

---

HOUSE BILL 1483

---

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Rayburn, McLean, Kremen, R. Johnson, Rasmussen, Jacobsen and Nealey; by request of Department of Agriculture.

Read first time January 30, 1991. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to plant protection and the regulation of food  
2 products; amending RCW 15.09.080, 16.57.080, 16.57.160, 16.57.240,  
3 16.57.280, 16.57.360, 16.57.380, 43.06.010, 69.04.001, 69.04.110,  
4 69.04.120, 69.04.398, 69.04.780, 69.07.010, 69.07.040, 69.07.050, and  
5 69.07.060; adding new sections to chapter 17.24 RCW; adding a new  
6 section to chapter 69.04 RCW; adding new sections to chapter 69.07 RCW;  
7 creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035,  
8 17.24.060, 17.24.070, 17.24.080, 17.24.100, 17.24.105, 17.24.110,  
9 17.24.120, 17.24.130, 17.24.140, 17.24.200, 17.24.210, 69.07.090, and  
10 69.07.130; and prescribing penalties.

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

12 **Sec. 1.** RCW 15.09.080 and 1982 c 153 s 4 are each amended to read  
13 as follows:

1 (1) Whenever the horticultural pest and disease control board finds  
2 that an owner of land has failed to control and prevent the spread of  
3 horticultural pests and diseases on his land, as is his duty under RCW  
4 15.09.060, it shall provide such person with written notice, which  
5 notice shall identify the pests and diseases found to be present and  
6 shall order prompt control or disinfection action to be taken within a  
7 specified and reasonable time period.

8 (2) If the person to whom the notice is directed fails to take  
9 action in accordance with this notice, then the board shall perform or  
10 cause to be performed such measures as are necessary to control and  
11 prevent the spread of the pests and diseases on such property and the  
12 expense of this work shall be charged to such person. Any action that  
13 the board determines requires the destruction of infested plants,  
14 absent the consent of the owner, shall be subject to the provisions of  
15 subsection (3) of this section.

16 (3) In the event the owner of land fails to control and prevent the  
17 spread of horticultural pests and diseases as required by RCW  
18 15.09.060, and the county horticultural pest and disease board  
19 determines that actions it has taken to control and prevent the spread  
20 of such pests or diseases has not been effective or the county  
21 horticultural pest and disease board determines that no reasonable  
22 measures other than removal of the plants will control and prevent the  
23 spread of such pests or diseases, the county horticultural pest and  
24 disease board may petition the superior court of the county in which  
25 the property is situated for an order directing the owner to show cause  
26 why the plants should not be removed at the owner's expense and for an  
27 order authorizing removal of said infected plants. The petition shall  
28 state: (a) The legal description of the property on which the plants  
29 are located; (b) the name and place of residence, if known, of the  
30 owners of said property; (c) that the county horticultural pest and

1 disease board has, through its officers or agents, inspected said  
2 property and that the plants thereon, or some of them, are infested  
3 with a horticultural pest or disease as defined by RCW 15.08.010; (d)  
4 the dates of all notices and orders delivered to the owners pursuant to  
5 this section; (e) that the owner has failed to control and prevent the  
6 spread of said horticultural pest or disease; and (f) that the county  
7 horticultural pest and disease board has determined that the measures  
8 taken by it have not controlled or prevented the spread of the pest or  
9 disease or that no reasonable measure can be taken that will control  
10 and prevent the spread of such pest or disease except removal of the  
11 plants. The petition shall request an order directing the owner to  
12 appear and show cause why the plants on said property shall not be  
13 removed at the expense of the owner, to be collected as provided in  
14 this chapter. The order to show cause shall direct the owner to appear  
15 on a date certain and show cause, if any, why the plants on the  
16 property described in the petition should not be removed at the owner's  
17 expense. The order to show cause and petition shall be served on the  
18 owner not less than five days before the hearing date specified in the  
19 order in the same manner as a summons and complaint. In the event the  
20 owner fails to appear or fails to show by competent evidence that the  
21 horticultural pest or disease has been controlled, then the court shall  
22 authorize the county horticultural pest and disease board to remove the  
23 plants at the owner's expense, to be collected as provided by this  
24 chapter. If the procedure provided herein is followed, no action for  
25 damages for removal of the plants shall lie against the county  
26 horticultural pest and disease board, its officers or agents, or the  
27 county in which it is situated.

28       **Sec. 2.** RCW 16.57.080 and 1974 ex.s. c 64 s 2 are each amended to  
29 read as follows:

1       (~~The director shall, on or before the first day of September 1975,~~  
2 ~~and every two years thereafter, notify by letter the owners of brands~~  
3 ~~then of record, that on the payment of twenty five dollars and~~  
4 ~~application of renewal, the director shall issue written proof of~~  
5 ~~payment allowing the brand owner exclusive ownership and use of such~~  
6 ~~brand for another two year period.)) The director shall establish by  
7 rule a schedule for the renewal of registered brands. The fee for  
8 renewal of the brands shall be twenty-five dollars for each two-year  
9 period of brand ownership, except that the director may, in adopting a  
10 renewal schedule, provide for the collection of renewal fees on a  
11 prorated basis. At least one hundred twenty days before the expiration  
12 of a registered brand, the director shall notify by letter the owner of  
13 record of the brand that on the payment of the requisite application  
14 fee and application of renewal the director shall issue the proof of  
15 payment allowing the brand owner exclusive ownership and use of the  
16 brand for the subsequent registration period. The failure of the  
17 registered owner to pay the renewal fee by ((December 31st of the  
18 renewal year)) the date required by rule shall cause such owner's brand  
19 to revert to the department. The director may for a period of one year  
20 following such reversion, reissue such brand only to the prior  
21 registered owner upon payment of twenty-five dollars and an additional  
22 fee of ten dollars for renewal subsequent to the regular renewal  
23 period. The director may at his discretion, if such brand is not  
24 reissued within one year to the prior registered owner, issue such  
25 brand to any other applicant.~~

26       **Sec. 3.** RCW 16.57.160 and 1981 c 296 s 16 are each amended to read  
27 as follows:

28       (~~Brand inspection of cattle shall be mandatory at the following~~  
29 ~~points:~~

1       ~~(1) Prior to being moved out of state to any point where brand~~  
2 ~~inspection is not maintained by the director, directly or in agreement~~  
3 ~~with another state.~~

4       ~~(2) Subsequent to delivery to a public livestock market and prior~~  
5 ~~to sale at such public livestock market unless such cattle are exempt~~  
6 ~~from brand inspection by law or regulation adopted by the director in~~  
7 ~~order to avoid duplication and/or to allow for efficient administration~~  
8 ~~of this chapter.~~

9       ~~(3) Prior to slaughter at any point of slaughter unless such cattle~~  
10 ~~are exempt from such brand inspection by law or regulations adopted by~~  
11 ~~the director because of prior brand inspection or if such cattle are~~  
12 ~~immediate slaughter cattle shipped directly to a point of slaughter~~  
13 ~~from another state and accompanied by a brand inspection certificate~~  
14 ~~specifically identifying such cattle issued by the state of origin or~~  
15 ~~a lawful agency thereof.~~

16       ~~(4) Prior to the branding of any cattle except as otherwise~~  
17 ~~provided by law or regulation.~~

18       ~~(5) Prior to the sale of any cattle except as otherwise provided by~~  
19 ~~law or regulation.))~~

20       The director may by ~~((regulation))~~ rule adopted subsequent to a  
21 public hearing designate any ~~((other))~~ point for mandatory brand  
22 inspection of cattle or the furnishing of proof that cattle passing or  
23 being transported through such points have been brand inspected and are  
24 lawfully being moved. Further, the director may stop vehicles carrying  
25 cattle to determine if such cattle are identified ~~((or))~~, branded ((as  
26 ~~immediate slaughter cattle, and if so that such cattle are not being~~  
27 ~~diverted for other purposes to points other than the specified point of~~  
28 ~~slaughter))~~, or accompanied by the form prescribed by the director  
29 under RCW 16.57.240 or a brand certificate issued by the department.

1       **Sec. 4.** RCW 16.57.240 and 1985 c 415 s 8 are each amended to read  
2 as follows:

3       Any person purchasing, selling, holding for sale, trading,  
4 bartering, transferring title, slaughtering, handling, or transporting  
5 cattle shall keep a record on forms prescribed by the director. Such  
6 forms shall show the number, specie, brand or other method of  
7 identification of such cattle and any other necessary information  
8 required by the director. ~~((Such records shall be made in  
9 triplicate))~~ The original shall be kept for a period of three years  
10 ~~((and))~~ or shall be furnished to the director upon demand or as  
11 prescribed by rule, one copy shall accompany the cattle to their  
12 destination ~~((and one copy shall be kept by the person handling the  
13 transaction for a period of at least twelve months following the  
14 transaction))~~ and shall be subject to inspection at any time by the  
15 director or any peace officer or member of the state patrol: PROVIDED,  
16 That in the following instances only, cattle may be moved or  
17 transported within this state without being accompanied by a  
18 certificate of permit or an official brand inspection certificate or  
19 bill of sale:

20       (1) When such cattle are moved or transported upon lands under the  
21 exclusive control of the person moving or transporting such cattle;

22       (2) When such cattle are being moved or transported for temporary  
23 grazing or feeding purposes and have the registered brand of the person  
24 having or transporting such cattle.

25       **Sec. 5.** RCW 16.57.280 and 1959 c 54 s 28 are each amended to read  
26 as follows:

27       No person shall knowingly have ~~((in his))~~ unlawful possession of  
28 any livestock marked with a recorded brand or tattoo of another person  
29 unless:

1 (1) Such livestock lawfully bears ((his)) the person's own healed  
2 recorded brand, or

3 (2) Such livestock is accompanied by a certificate of permit from  
4 the owner of the recorded brand or tattoo, or

5 (3) Such livestock is accompanied by a brand inspection  
6 certificate, or

7 (4) Such livestock is accompanied by a bill of sale from the  
8 previous owner or other satisfactory proof of ownership.

9 A violation of this section constitutes a gross misdemeanor.

10 **Sec. 6.** RCW 16.57.360 and 1959 c 54 s 36 are each amended to read  
11 as follows:

12 The department is authorized to issue notices of and enforce civil  
13 infractions in the manner prescribed under chapter 7.80 RCW.

14 The violation of any provision of this chapter and/or rules and  
15 regulations adopted hereunder shall constitute a ((misdemeanor)) class  
16 I civil infraction as provided under chapter 7.80 RCW unless otherwise  
17 specified herein.

18 **Sec. 7.** RCW 16.57.380 and 1981 c 296 s 22 are each amended to read  
19 as follows:

20 ~~((Brand inspection of horses shall be mandatory at the following~~  
21 ~~points:~~

22 ~~(1) Prior to being moved out of state to any point where brand~~  
23 ~~inspection is not maintained by the director, directly or in agreement~~  
24 ~~with another state.~~

25 ~~(2) Subsequent to delivery to a public livestock market and prior~~  
26 ~~to sale at such public livestock market unless such horses are exempt~~  
27 ~~from brand inspection by law, or regulations adopted by the director in~~

1 order to avoid duplication and/or to allow for efficient administration  
2 of this chapter.

3 ~~(3) Prior to slaughter at any point of slaughter unless such horses  
4 are exempt from such brand inspection by law, or regulations adopted by  
5 the director in order to avoid duplication and/or to allow for  
6 efficient administration of this chapter.~~

7 ~~(4) Prior to the branding of any horses except as otherwise  
8 provided by law or regulation.~~

9 ~~(5) Prior to the sale of any horses except as otherwise provided by  
10 law or regulation.))~~

11 The director may by ~~((regulation))~~ rule adopted subsequent to a  
12 public hearing designate any ~~((other))~~ point for mandatory brand  
13 inspection of horses or the furnishing of proof that horses passing or  
14 being transported through such points have been brand inspected and are  
15 lawfully being moved. Further, the director may stop vehicles carrying  
16 horses to determine if such horses are identified or branded ~~((as  
17 immediate slaughter horses, and if so that such horses are not being  
18 diverted for other purposes to points other than the specified point of  
19 slaughter))~~.

20 NEW SECTION. Sec. 8. PURPOSE. The purpose of this chapter is to  
21 provide a strong system for the exclusion of plant and bee pests and  
22 diseases through regulation of movement and quarantines of infested  
23 areas to protect the forest, agricultural, horticultural,  
24 floricultural, and apiary industries of the state; plants and shrubs  
25 within the state; and the environment of the state from the impact of  
26 insect pests, plant pathogens, noxious weeds, and bee pests and the  
27 public and private costs that result when these infestations become  
28 established.

1        NEW SECTION.    **Sec. 9.**    DEFINITIONS.    Unless the context clearly  
2 requires otherwise, the definitions in this section apply throughout  
3 this chapter.

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

5        (2) "Director" means the director of the state department of  
6 agriculture or the director's designee.

7        (3) "Quarantine" means a rule issued by the department that  
8 prohibits or regulates the movement of articles, bees, plants, or plant  
9 products from designated quarantine areas within or outside the state  
10 to prevent the spread of disease, plant pathogens, or pests to  
11 nonquarantine areas.

12        (4) "Plant pest" means a living stage of an insect, mite, nematode,  
13 slug, snail, or protozoa, or other invertebrate animal, bacteria,  
14 fungus, or parasitic plant, or their reproductive parts, or viruses, or  
15 an organism similar to or allied with any of the foregoing plant pests,  
16 including a genetically engineered organism, or an infectious substance  
17 that can directly or indirectly injure or cause disease or damage in  
18 plants or parts of plants or in processed, manufactured, or other  
19 products of plants.

20        (5) "Plants and plant products" means trees, shrubs, vines, forage,  
21 and cereal plants, and all other plants and plant parts, including  
22 cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds,  
23 wood, lumber, and all products made from the plants and plant products.

24        (6) "Certificate" or "certificate of inspection" means an official  
25 document certifying compliance with the requirements of this chapter.  
26 The term "certificate" includes labels, rubber stamp imprints, tags,  
27 permits, written statements, or a form of inspection and certification  
28 document that accompanies the movement of inspected and certified plant  
29 material and plant products, or bees, bee hives, or beekeeping  
30 equipment.

1 (7) "Compliance agreement" means a written agreement between the  
2 department and a person engaged in growing, handling, or moving  
3 articles, plants, plant products, or bees, bee hives, or beekeeping  
4 equipment regulated under this chapter, in which the person agrees to  
5 comply with stipulated requirements.

6 (8) "Distribution" means the movement of a regulated article from  
7 the property where it is grown or kept, to property that is not  
8 contiguous to the property, regardless of the ownership of the  
9 properties.

10 (9) "Genetically engineered organism" means an organism altered or  
11 produced through genetic modification from a donor, vector, or  
12 recipient organism using recombinant DNA techniques, excluding those  
13 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.  
14 301-392).

15 (10) "Person" means a natural person, individual, firm,  
16 partnership, corporation, company, society, or association, and every  
17 officer, agent, or employee of any of these entities.

18 (11) "Sell" means to sell, to hold for sale, offer for sale,  
19 handle, or to use as inducement for the sale of another article or  
20 product.

21 (12) "Noxious weed" means a living stage, including, but not  
22 limited to, seeds and reproductive parts, of a parasitic or other plant  
23 of a kind that presents a threat to Washington agriculture or  
24 environment.

25 (13) "Regulated article" means a plant or plant product, bees or  
26 beekeeping equipment, noxious weed or other articles or equipment  
27 capable of harboring or transporting plant or bee pests or noxious  
28 weeds that is specifically addressed in rules or quarantines adopted  
29 under this chapter.

1 (14) "Owner" means the person having legal ownership, possession,  
2 or control over a regulated article covered by this chapter including,  
3 but not limited to, the owner, shipper, consignee, or their agent.

4 (15) "Nuisance" means a plant, or plant part, apiary, or property  
5 found in a commercial area on which is found a pest, pathogen, or  
6 disease that is a source of infestation to other properties.

7 (16) "Bees" means honey producing insects of the species apis  
8 mellifera and includes the adults, eggs, larvae, pupae, and other  
9 immature stages of apis mellifera.

10 (17) "Bee pests" means a mite, other parasite, or disease that  
11 causes injury to bees.

12 (18) "Biological control" means the use by humans of living  
13 organisms to control or suppress undesirable animals and plants; the  
14 action of parasites, predators, or pathogens on a host or prey  
15 population to produce a lower general equilibrium than would prevail in  
16 the absence of these agents.

17 (19) "Biological control agent" means a parasite, predator, or  
18 pathogen intentionally released, by humans, into a target host or prey  
19 population with the intent of causing population reduction of that host  
20 or prey.

21 (20) "Emergency" means a situation where there is an imminent  
22 danger of an infestation of plant pests or disease that seriously  
23 threatens the state's agricultural or horticultural industries or  
24 environment and that cannot be adequately addressed with normal  
25 procedures or existing resources.

26 NEW SECTION. **Sec. 10.** REGULATION OF PLANT, PLANT PRODUCT, AND BEE  
27 MOVEMENT. Notwithstanding the provisions of section 13 of this act,  
28 the director may:

1 (1) Make rules under which plants, plant products, bees, hives and  
2 beekeeping equipment, and noxious weeds may be brought into this state  
3 from other states, territories, or foreign countries; and

4 (2) Make rules with reference to plants, plant products, bees, bee  
5 hives and equipment, and genetically engineered organisms while in  
6 transit through this state as may be deemed necessary to prevent the  
7 introduction into and dissemination within this state of plant and bee  
8 pests and noxious weeds.

9 NEW SECTION. **Sec. 11.** INSPECTION AND INVESTIGATION. (1) The  
10 director may intercept and hold or order held for inspection, or cause  
11 to be inspected while in transit or after arrival at their destination,  
12 all plants, plant products, bees, or other articles likely to carry  
13 plant pests, bee pests, or noxious weeds being moved into this state  
14 from another state, territory, or a foreign country or within or  
15 through this state for plant and bee pests and disease.

16 (2) The director may enter upon public and private premises at  
17 reasonable times for the purpose of carrying out this chapter. If the  
18 director be denied access, the director may apply to any court of  
19 competent jurisdiction for a search warrant authorizing access to such  
20 premises. The court may upon such application issue the search warrant  
21 for the purposes requested.

22 (3) The director may adopt rules as may be necessary to carry out  
23 the purposes and provisions of this chapter.

24 NEW SECTION. **Sec. 12.** DETERMINATION OF ORIGIN. The director may  
25 demand of a person who has in his or her possession or under his or her  
26 control, plants, bees, plant products, or other articles that may carry  
27 plant pests, bee pests, or noxious weeds, full information as to the

1 origin and source of these items. Failure to provide that information,  
2 if known, may subject the person to a civil penalty.

3 NEW SECTION. **Sec. 13.** POWER TO ADOPT QUARANTINE MEASURES--RULES.

4 If determined to be necessary to protect the forest, agricultural,  
5 horticultural, floricultural, beekeeping, or environmental interests of  
6 this state, the director may declare a quarantine against an area,  
7 place, nursery, orchard, vineyard, apiary, or other agricultural  
8 establishment, county or counties within the state, or against other  
9 states, territories, or foreign countries, or a portion of these areas,  
10 in reference to plant pests, or bee pests, or noxious weeds, or  
11 genetically engineered plant or plant pest organisms. The director may  
12 prohibit the movement of all regulated articles from such quarantined  
13 places or areas that are likely to contain such plant pests or noxious  
14 weeds or genetically engineered plant, plant pest, or bee pest  
15 organisms. The quarantine may be made absolute or rules may be adopted  
16 prescribing the conditions under which the regulated articles may be  
17 moved into, or sold, or otherwise disposed of in the state.

18 NEW SECTION. **Sec. 14.** INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS,  
19 OR ORGANISMS AFFECTING PLANT LIFE. The introduction into or release  
20 within the state of a plant pest, noxious weeds, bee pest, or any other  
21 organism that may directly or indirectly affect the plant life of the  
22 state as an injurious pest, parasite, predator, or other organism is  
23 prohibited, except under special permit issued by the department under  
24 rules adopted by the director. A special permit is not required for  
25 the introduction or release within the state of a genetically  
26 engineered plant or plant pest organism if the introduction or release  
27 has been approved under provisions of federal law and the department  
28 has been notified of the planned introduction or release. The

1 department shall be the sole issuing agency for the permits. Except  
2 for research projects approved by the department, no permit for a  
3 biological control agent shall be issued unless the department has  
4 determined that the parasite, predator, or plant pathogen is target  
5 organism or plant specific and not likely to become a pest of nontarget  
6 plants or other beneficial organisms. The director may also exclude  
7 biological control agents that are infested with parasites determined  
8 to be detrimental to the biological control efforts of the state. The  
9 department may rely upon findings of the United States department of  
10 agriculture or any experts that the director may deem appropriate in  
11 making a determination about the threat posed by such organisms. In  
12 addition, the director may request confidential business information  
13 subject to the conditions in section 15 of this act.

14 Plant pests, noxious weeds, or other organisms introduced into or  
15 released within this state in violation of this section shall be  
16 subject to detention and disposition as otherwise provided in this  
17 chapter.

18 NEW SECTION. **Sec. 15.** PROTECTION OF PRIVILEGED OR CONFIDENTIAL  
19 INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT. (1) In  
20 submitting data required by this chapter, the applicant may: (a) Mark  
21 clearly portions of data which in his or her opinion are trade secrets  
22 or commercial or financial information; and (b) submit the marked  
23 material separately from other material required to be submitted under  
24 this chapter.

25 (2) Notwithstanding any other provision of this chapter or other  
26 law, the director shall not make public information that in his or her  
27 judgment is privileged or confidential because it contains or relates  
28 to trade secrets or commercial or financial information. Where  
29 necessary to carry out the provisions of this chapter, information

1 relating to unpublished formulas of products acquired by authorization  
2 of this chapter may be revealed to any state or federal agency  
3 consulted and may be revealed at a public hearing or in findings of  
4 fact issued by the director.

5 (3) If the director proposes to release for inspection or to reveal  
6 at a public hearing or in findings of fact issued by the director,  
7 information that the applicant or registrant believes to be protected  
8 from disclosure under subsection (2) of this section, he or she shall  
9 notify the applicant or registrant in writing, by certified mail. The  
10 director may not make this data available for inspection nor reveal the  
11 information at a public hearing or in findings of fact issued by the  
12 director until thirty days after receipt of the notice by the applicant  
13 or registrant. During this period, the applicant or registrant may  
14 withdraw the application or may institute an action in the superior  
15 court of Thurston county for a declaratory judgment as to whether the  
16 information is subject to protection under subsection (2) of this  
17 section.

18 NEW SECTION. **Sec. 16.** COMPLIANCE AGREEMENTS. The director may  
19 enter into compliance agreements with a person engaged in growing,  
20 handling, or moving articles, bees, plants, or plant products regulated  
21 under this chapter.

22 NEW SECTION. **Sec. 17.** PROHIBITED ACTS. It shall be unlawful for  
23 a person to:

24 (1) Sell, offer for sale, or distribute a noxious weed or a plant  
25 or plant product or regulated article infested or infected with a plant  
26 pest declared by rule to be a threat to the state's forest,  
27 agricultural, horticultural, floricultural, or beekeeping industries or  
28 environment;

1 (2) Knowingly receive a noxious weed, or a plant, plant product,  
2 bees, bee hive or appliances, or regulated article sold, given away,  
3 carried, shipped, or delivered for carriage or shipment within this  
4 state, in violation of the provisions of this chapter or the rules  
5 adopted under this chapter;

6 (3) Fail to immediately notify the department and isolate and hold  
7 the noxious weed, bees, bee hives or appliances, plants or plant  
8 products, or other thing unopened or unused subject to inspection or  
9 other disposition as may be provided by the department, where the item  
10 has been received without knowledge of the violation and the receiver  
11 has become subsequently aware of the potential problem;

12 (4) Knowingly conceal or willfully withhold available information  
13 regarding an infected or infested plant, plant product, regulated  
14 article, or noxious weed;

15 (5) Introduce or move into this state, or to move or dispose of in  
16 this state, a plant, plant product, or other item included in a  
17 quarantine, except under rules as may be prescribed by the department,  
18 after a quarantine order has been adopted under this chapter against a  
19 place, nursery, orchard, vineyard, apiary, other agricultural  
20 establishment, county of this state, another state, territory, or a  
21 foreign country as to a plant pest, bee pest, or noxious weed or  
22 genetically engineered plant or plant pest organism, until such  
23 quarantine is removed.

24 NEW SECTION. **Sec. 18.** IMPOUND AND DISPOSITION. (1) If upon  
25 inspection, the director finds that an inspected plant or plant product  
26 or bees are infected or infested or that a regulated article is being  
27 held or transported in violation of a rule or quarantine of the  
28 department, the director shall notify the owner that a violation of  
29 this chapter exists. The director may impound or order the impounding

1 of the infected or infested or regulated article in such a manner as  
2 may be necessary to prevent the threat of infestation. The notice  
3 shall be in writing and sent by certified mail or personal service  
4 identifying the impounded article and giving notice that the articles  
5 will be treated, returned to the shipper or to a quarantined area, or  
6 destroyed in a manner as to prevent infestation. The impounded article  
7 shall not be destroyed unless the director determines that (a) no  
8 effective treatment can be carried out; and (b) the impounded article  
9 cannot be returned to the shipper or shipped back to a quarantine area  
10 without threat of infestation to this state; and (c) mere possession by  
11 the owner constitutes an emergency.

12 (2) Before taking action to treat, return, or destroy the impounded  
13 article, the director shall notify the owner of the owner's right to a  
14 hearing before the director under chapter 34.05 RCW. Within ten days  
15 after the notice has been given the owner may request a hearing. The  
16 request must be in writing.

17 (3) The cost to impound articles along with the cost, if any, to  
18 treat, return, or destroy the articles shall be at the owner's expense.  
19 The owner is not entitled to compensation for infested or infected  
20 articles destroyed by the department under this section.

21 NEW SECTION. **Sec. 19.** STATE-WIDE SURVEY AND CONTROL ACTIVITY. If  
22 there is reason to believe that a plant or bee pest may adversely  
23 impact the forestry, agricultural, horticultural, floricultural, or  
24 related industries of the state; or may cause harm to the environment  
25 of the state; or such information is needed to facilitate or allow the  
26 movement of forestry, agricultural, horticultural, or related products  
27 to out-of-state, foreign and domestic markets, the director may  
28 conduct, or cause to be conducted, surveys to determine the presence,  
29 absence, or distribution of a pest.

1       The director may take such measures as may be required to control  
2 or eradicate such pests where such measures are determined to be in the  
3 public interest, are technically feasible, and for which funds are  
4 appropriated or provided through cooperative agreements.

5       NEW SECTION.   **Sec. 20.**   DIRECTOR'S COOPERATION WITH OTHER AGENCIES.

6   The director may enter into cooperative arrangements with a person,  
7 municipality, county, Washington State University or any of its  
8 experiment stations, or other agencies of this state, and with boards,  
9 officers, and authorities of other states and the United States,  
10 including the United States department of agriculture, for the  
11 inspection of bees, plants and plant parts and products and the control  
12 or eradication of plant pests, bee pests, or noxious weeds and to carry  
13 out other provisions of this chapter.

14       NEW SECTION.   **Sec. 21.**   ACQUISITION OF LANDS, WATER SUPPLY, OR

15 OTHER PROPERTIES FOR QUARANTINE LOCATIONS.   The director may acquire,  
16 in fee or in trust, by gift, or whenever funds are appropriated for  
17 such purposes, by purchase, easement, lease, or condemnation, lands or  
18 other property, water supplies, as may be deemed necessary for use by  
19 the department for establishing quarantine stations for the purpose of  
20 the isolation, prevention, eradication, elimination, and control of  
21 insect pests or plant pathogens that affect the agricultural or  
22 horticultural products of the state; for the propagation of biological  
23 control agents; or the isolation of genetically engineered plants or  
24 plant pests; or the isolation of bee pests.

25       NEW SECTION.   **Sec. 22.**   REQUESTED INSPECTIONS--FEE FOR SERVICE.   To

26 facilitate the movement or sale of forest, agricultural, floricultural,  
27 horticultural and related products, or bees and related products, the

1 director may provide, if requested by farmers, growers, or other  
2 interested persons, special inspections, pest identifications, plant  
3 identifications, plant diagnostic services, other special  
4 certifications and activities not otherwise authorized by statute and  
5 to prescribe a fee for that service. The fee shall, as closely as  
6 practical, cover the cost of the service rendered, including the  
7 salaries and expenses of the personnel involved. Moneys collected  
8 shall be deposited in the plant pest fund within the agricultural local  
9 fund. No appropriation is required for disbursement from the plant  
10 pest fund.

11 NEW SECTION. **Sec. 23.** PENALTIES--CRIMINAL AND CIVIL PENALTY. A  
12 person who violates or fails to comply with this chapter or rules  
13 adopted under this chapter shall be guilty of a misdemeanor. A person  
14 who fails to comply with this chapter or rules adopted under this  
15 chapter may be subject to a civil penalty, as determined by the  
16 director, in an amount of not more than five thousand dollars for each  
17 violation. Each violation shall be a separate and distinct offense.  
18 A person who knowingly, through an act of commission or omission,  
19 procures or aids or abets in the violation shall be considered to have  
20 violated this section and may be subject to the civil penalty.

21 NEW SECTION. **Sec. 24.** VIOLATIONS--COSTS OF CONTROL. A person  
22 who, through a knowing and willful violation of a quarantine  
23 established under this chapter, causes an infestation to become  
24 established, may be required to pay the costs of public control or  
25 eradication measures caused as a result of that violation.

26 NEW SECTION. **Sec. 25.** FUNDS FOR TECHNICAL AND SCIENTIFIC  
27 SERVICES. The director may, at the director's discretion, provide

1 funds for technical or scientific services, labor, materials and  
2 supplies, and biological control agents for the control of plant pests,  
3 bee pests, and noxious weeds.

4 NEW SECTION. **Sec. 26.** DETERMINATION OF IMMINENT DANGER OF  
5 INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--  
6 CONDITIONS--PROCEDURES. (1) If the director determines that there  
7 exists an imminent danger of an infestation of plant pests or plant  
8 diseases that seriously endangers the agricultural or horticultural  
9 industries of the state, or that seriously threatens life, health, or  
10 economic well-being, the director shall request the governor to order  
11 emergency measures to control the pests or plant diseases under RCW  
12 43.06.010(14). The director's findings shall contain an evaluation of  
13 the affect of the emergency measures on public health.

14 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the  
15 director may appoint a committee to advise the governor through the  
16 director and to review emergency measures necessary under the authority  
17 of RCW 43.06.010(14) and this section and make subsequent  
18 recommendations to the governor. The committee shall include  
19 representatives of the agricultural industries, state and local  
20 government, public health interests, technical service providers, and  
21 environmental organizations.

22 (3) Upon the order of the governor of the use of emergency  
23 measures, the director is authorized to implement the emergency  
24 measures to prevent, control, or eradicate plant pests or plant  
25 diseases that are the subject of the emergency order.

26 (4) Upon the order of the governor of the use of emergency  
27 measures, the director is authorized to enter into agreements with  
28 individuals or companies, or both, to accomplish the prevention,  
29 control, or eradication of plant pests or plant diseases,

1 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any  
2 other statute.

3 (5) The director shall continually evaluate the emergency measures  
4 taken and report to the governor at intervals of not less than ten  
5 days. The director shall immediately advise the governor if he or she  
6 finds that the emergency no longer exists or if certain emergency  
7 measures should be discontinued.

8 **Sec. 27.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read  
9 as follows:

10 In addition to those prescribed by the Constitution, the governor  
11 may exercise the powers and perform the duties prescribed in this and  
12 the following sections:

13 (1) The governor shall supervise the conduct of all executive and  
14 ministerial offices;

15 (2) The governor shall see that all offices are filled, and the  
16 duties thereof performed, or in default thereof, apply such remedy as  
17 the law allows; and if the remedy is imperfect, acquaint the  
18 legislature therewith at its next session;

19 (3) The governor shall make the appointments and supply the  
20 vacancies mentioned in this title;

21 (4) The governor is the sole official organ of communication  
22 between the government of this state and the government of any other  
23 state or territory, or of the United States;

24 (5) Whenever any suit or legal proceeding is pending against this  
25 state, or which may affect the title of this state to any property, or  
26 which may result in any claim against the state, the governor may  
27 direct the attorney general to appear on behalf of the state, and  
28 report the same to the governor, or to any grand jury designated by the  
29 governor, or to the legislature when next in session;

1 (6) The governor may require the attorney general or any  
2 prosecuting attorney to inquire into the affairs or management of any  
3 corporation existing under the laws of this state, or doing business in  
4 this state, and report the same to the governor, or to any grand jury  
5 designated by the governor, or to the legislature when next in session;

6 (7) The governor may require the attorney general to aid any  
7 prosecuting attorney in the discharge of his duties;

8 (8) The governor may offer rewards, not exceeding one thousand  
9 dollars in each case, payable out of the state treasury, for  
10 information leading to the apprehension of any person convicted of a  
11 felony who has escaped from a state correctional institution or for  
12 information leading to the arrest of any person who has committed or is  
13 charged with the commission of a felony;

14 (9) The governor shall perform such duties respecting fugitives  
15 from justice as are prescribed by law;

16 (10) The governor shall issue and transmit election proclamations  
17 as prescribed by law;

18 (11) The governor may require any officer or board to make, upon  
19 demand, special reports to the governor, in writing;

20 (12) The governor may, after finding that a public disorder,  
21 disaster, energy emergency, or riot exists within this state or any  
22 part thereof which affects life, health, property, or the public peace,  
23 proclaim a state of emergency in the area affected, and the powers  
24 granted the governor during a state of emergency shall be effective  
25 only within the area described in the proclamation;

26 (13) The governor shall, when appropriate, submit to the select  
27 joint committee created by RCW 43.131.120, lists of state agencies, as  
28 defined by RCW 43.131.030, which agencies might appropriately be  
29 scheduled for termination by a bill proposed by the select joint  
30 committee;

1 (14) The governor may, after finding that there exists within this  
2 state an imminent danger of infestation of plant pests as defined in  
3 (~~RCW 17.24.005~~) section 9 of this act or plant diseases which  
4 seriously endangers the agricultural or horticultural industries of the  
5 state of Washington, or which seriously threatens life, health, or  
6 economic well-being, order emergency measures to prevent or abate the  
7 infestation or disease situation, which measures, after thorough  
8 evaluation of all other alternatives, may include the aerial  
9 application of pesticides.

10 NEW SECTION. **Sec. 28.** The following acts or parts of acts are  
11 each repealed:

- 12 (1) RCW 17.24.005 and 1981 c 296 s 36;
- 13 (2) RCW 17.24.030 and 1981 c 296 s 24 & 1927 c 292 s 2;
- 14 (3) RCW 17.24.035 and 1981 c 296 s 25 & 1927 c 292 s 3;
- 15 (4) RCW 17.24.060 and 1927 c 292 s 4;
- 16 (5) RCW 17.24.070 and 1927 c 292 s 5;
- 17 (6) RCW 17.24.080 and 1927 c 292 s 6;
- 18 (7) RCW 17.24.100 and 1981 c 296 s 26 & 1927 c 292 s 7;
- 19 (8) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;
- 20 (9) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947  
21 c 156 s 2;
- 22 (10) RCW 17.24.120 and 1947 c 156 s 3;
- 23 (11) RCW 17.24.130 and 1947 c 156 s 4;
- 24 (12) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5;
- 25 (13) RCW 17.24.200 and 1982 c 153 s 2; and
- 26 (14) RCW 17.24.210 and 1982 c 153 s 3.

27 NEW SECTION. **Sec. 29.** Captions as used in sections 8 through 26  
28 of this act constitute no part of the law.

1        NEW SECTION.    **Sec. 30.**    Sections 8 through 26 of this act are each  
2 added to chapter 17.24 RCW.

3        **Sec. 31.**    RCW 69.04.001 and 1945 c 257 s 2 are each amended to read  
4 as follows:

5        This chapter is intended to enact state legislation (1) which  
6 safeguards the public health and promotes the public welfare by  
7 protecting the consuming public from ~~((injury by product use))~~ (a)  
8 potential injury by product use; (b) products that are adulterated; or  
9 (c) products that have been produced under unsanitary conditions, and  
10 the purchasing public from injury by merchandising deceit~~((  ))~~ flowing  
11 from intrastate commerce in food, drugs, devices, and cosmetics; and  
12 (2) which is uniform, as provided in this chapter, with the federal  
13 food, drug, and cosmetic act; and with the federal trade commission  
14 act, to the extent it expressly outlaws the false advertisement of  
15 food, drugs, devices, and cosmetics; and (3) which thus promotes  
16 uniformity of such law and its administration and enforcement, in and  
17 throughout the United States.

18        NEW SECTION.    **Sec. 32.**    A new section is added to chapter 69.04 RCW  
19 to read as follows:

20        Whenever the director finds that a person has committed a violation  
21 of a provision of this chapter, the director may impose upon and  
22 collect from the violator a civil penalty not exceeding one thousand  
23 dollars per violation per day. Each and every such violation shall be  
24 a separate and distinct offense. Imposition of the civil penalty shall  
25 be subject to a hearing in conformance with chapter 34.05 RCW.

26        **Sec. 33.**    RCW 69.04.110 and 1975 1st ex.s. c 7 s 25 are each  
27 amended to read as follows:

1           Whenever the director shall find, or shall have probable cause to  
2 believe, that an article subject to this chapter is in intrastate  
3 commerce in violation of this chapter, and that its embargo under this  
4 section is required to protect the consuming or purchasing public, due  
5 to its being adulterated or misbranded, or to otherwise protect the  
6 public from injury, or possible injury, he or she is hereby authorized  
7 to affix to such article a notice of its embargo and against its sale  
8 in intrastate commerce, without permission given under this chapter.  
9 But if, after such article has been so embargoed, the director shall  
10 find that such article does not involve a violation of this chapter,  
11 such embargo shall be forthwith removed.

12           **Sec. 34.** RCW 69.04.120 and 1983 c 95 s 8 are each amended to read  
13 as follows:

14           When the director has embargoed an article, he or she shall,  
15 forthwith and without delay and in no event later than (~~twenty~~)  
16 thirty days after the affixing of notice of its embargo, petition the  
17 superior court for an order affirming the embargo. The court then has  
18 jurisdiction, for cause shown and after prompt hearing to any claimant  
19 of the embargoed article, to issue an order which directs the removal  
20 of the embargo or the destruction or the correction and release of the  
21 article. An order for destruction or correction and release shall  
22 contain such provision for the payment of pertinent court costs and  
23 fees and administrative expenses as is equitable and which the court  
24 deems appropriate in the circumstances. An order for correction and  
25 release may contain such provision for a bond as the court finds  
26 indicated in the circumstances.

27           **Sec. 35.** RCW 69.04.398 and 1986 c 203 s 18 are each amended to  
28 read as follows:

1 (1) The purpose of RCW 69.04.110, 69.04.392, 69.04.394, and  
2 69.04.396 is to promote uniformity of state legislation and  
3 (~~regulations~~) rules with the Federal Food, Drug and Cosmetic Act 21  
4 USC 301 et seq. and regulations adopted thereunder. In accord with  
5 such declared purpose any regulation adopted under said federal food,  
6 drug and cosmetic act concerning food in effect on July 1, 1975, and  
7 not adopted under any other specific provision of RCW 69.04.110,  
8 69.04.392, 69.04.394, and 69.04.396 are hereby deemed to have been  
9 adopted under the provision hereof. Further, to promote such uniformity  
10 any regulation adopted hereafter under the provisions of the federal  
11 food, drug and cosmetic act concerning food and published in the  
12 federal register shall be deemed to have been adopted under the  
13 provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 in  
14 accord with chapter 34.05 RCW as enacted or hereafter amended. The  
15 director may, however, within thirty days of the publication of the  
16 adoption of any such regulation under the federal food, drug and  
17 cosmetic act give public notice that a hearing will be held to  
18 determine if such regulation shall not be applicable under the  
19 provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396. Such  
20 hearing shall be in accord with the requirements of chapter 34.05 RCW  
21 as enacted or hereafter amended.

22 (2) The provisions of subsection (1) of this section do not apply  
23 to rules adopted by the director as necessary to permit the production  
24 of kosher food products as defined in RCW 69.90.010.

25 (3) Notwithstanding the provisions of subsections (1) and (2) of  
26 this section the director may adopt rules necessary to carry out the  
27 provisions of this chapter.

28 **Sec. 36.** RCW 69.04.780 and 1945 c 257 s 96 are each amended to  
29 read as follows:

1       The director shall cause the investigation and examination of food,  
2 drugs, devices, and cosmetics subject to this chapter. The director  
3 shall have the right (1) to take a sample or specimen of any such  
4 article, for examination under this chapter, upon tendering the market  
5 price therefor to the person having such article in custody; and (2) to  
6 enter any place or establishment within this state, at reasonable  
7 times, for the purpose of taking a sample or specimen of any such  
8 article, for such examination.

9       The director and the director's deputies, assistants, and  
10 inspectors are authorized to do all acts and things necessary to carry  
11 out the provisions of this chapter, including the taking of verified  
12 statements. Such department personnel are empowered to administer  
13 oaths of verification on the statements.

14       NEW SECTION. Sec. 37. A new section is added to chapter 69.07 RCW  
15 to read as follows:

16       The processing of food intended for public consumption is important  
17 and vital to the health and welfare both immediate and future and is  
18 hereby declared to be a business affected with the public interest.  
19 The provisions of this chapter are enacted to safeguard the consuming  
20 public from unsafe, adulterated, or misbranded food by requiring  
21 licensing of all food processing plants as defined in this chapter and  
22 setting forth the requirements for such licensing.

23       **Sec. 38.** RCW 69.07.010 and 1967 ex.s. c 121 s 1 are each amended  
24 to read as follows:

25       For the purposes of this chapter:

26       (1) "Department" means the department of agriculture of the state  
27 of Washington;

28       (2) "Director" means the director of the department;

1 (3) "Food" means any substance used for food or drink by man and  
2 any ingredient used for components of any such substance regardless of  
3 the quantity of such component;

4 (4) "Sale" means selling, offering for sale, holding for sale,  
5 preparing for sale, trading, bartering, offering a gift as an  
6 inducement for sale of, and advertising for sale in any media;

7 (5) "Food processing" means the handling or processing of any food  
8 in any manner in preparation for sale for human consumption: PROVIDED,  
9 That it shall not include fresh fruit or vegetables merely washed or  
10 trimmed while being prepared or packaged for sale in their natural  
11 state;

12 (6) "Food processing plant" includes but is not limited to any  
13 premises, plant, establishment, building, room, area, facilities and  
14 the appurtenances thereto, in whole or in part, where food is prepared,  
15 handled or processed in any manner for (~~resale or~~) distribution  
16 (~~to~~) or sale for resale by retail outlets, restaurants, and any such  
17 other facility selling or distributing to the ultimate consumer:  
18 PROVIDED, That (~~retail outlets~~), as set forth herein, establishments  
19 processing foods in any manner for resale shall be considered a food  
20 processing plant as to such processing;

21 (7) "Food service establishment" shall mean any fixed or mobile  
22 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
23 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
24 lounge, night club, roadside stand, industrial-feeding establishment,  
25 retail grocery, retail food market, retail meat market, retail bakery,  
26 private, public, or nonprofit organization routinely serving food,  
27 catering kitchen, commissary or similar place in which food or drink is  
28 prepared for sale or for service on the premises or elsewhere, and any  
29 other eating or drinking establishment or operation where food is  
30 served or provided for the public with or without charge.

1 For the purpose of this chapter any custom cannery or processing  
2 plant where raw food products, food, or food products are processed for  
3 the owner thereof, or the food processing facilities are made available  
4 to the owners or persons in control of raw food products or food or  
5 food products for processing in any manner, shall be considered to be  
6 food processing plants(~~(-)~~);

7 (8) "Person" means an individual, partnership, corporation, or  
8 association;

9 (9) "For resale" means the sale or distribution to other than the  
10 ultimate consumer. This term may include the transfer of food between  
11 individual company locations.

12 **Sec. 39.** RCW 69.07.040 and 1988 c 5 s 1 are each amended to read  
13 as follows:

14 It shall be unlawful for any person to operate a food processing  
15 plant or process foods without first having obtained an annual license  
16 from the department, which shall expire on ~~((the 31st day of March~~  
17 ~~following issuance. A separate license shall be required for each food~~  
18 ~~processing plant))~~ a date set by rule by the director. License fees  
19 shall be prorated where necessary to accommodate staggering of  
20 expiration dates. Application for a license shall be on a form  
21 prescribed by the director and accompanied by a twenty-five dollar  
22 annual license fee. Such application shall include the full name of the  
23 applicant for the license and the location of the food processing plant  
24 he intends to operate. If such applicant is an individual, receiver,  
25 trustee, firm, partnership, association or corporation, the full name  
26 of each member of the firm or partnership, or names of the officers of  
27 the association or corporation shall be given on the application. Such  
28 application shall further state the principal business address of the  
29 applicant in the state and elsewhere and the name of a person domiciled

1 in this state authorized to receive and accept service of summons of  
2 legal notices of all kinds for the applicant(~~(, and any other necessary~~  
3 ~~information prescribed by the director)~~). The application shall also  
4 specify the type of food to be processed and the method or nature of  
5 processing operation or preservation of that food and any other  
6 necessary information. Upon the approval of the application by the  
7 director and compliance with the provisions of this chapter, including  
8 the applicable regulations adopted hereunder by the department, the  
9 applicant shall be issued a license or renewal thereof. Licenses shall  
10 be issued to cover only those products, processes, and operations  
11 specified in the license application and approved for licensing.  
12 Wherever a license holder engages in processing of food other than  
13 specified on the license, he or she shall submit an amendment to the  
14 current license application that shall be approved before he or she may  
15 engage in processing of the new food products, specifying those new  
16 products or processes.

17 If upon investigation by the director, it is determined that a  
18 person is processing food for retail sale and is not under permit,  
19 license, or inspection by a local health authority, then that person  
20 may be considered a food processor and subject to the provisions of  
21 this chapter.

22 **Sec. 40.** RCW 69.07.050 and 1988 c 5 s 2 are each amended to read  
23 as follows:

24 If the application for renewal of any license provided for under  
25 this chapter is not filed prior to (~~April 1st in any year~~) the  
26 expiration date as established by rule by the director, an additional  
27 fee of fifteen dollars shall be assessed and added to the original fee  
28 and shall be paid by the applicant before the renewal license shall be  
29 issued: PROVIDED, That such additional fee shall not be charged if the

1 applicant furnishes an affidavit certifying that he or she has not  
2 operated a food processing plant or processed foods subsequent to the  
3 expiration of his or her license.

4 **Sec. 41.** RCW 69.07.060 and 1979 c 154 s 19 are each amended to  
5 read as follows:

6 The director may(~~(, subsequent to a hearing thereon,)~~) deny,  
7 suspend or revoke any license provided for in this chapter if he  
8 determines that an applicant has committed any of the following acts:

9 (1) Refused, neglected or failed to comply with the provisions of  
10 this chapter, the rules and regulations adopted hereunder, or any  
11 lawful order of the director.

12 (2) Refused, neglected or failed to keep and maintain records  
13 required by this chapter, or to make such records available when  
14 requested pursuant to the provisions of this chapter.

15 (3) Refused the department access to any portion or area of the  
16 food processing plant for the purpose of carrying out the provisions of  
17 this chapter.

18 (4) Refused the department access to any records required to be  
19 kept under the provisions of this chapter.

20 (5) Refused, neglected, or failed to comply with any provisions of  
21 chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any  
22 regulations adopted thereunder. A licensee shall be given an  
23 opportunity for a hearing under chapter 34.05 RCW with respect to an  
24 action taken against his or her license.

25 NEW SECTION. **Sec. 42.** A new section is added to chapter 69.07 RCW  
26 to read as follows:

27 (1) Whenever the director finds an establishment operating under  
28 conditions that constitute an immediate danger to public health or

1 under conditions that allow adulteration of food as defined under RCW  
2 69.04.210, the director may summarily suspend, pending a hearing, a  
3 license provided for in this chapter.

4 (2) Whenever a license is summarily suspended, the holder of the  
5 license shall be notified in writing that the license is, upon service  
6 of the notice, immediately suspended and that prompt opportunity for a  
7 hearing will be provided.

8 (3) Whenever a license is summarily suspended, food processing  
9 operations shall immediately cease. However, the director may  
10 reinstate the license when the condition that caused the suspension has  
11 been abated to the director's satisfaction.

12 NEW SECTION. **Sec. 43.** A new section is added to chapter 69.07 RCW  
13 to read as follows:

14 The director or the director's deputies, assistants, and inspectors  
15 are authorized to do all acts and things necessary to carry out the  
16 provisions of this chapter, including the taking of verified  
17 statements. The department personnel are empowered to administer oaths  
18 of verification on the statement.

19 NEW SECTION. **Sec. 44.** A new section is added to chapter 69.07 RCW  
20 to read as follows:

21 It shall be unlawful to resell, to offer for resale, or to  
22 distribute for resale in intrastate commerce any food processed in a  
23 food processing plant, which has not obtained a license, as provided  
24 for in this chapter, once notification by the director has been given  
25 to the person or persons reselling, offering, or distributing food for  
26 resale, that said food is from an unlicensed processing operation.

1        NEW SECTION.   **Sec. 45.**   A new section is added to chapter 69.07 RCW  
2 to read as follows:

3        Whenever the director finds that a person has committed a violation  
4 of any of the provisions of this chapter the director may impose upon  
5 and collect from the violator a civil penalty not exceeding one  
6 thousand dollars per violation per day.   Each violation shall be a  
7 separate and distinct offense.

8        NEW SECTION.   **Sec. 46.**   The following acts or parts of acts are  
9 each repealed:

10        (1) RCW 69.07.090 and 1967 ex.s. c 121 s 9; and

11        (2) RCW 69.07.130 and 1967 ex.s. c 121 s 13.