

SENATE BILL REPORT

SB 6318

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 1, 2018

Title: An act relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

Brief Description: Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

Sponsors: Senators Takko, Warnick and Van De Wege; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/25/18, 2/01/18 [DPS].

Brief Summary of First Substitute Bill

- Moves existing statutes to create the Food Safety and Security Act in Title 15 RCW.
- Moves provisions relating to fish and shellfish labeling to Title 77 RCW.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Staff: Karen Epps (786-7424)

Background: The Washington State Department of Agriculture (WSDA) inspects and analyzes food products; inspects food processing, handling, and storage establishments and

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practices; inspects dairy farms and plants; inspects eggs for quality and weight standards; sets and enforces sanitary standards for egg graders; inspects refrigerated locker plants; inspects custom farm slaughterers, custom meat facilities, and licenses; and supervises dairy technicians.

The WSDA Food Safety Program:

- protects and reduces public health risk by assuring the safety of the state's food supply;
- facilitates the movement of Washington agricultural products in domestic and international markets; and
- issues export certificates of sanitation and free sale for food products manufactured in Washington State.

Food businesses licensed by the state of Washington to produce, warehouse, process, market, sell, and distribute product are required to follow the safe food production, management and handling practice specified in the Washington Food, Drug & Cosmetic Act and other applicable federal and state food safety laws and regulations depending on the type of activity the food business performs.

The WSDA, in consultation with the Washington Department of Fish and Wildlife (DFW), establishes and implements identification standards for species of food fish and shellfish that are sold for human consumption. The WSDA, in consultation with the DFW, also provides procedures for enforcing food fish and shellfish labeling requirements and misbranding prohibitions.

Summary of Bill (First Substitute): Provisions from the Washington Food, Drug & Cosmetic Act related to food are moved to new chapter in Title 15 RCW, creating the Food Safety and Security Act. The language is clarified or updated. The rules that WSDA adopted under the Washington Food, Drug, and Cosmetic Act remain effective until June 30, 2022, or until WSDA repeals or amends the rules, whichever is first. WSDA's authority under the Washington Food, Drug, and Cosmetic Act is maintained in the Food Safety and Security Act, including the authority to:

- establish standards for food including identity, quality, and fill;
- establish tolerance standards for any substance, including pesticides, color additives, and food additives used in or on food;
- set uniform standards for pull date labeling and storage conditions for perishable packaged foods;
- license food businesses;
- investigate violations or possible violations; and
- enforce penalties.

A new chapter is created in Title 77 RCW that includes the provisions relating to fish and shellfish labeling. The authority to regulate and enforce provisions relating to fish and shellfish labeling and misbranding is transferred to WDFW.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):

- Clarifies that a person who violates the Food Safety and Security Act is guilty of a misdemeanor subject to a penalty of not more than \$200 for a first offense and a misdemeanor subject to imprisonment of not more than 30 days or a fine of not more than \$500 or both for a subsequent offense.
- Clarifies that a person who knowingly violates the Food Safety and Security Act with intent to defraud or mislead is guilty of a misdemeanor subject to imprisonment of not more than 90 days or a fine of not more than \$1,000 or both.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill makes things easier for people. This bill cleans up language and puts things where people can actually find them in the statute. Food processing laws in the state have become challenging to read. The statutes were originally written in the 1940s, have been amended multiple times, and are now contained in several different chapters. They are intermingled with laws on other subjects. Enforcement provisions in many cases have been superseded by the APA. Federal regulations have been referenced differently over the years. This bill moves all of these laws to one new chapter in Title 15 RCW. It updates the language for readability and addresses reference issues. This is a non-substantive bill and the standards that apply to food processing today are the standards that will be the same standards that will apply to food processing when the bill passes, with one exception that was included by mistake. Amendment language is being provided that fixes the language. This bill will make things easier for both WSDA and the regulated community.

Persons Testifying: PRO: Senator Dean Takko, Prime Sponsor; Steve Fuller, WSDA.

Persons Signed In To Testify But Not Testifying: No one.