbon monoxide need only follow signage requirements established in federal law. A violation of either of these requirements may be punished by a civil penalty of up to \$500.

#### Commodity Sales.

The fees collected by the WSDA for the weighing, grading, and inspection of all grains, other than hops, are deposited into the Grain Inspection Revolving Fund. Money in this fund may be used by the WSDA for the operations of its grain inspection program. Up to 5 percent of the money in the Grain Inspection Revolving Fund may be used for research, promotional work, and rate studies relating to wheat and wheat products.

#### Reporting of Pesticide Sampling.

The WSDA is required to publish annually the results of any official pesticide sampling analyses. The report must compare the results of the analyses of a pesticide with guaranteed analyses for the pesticide.

---

#### **Summary of Bill:**

#### Movie Theatre Popcorn.

A definition for the term "butter" is provided for the statute that requires all popcorn sold by theatres or other commercial food services to post a sign that discloses if the butter or butter-like flavoring used on the popcorn is indeed butter. The definition describes a food product known as butter that is made from cream, milk, or cream and milk, containing less than 80 percent milkfat by weight. The definition includes both salted and unsalted butter, as well as butter with or without additional coloring.

Methanol and Ethanol Signage.

The labeling requirements for dealers selling gasoline with more than 1 percent ethanol or methanol are repealed.

Commodity Sales.

The provision allowing the Washington State Department of Agriculture (WSDA) to use up to 5 percent of the money in the Grain Inspection Revolving Fund for research, promotional work, and rate studies relating to wheat and wheat products is removed.

Reporting of Pesticide Sampling.

The requirement that the WSDA publish annually the results of any official pesticide sampling analyses is repealed.

Other Provisions.

Corrections have been made to outdated provisions, obsolete statutory cross references, redundant provisions, and other anachronistic terminology.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill updates the statutes that relate to the Washington State Department of Agriculture. Obsolete references are removed and clarity is granted to the regulated community.

(Opposed) None.

**Persons Testifying:** Mark Streuli, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.