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HOUSE BILL 2819

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State of Washington

52nd Legislature

1992 Regular Session

By Representative R. Johnson

Read first time 01/28/92. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to misbranding and adulteration; and amending RCW  
2 16.49A.600 and 16.74.570.

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

4 **Sec. 1.** RCW 16.49A.600 and 1971 ex.s. c 108 s 3 are each amended  
5 to read as follows:

6 The provisions of this chapter including licensing and those  
7 requiring inspection of the slaughter of meat food animals and the  
8 preparation of carcasses or parts thereof, meat or meat food products  
9 shall not apply to operations of the types traditionally and usually  
10 conducted by a retail meat dealer at retail stores and restaurants,  
11 when conducted at any retail store or restaurant or similar type  
12 establishment for sale in normal retail quantities or service of such  
13 articles to ultimate consumers at such establishment. Normal retail

1 quantities or service of such articles to consumers shall be as defined  
2 in (~~regulations~~) rules adopted under the provisions of this chapter.

3 The adulteration and misbranding provisions of this chapter, other  
4 than the requirement of the inspection legend, shall apply to articles  
5 that are exempted from inspection or not required to be inspected under  
6 this section.

7 **Sec. 2.** RCW 16.74.570 and 1969 ex.s. c 146 s 65 are each amended  
8 to read as follows:

9 (1) The director shall, by (~~regulation~~) rule and under such  
10 conditions as to sanitary standards, practices, and procedures as he or  
11 she may prescribe, exempt from specific provisions of this chapter--

12 (a) retail dealers with respect to poultry products sold directly  
13 to consumers in individual retail stores, if the only processing  
14 operation performed by such retail dealers is the cutting up and/or  
15 packaging of poultry products on the premises where such sales to  
16 consumers are made;

17 (b) for such period of time as the director determines that it  
18 would be impracticable to provide inspection and the exemption will aid  
19 in the effective administration of this chapter, any person engaged in  
20 the processing of poultry or poultry products for intrastate commerce  
21 and the poultry or poultry products processed by such person:  
22 PROVIDED, That no such exemption shall continue in effect on and after  
23 February 18, 1970; and

24 (c) persons slaughtering, processing, or otherwise handling poultry  
25 or poultry products which have been or are to be processed as required  
26 by recognized religious dietary laws, to the extent that the director  
27 determines necessary to avoid conflict with such requirements while  
28 still effectuating the purposes of this chapter.

1       (2)(a) The director shall, by (~~regulation~~) rule and under such  
2 conditions, including sanitary standards, practices, and procedures, as  
3 he or she may prescribe, exempt from specific provisions of this  
4 chapter--

5       (i) the slaughtering by any person of poultry of his or her own  
6 raising, and the processing by him or her and transportation of the  
7 poultry products exclusively for use by him or her and members of his  
8 or her household and his or her nonpaying guests and employees; and

9       (ii) the custom slaughter by any person of poultry delivered by the  
10 owner thereof for such slaughter, and the processing by such  
11 slaughterer and transportation of the poultry products exclusively for  
12 use, in the household of such owner, by him or her and members of his  
13 or her household and his or her nonpaying guests and employees:  
14 PROVIDED, That the director may (~~promulgate~~) adopt such rules (~~and~~  
15 ~~regulations~~) as are necessary to prevent the commingling of inspected  
16 and uninspected poultry and poultry products.

17       (b) In addition to the specific exemptions provided herein, the  
18 director shall, when he or she determines that the protection of  
19 consumers from adulterated or misbranded poultry products will not be  
20 impaired by such action, provide by (~~regulation~~) rule, consistent  
21 with (~~paragraph~~) (c) of this subsection, for the exemption of the  
22 operations of poultry producers not exempted under (~~paragraph~~) (a) of  
23 this subsection, which are engaged in slaughtering and/or cutting up  
24 poultry for distribution as carcasses or parts thereof, from such  
25 provisions of this chapter as he or she deems appropriate, while still  
26 protecting the public from adulterated or misbranded products, under  
27 such conditions, including sanitary requirements, as he or she shall  
28 prescribe to effectuate the purposes of this chapter.

1 (c) The provisions of this chapter shall not apply to poultry  
2 producers with respect to poultry of their own raising on their own  
3 farms if--

4 (i) such producers slaughter not more than two hundred fifty  
5 turkeys, or not more than an equivalent number of birds of all species  
6 during the calendar year for which this exemption is being determined  
7 (four birds of other species being deemed the equivalent of one  
8 turkey);

9 (ii) such poultry producers do not engage in buying or selling  
10 poultry products other than those produced from poultry raised on their  
11 own farms.

12 (3) The adulteration and misbranding provisions of this chapter,  
13 other than the requirement of the inspection legend, shall apply to  
14 articles which are exempted from inspection under this section(~~(7~~  
15 ~~except as otherwise specified under subsections (1) and (2))~~).

16 (4) The director may by order suspend or terminate any exemption  
17 under this section with respect to any person whenever he or she finds  
18 that such action will aid in effectuating the purposes of this chapter.