

SHB 1692 - H AMD 86
By Representative Buys

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 7.48.310 and 2009 c 200 s 3 are each amended to
4 read as follows:

5 For the purposes of RCW 7.48.305 only:

6 (1) "Agricultural activity" means a condition or activity which
7 occurs on a farm in connection with the commercial production of farm
8 products and includes, but is not limited to, marketed produce at
9 roadside stands or farm markets; noise; odors; dust; fumes; operation
10 of machinery and irrigation pumps; movement, including, but not
11 limited to, use of current county road ditches, streams, rivers,
12 canals, and drains, and use of water for agricultural activities;
13 ground and aerial application of seed, fertilizers, conditioners, and
14 plant protection products; keeping of bees for production of
15 agricultural or apicultural products; employment and use of labor;
16 roadway movement of equipment and livestock; protection from damage
17 by wildlife; prevention of trespass; construction and maintenance of
18 buildings, fences, roads, bridges, ponds, drains, waterways, and
19 similar features and maintenance of stream banks and watercourses;
20 and conversion from one agricultural activity to another, including a
21 change in the type of plant-related farm product being produced. The
22 term includes use of new practices and equipment consistent with
23 technological development within the agricultural industry.

24 (2) "Farm" means the land, buildings, freshwater ponds,
25 freshwater culturing and growing facilities, and machinery used in
26 the commercial production of farm products.

27 (3) "Farmland" means land or freshwater ponds devoted primarily
28 to the production, for commercial purposes, of livestock, freshwater
29 aquacultural, or other farm products.

30 (4) "Farm product" means those plants and animals useful to
31 humans and includes, but is not limited to, forages and sod crops,
32 dairy and dairy products, poultry and poultry products, livestock,

1 including breeding, grazing, and recreational equine use, fruits,
2 vegetables, flowers, seeds, grasses, trees, marijuana, useable
3 marijuana, and marijuana-infused products, freshwater fish and fish
4 products, apiaries and apiary products, equine and other similar
5 products, or any other product which incorporates the use of food,
6 feed, fiber, or fur.

7 (5) "Forest practice" means any activity conducted on or directly
8 pertaining to forestland, as that term is defined in RCW 76.09.020,
9 and relating to growing, harvesting, or processing timber. The term
10 "forest practices" includes, but is not limited to, road and trail
11 construction, final and intermediate harvesting, precommercial
12 thinning, reforestation, fertilization, prevention and suppression of
13 diseases and insects, salvage of trees, brush control, and owning
14 land where trees may passively grow until one of the preceding
15 activities is deemed timely by the owner.

16 **Sec. 2.** RCW 7.48.305 and 2009 c 200 s 2 are each amended to read
17 as follows:

18 (1) Notwithstanding any other provision of this chapter,
19 agricultural activities conducted on farmland and forest practices,
20 if consistent with good agricultural and forest practices and
21 established prior to surrounding nonagricultural and nonforestry
22 activities, are presumed to be reasonable and shall not be found to
23 constitute a nuisance unless the activity or practice has a
24 substantial adverse effect on public health and safety.

25 (2) Agricultural activities and forest practices undertaken in
26 conformity with all applicable laws and rules are presumed to be good
27 agricultural and forest practices not adversely affecting the public
28 health and safety for purposes of this section and RCW 7.48.300. An
29 agricultural activity that is in conformity with such laws and rules
30 shall not be restricted as to the hours of the day or day or days of
31 the week during which it may be conducted.

32 (3) The act of owning land upon which a growing crop of trees is
33 located, even if the tree growth is being managed passively and even
34 if the owner does not indicate the land's status as a working forest,
35 is considered to be a forest practice occurring on the land if the
36 crop of trees is located on land that is capable of supporting a
37 merchantable stand of timber that is not being actively used for a
38 use that is incompatible with timber growing. If the growing of trees
39 has been established prior to surrounding nonforestry activities,

1 then the act of tree growth is considered a necessary part of any
2 other subsequent stages of forest practices necessary to bring a crop
3 of trees from its planting to final harvest and is included in the
4 provisions of this section.

5 (4) Agricultural activities involving marijuana, useable
6 marijuana, and marijuana-infused products shall be considered to have
7 been established as of the date that the activity was licensed by the
8 Washington state liquor and cannabis board.

9 (5) Nothing in this section shall affect or impair any right to
10 sue for damages.

11 **Sec. 3.** RCW 82.04.213 and 2015 3rd sp.s. c 6 s 1102 are each
12 amended to read as follows:

13 (1) "Agricultural product" means any product of plant cultivation
14 or animal husbandry including, but not limited to: A product of
15 horticulture, grain cultivation, vermiculture, viticulture, or
16 aquaculture as defined in RCW 15.85.020; plantation Christmas trees;
17 short-rotation hardwoods as defined in RCW 84.33.035; turf; or any
18 animal including but not limited to an animal that is a private
19 sector cultured aquatic product as defined in RCW 15.85.020, or a
20 bird, or insect, or the substances obtained from such an animal
21 including honey bee products. "Agricultural product" does not include
22 marijuana, useable marijuana, or marijuana-infused products, or
23 animals defined as pet animals under RCW 16.70.020.

24 (2)(a) "Farmer" means any person engaged in the business of
25 growing, raising, or producing, upon the person's own lands or upon
26 the lands in which the person has a present right of possession, any
27 agricultural product to be sold, and the growing, raising, or
28 producing honey bee products for sale, or providing bee pollination
29 services, by an eligible apiarist. "Farmer" does not include a person
30 growing, raising, or producing such products for the person's own
31 consumption; a person selling any animal or substance obtained
32 therefrom in connection with the person's business of operating a
33 stockyard or a slaughter or packing house; or a person in respect to
34 the business of taking, cultivating, or raising timber.

35 (b) "Eligible apiarist" means a person who owns or keeps one or
36 more bee colonies and who grows, raises, or produces honey bee
37 products for sale at wholesale and is registered under RCW 15.60.021.

38 (c) "Honey bee products" means queen honey bees, packaged honey
39 bees, honey, pollen, bees wax, propolis, or other substances obtained

1 from honey bees. "Honey bee products" does not include manufactured
2 substances or articles.

3 (3) (~~The terms "agriculture," "farming," "horticulture,"~~
4 ~~"horticultural," and "horticultural product" may not be construed to~~
5 ~~include or relate to marijuana, useable marijuana, or marijuana-~~
6 ~~infused products unless the applicable term is explicitly defined to~~
7 ~~include marijuana, useable marijuana, or marijuana-infused products.~~

8 (4)) "Marijuana," "useable marijuana," and "marijuana-infused
9 products" have the same meaning as in RCW 69.50.101."

10 Correct the title.

EFFECT: Eliminates removal of marijuana, useable marijuana, and
marijuana-infused products from the exemption found in RCW
49.46.130(2)(g) for compliance with state overtime laws. Eliminates
removal, under RCW 50.04.150, of marijuana, useable marijuana, and
marijuana-infused products from the definitions of "agriculture,"
"farming," "horticulture," "horticultural," and "horticultural
product," unless the applicable term is explicitly defined to include
marijuana, useable marijuana, or marijuana-infused products. Excludes
marijuana, useable marijuana, and marijuana-infused products from the
definition of "agricultural product" under RCW 82.04.213.

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