

2 ESHB 1135 - S COMM AMD
3 By Committee on Agriculture

4 NOT ADOPTED 4/8/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature declares that the husbandry
8 of alternative livestock as a farming operation may provide a
9 consistent source of healthful food, offers opportunities for new jobs
10 and increased farm income stability, and improves the balance of trade.

11 The legislature intends to establish a process to identify
12 vertebrate animal species that may be commercially raised in the state
13 of Washington.

14 The legislature finds that many areas of the state of Washington
15 may be suitable for alternative livestock farms, and therefore the
16 legislature encourages the promotion of alternative livestock farming
17 activities, programs, and development with the same status as other
18 agricultural activities, programs, and development within the state.

19 The legislature finds that alternative livestock farming should be
20 considered a branch of the agricultural industry of the state for
21 purposes of laws that apply to or provide for the advancement, benefit,
22 or protection of the agriculture industry within the state. The
23 legislature further finds, however, that alternative livestock farming
24 may pose threats to the state's wildlife, and therefore requires
25 effective regulation to minimize these threats.

26 It is therefore the policy of this state to encourage the
27 development and expansion of alternative livestock farming within the
28 state. It is also the policy of this state to protect wildlife and
29 existing traditional livestock industries by providing for effective
30 regulation of alternative livestock farming including but not limited
31 to a disease inspection and control program for alternative livestock
32 farming operations.

33 NEW SECTION. **Sec. 2.** Unless the context clearly requires
34 otherwise, the definitions in this section apply throughout this
35 chapter.

1 (1) "Alternative livestock" means those species designated under
2 the provisions of section 10 of this act so long as they are: Confined
3 by humans; raised or used in farm or ranch operations in the private
4 sector; and produced on the farm or ranch or legally acquired for the
5 farm or ranch. "Alternative livestock" shall not include: Resident
6 wildlife species that currently exist in a wild state in the state of
7 Washington; domestic dogs (*canis familiaris*) or domestic cats (*felis*
8 *domestica*); private sector aquatic products as defined in and regulated
9 under chapter 15.85 RCW; animals raised for release into the wild;
10 animals raised for the purpose of hunting that takes place in this
11 state; or fur farming and game farming as currently allowed and
12 regulated by chapters 16.72 and 77.32 RCW.

13 (2) "Alternative livestock farm or ranch" means the farm or ranch
14 upon which alternative livestock are reared and shall not include
15 publicly and privately owned facilities for which a license or permit
16 is required under RCW 77.12.570 or 77.32.010.

17 (3) "Alternative livestock products" means the agricultural
18 products of alternative livestock including, but not limited to, meat
19 and meat products, velvet, antlers, horns, leather, hides, feathers,
20 eggs, gametes, and genetic materials. "Alternative livestock products"
21 does not include a product that is required to be identified under
22 section 5 of this act and is not identified as required.

23 (4) "Department" means the department of agriculture.

24 (5) "Traditional livestock" means horses, mules, cattle, sheep,
25 swine, goats, poultry, and rabbits, and other species designated
26 jointly by the director of agriculture and director of wildlife
27 pursuant to section 10 of this act.

28 NEW SECTION. **Sec. 3.** The department is the principal state agency
29 for providing state marketing support services for the alternative
30 livestock industry. The department shall exercise its authorities,
31 including those provided by chapters 15.64, 15.65, 15.66, and 43.23
32 RCW, to develop a program for assisting the alternative livestock
33 industry to market and promote the use of its products. The department
34 shall consult the alternative livestock council in developing the
35 program.

1 NEW SECTION. **Sec. 4.** It is unlawful to hunt or allow others to
2 hunt for a fee, any alternative livestock reared on or derived from an
3 alternative livestock farm.

4 NEW SECTION. **Sec. 5.** The director of agriculture shall, in
5 consultation with the director of wildlife and the alternative
6 livestock council, establish methods of identification requirements,
7 such as tattoos, branding, or eartags, for alternative livestock and
8 alternative livestock products to the extent that identifying the
9 livestock or the source or quantity of the products is necessary to
10 permit the department of wildlife to effectively administer and enforce
11 Title 77 RCW. The director shall also consult with the director of the
12 department of wildlife to ensure that such rules enable the department
13 of wildlife to enforce the programs administered under that title.

14 NEW SECTION. **Sec. 6.** The department of agriculture shall, in
15 consultation with the department of wildlife and other interests,
16 develop a program of disease inspection and control for alternative
17 livestock. The purpose of the program is to protect the traditional
18 and alternative livestock industries from the loss of animals or
19 productivity to disease and to protect wildlife in this state.

20 The department of agriculture shall adopt new or amend existing
21 rules in conformance with chapter 34.05 RCW. The department of
22 agriculture shall administer a program of disease inspection and
23 control for alternative livestock. As used in this section "disease"
24 means, in addition to its ordinary meaning, infestations of parasites
25 or pests.

26 NEW SECTION. **Sec. 7.** The owner of a farm or ranch for alternative
27 livestock shall register the farm or ranch annually with the department
28 of agriculture. The director shall develop and maintain a registration
29 list of all alternative livestock farms and ranches. Registered
30 alternative livestock farms and ranches shall provide the department
31 production statistical data. The director of agriculture and the
32 director of wildlife shall, in consultation with the alternative
33 livestock council, establish by rule reasonable annual registration
34 fees sufficient to cover the costs of development of rules and the
35 administration of this chapter and the rules adopted under this
36 chapter. Fees may differ between species based upon factors including

1 but not limited to economic value, degree of services required, and
2 complexity of regulations. Fees collected under this section shall be
3 deposited in the alternative livestock farm account within the
4 agricultural local fund established in RCW 43.23.230 and the wildlife
5 fund established in RCW 77.12.170 and shall be used solely to carry out
6 the provisions of this chapter.

7 NEW SECTION. **Sec. 8.** The director of agriculture and the director
8 of wildlife shall study the needs for assuring adequate fences or other
9 methods of enclosure for various species of alternative livestock. The
10 directors shall jointly adopt rules establishing enclosure standards
11 for one or more types of alternative livestock as deemed necessary to
12 assure adequate protection to traditional livestock, wildlife, and
13 alternative livestock.

14 If an animal is not enclosed as required for the animal in rules
15 adopted under this section or if it is found by a state wildlife or
16 agricultural official or local law enforcement officer outside an area
17 of an enclosure that is required for it in rules adopted under this
18 section, the animal so unenclosed or so found is hereby declared to be
19 a public nuisance. An owner of alternative livestock may request
20 assistance from the department of agriculture, department of wildlife,
21 or local law enforcement office in recapturing escaped alternative
22 livestock and may be billed for the cost of services rendered.

23 Alternative livestock that escape a required enclosure and are
24 recaptured may be impounded at a suitable facility at the owner's
25 expense. Animals may not be returned to the owner's premises until
26 sufficient repairs or improvement are made to assure that release will
27 not reoccur. The owner of the animal is liable for damages that are
28 shown to be caused by the animal during the time of the escape.

29 NEW SECTION. **Sec. 9.** Growers of nontraditional animals shall
30 register within one hundred eighty days of the effective date of this
31 act. The registration grants no future right or change to the legal
32 status until the department of wildlife and the department of
33 agriculture jointly take some action. This registration will not in
34 any way be construed to initiate the petition or designation process
35 established in section 10 of this act.

1 NEW SECTION. **Sec. 10.** (1) A vertebrate animal identification
2 process is hereby established. The purpose of the process is to
3 provide a method by which animals are classified as alternative or
4 traditional livestock.

5 (2) Species that are designated as traditional livestock shall be
6 regulated by the department of agriculture. Species in addition to
7 those specified in section 2(5) of this act may be designated as
8 traditional livestock by joint rule adopted by the department of
9 wildlife and the department of agriculture.

10 (3) A species may be petitioned for regulation by the director of
11 wildlife, the director of agriculture, or any person registering under
12 section 9 of this act by filing with either department a completed
13 written petition requesting the joint regulation of a species under
14 this chapter.

15 (4) The two directors may decide if and how a species is to be
16 regulated through jointly adopted rules. Each determination shall be
17 in writing and shall be published in the Washington State Register.

18 (5) If the two directors do not reach agreement as to whether and
19 how a species should be regulated under this chapter, a scientific
20 review board shall be convened in accordance with section 11 of this
21 act and shall make a written recommendation to the directors as to the
22 status of the species in question. Should the directors fail to agree
23 within thirty days after receipt of such recommendation, the
24 determination shall be made by the governor.

25 (6) Resident wildlife shall be regulated by the department of
26 wildlife and may not be classified under this chapter as alternative
27 livestock except as provided in section 12 of this act.

28 (7)(a) Any species that is not present in the state as of the
29 effective date of this act, may be petitioned for possible regulation
30 by any person and such petition acted upon under this section prior to
31 entry for allowance or prohibition as alternative livestock.

32 (b) The legal status of a species that on the effective date of
33 this act is present in the state and registered in accordance with
34 section 9 of this act does not change until the directors make a
35 determination as to its status.

36 NEW SECTION. **Sec. 11.** (1) A scientific review board, convened
37 pursuant to section 10 of this act shall consist of three members. One
38 member shall be appointed by the director of the department of

1 wildlife, one member shall be appointed by the director of the
2 department of agriculture, and one member shall be appointed jointly by
3 these two members. The members that are appointed by the two
4 departments must have qualifications that are appropriate to their
5 responsibilities under this chapter. All three members must be
6 residents of the state of Washington prior to appointment.

7 (2) The board may take testimony and seek other expert advice.

8 (3) All meetings of the board shall be public.

9 (4) The board may hold public hearings and take public testimony
10 before making a written recommendation concerning whether a species is
11 prohibited or allowed under section 10 of this act.

12 (5) All recommendations concerning whether a species is to be
13 regulated under this chapter shall be written and shall include
14 findings of fact. Recommendations shall be published in the Washington
15 State Register.

16 (6) The board shall attend all public hearings held on the adoption
17 of proposed rules under this chapter, review existing agency rules that
18 pertain to the issues addressed by this chapter, review the rules
19 proposed under this chapter, and provide comments and recommendations
20 to the departments regarding the need, adequacy, and workability of the
21 proposed rules.

22 NEW SECTION. **Sec. 12.** Wildlife species that exist in a wild state
23 in the state of Washington are not alternative livestock and may not be
24 farmed except as provided in this section. By joint rule, which shall
25 include methods that will ensure genetic integrity, the directors of
26 the department of agriculture and the department of wildlife may allow
27 rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same
28 status and under the same regulatory provisions as alternative
29 livestock. The directors shall, within ninety days of the adoption of
30 the rule, jointly prepare a report on the rule adopted under this
31 section, which shall include specific detail on the methods used to
32 determine genetic integrity of farmed rocky mountain elk (*cervus*
33 *elaphus nelsoni*). Within two years of the adoption of the rule, the
34 directors shall jointly prepare a report on the status of operations
35 conducted under the provisions of the rule. The reports shall be
36 transmitted to the chairs of the house of representatives committees on
37 agriculture and rural development and fisheries and wildlife and the
38 senate committees on agriculture and natural resources.

1 NEW SECTION. **Sec. 13.** (1) If rule making under this chapter
2 restricts the economic utilization of a species being raised for
3 commercial purposes in the state, then the provisions of chapter 19.85
4 RCW shall apply and a small business economic impact statement shall be
5 prepared. Such activity shall be considered as an industry for the
6 purpose of RCW 19.85.020.

7 (2) The department of agriculture and the department of wildlife,
8 in consultation with the attorney general, shall develop a report
9 containing findings and recommendations regarding the establishment of
10 an indemnification policy. Such report shall be delivered by December
11 15, 1993, to the secretary of the senate and the speaker of the house
12 of representatives.

13 **Sec. 14.** RCW 19.85.020 and 1989 c 374 s 1 are each amended to read
14 as follows:

15 Unless the context clearly indicates otherwise, the definitions in
16 this section apply through this chapter.

17 (1) "Small business" has the meaning given in RCW 43.31.025(4).

18 (2) "Small business economic impact statement" means a statement
19 meeting the requirements of RCW 19.85.040 prepared by a state agency
20 pursuant to RCW 19.85.030.

21 (3) "Industry" means all of the businesses in this state in any one
22 three-digit standard industrial classification as published by the
23 United States department of commerce and those specifically declared to
24 be an industry by a provision of state law.

25 NEW SECTION. **Sec. 15.** The director of agriculture and the
26 director of wildlife shall develop by rule the requirements for
27 documents, data, or other items to be submitted that will constitute a
28 completed written petition for the purpose of section 10(4) of this
29 act. The directors shall develop criteria upon which to make
30 evaluations as to whether and how petitioned species will be regulated.

31 The department of agriculture and the department of wildlife may
32 adopt rules in accordance with chapter 34.05 RCW to carry out the
33 provisions of this chapter.

34 NEW SECTION. **Sec. 16.** The alternative livestock council is
35 created. The council shall consist of seven persons. Four members of
36 the council shall be appointed by the director of agriculture to three-

1 year terms. Three members of the council shall be appointed by the
2 director of the department of wildlife to three-year terms. The
3 directors may shorten the initial term for a position on the council to
4 stagger the expiration of terms on the council. Vacancies on the
5 council shall be filled by each director by appointment. The council
6 shall advise the departments on all aspects of alternative livestock
7 farming and the regulation and marketing of alternative livestock and
8 alternative livestock products.

9 NEW SECTION. **Sec. 17.** All rules of the department of wildlife and
10 the department of agriculture that are inconsistent with the purpose
11 and substance of chapter . . . , Laws of 1993 (this act), shall be
12 amended or repealed to comply with chapter . . . , Laws of 1993 (this
13 act).

14 **Sec. 18.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
15 as follows:

16 As used in this title or rules adopted pursuant to this title,
17 unless the context clearly requires otherwise:

18 (1) "Director" means the director of wildlife.

19 (2) "Department" means the department of wildlife.

20 (3) "Commission" means the state wildlife commission.

21 (4) "Person" means and includes an individual, a corporation, or a
22 group of two or more individuals acting with a common purpose whether
23 acting in an individual, representative, or official capacity.

24 (5) "Wildlife agent" means a person appointed and commissioned by
25 the director, with authority to enforce laws and rules adopted pursuant
26 to this title, and other statutes as prescribed by the legislature.

27 (6) "Ex officio wildlife agent" means a commissioned officer of a
28 municipal, county, state, or federal agency having as its primary
29 function the enforcement of criminal laws in general, while the officer
30 is in the appropriate jurisdiction. The term "ex officio wildlife
31 agent" includes fisheries patrol officers, special agents of the
32 national marine fisheries commission, state parks commissioned
33 officers, United States fish and wildlife special agents, department of
34 natural resources enforcement officers, and United States forest
35 service officers, while the agents and officers are within their
36 respective jurisdictions.

1 (7) "To hunt" and its derivatives means an effort to kill, injure,
2 capture, or harass a wild animal or wild bird.

3 (8) "To trap" and its derivatives means a method of hunting using
4 devices to capture wild animals or wild birds.

5 (9) "To fish" and its derivatives means an effort to kill, injure,
6 harass, or catch a game fish.

7 (10) "Open season" means those times, manners of taking, and places
8 or waters established by rule of the commission for the lawful hunting,
9 fishing, or possession of game animals, game birds, or game fish.
10 "Open season" includes the first and last days of the established time.

11 (11) "Closed season" means all times, manners of taking, and places
12 or waters other than those established as an open season.

13 (12) "Closed area" means a place where the hunting of some species
14 of wild animals or wild birds is prohibited.

15 (13) "Closed waters" means all or part of a lake, river, stream, or
16 other body of water, where fishing for game fish is prohibited.

17 (14) "Game reserve" means a closed area where hunting for all wild
18 animals and wild birds is prohibited.

19 (15) "Bag limit" means the maximum number of game animals, game
20 birds, or game fish which may be taken, caught, killed, or possessed by
21 a person, as specified by rule of the commission for a particular
22 period of time, or as to size, sex, or species.

23 (16) "Wildlife" means all species of the animal kingdom whose
24 members exist in Washington in a wild state. This includes but is not
25 limited to mammals, birds, reptiles, amphibians, fish, and
26 invertebrates. The term "wildlife" does not include feral domestic
27 mammals, the family Muridae of the order Rodentia (old world rats and
28 mice), or those fish, shellfish, and marine invertebrates classified by
29 the director of fisheries. The term "wildlife" includes all stages of
30 development and the bodily parts of wildlife members.

31 (17) "Wild animals" means those species of the class Mammalia whose
32 members exist in Washington in a wild state and the species *Rana*
33 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
34 domestic mammals or the family Muridae of the order Rodentia (old world
35 rats and mice).

36 (18) "Wild birds" means those species of the class Aves whose
37 members exist in Washington in a wild state.

38 (19) "Protected wildlife" means wildlife designated by the
39 commission that shall not be hunted or fished.

1 (20) "Endangered species" means wildlife designated by the
2 commission as seriously threatened with extinction.

3 (21) "Game animals" means wild animals that shall not be hunted
4 except as authorized by the commission.

5 (22) "Fur-bearing animals" means game animals that shall not be
6 trapped except as authorized by the commission.

7 (23) "Game birds" means wild birds that shall not be hunted except
8 as authorized by the commission.

9 (24) "Predatory birds" means wild birds that may be hunted
10 throughout the year as authorized by the commission.

11 (25) "Deleterious exotic wildlife" means species of the animal
12 kingdom not native to Washington and designated as dangerous to the
13 environment or wildlife of the state but excluding traditional
14 livestock as defined in section 2(5) of this act.

15 (26) "Game farm" means property on which wildlife is held or raised
16 for commercial purposes, trade, or gift. The term "game farm" does not
17 include publicly owned facilities.

18 (27) "Person of disability" means a permanently disabled person who
19 is not ambulatory without the assistance of a wheelchair, crutches, or
20 similar devices.

21 NEW SECTION. **Sec. 19.** A new section is added to chapter 16.49A
22 RCW to read as follows:

23 (1) Meat and meat by-products of alternative livestock, as defined
24 in section 2 of this act, whether or not such meat, meat by-products,
25 or animals originate from within the state, shall not be sold or
26 distributed for public consumption without prior inspection by the
27 department, the United States department of agriculture, or another
28 department-recognized local, state, or federal agency responsible for
29 food safety and inspection.

30 (2) The department may adopt rules establishing a program for
31 inspecting meat and meat by-products of alternative livestock. Such
32 rules shall include a fee schedule that will provide for the recovery
33 of the full cost of the inspection program. Fees collected under this
34 section shall be deposited in an account within the agricultural local
35 fund and the revenue from such fees shall be used solely for carrying
36 out the provisions of this section. No appropriation is required for
37 disbursement from the account. The director may employ such personnel
38 as are necessary to carry out the provisions of this section.

1 **Sec. 20.** RCW 16.36.005 and 1987 c 163 s 1 are each amended to read
2 as follows:

3 As used in this chapter:

4 "Alternative livestock" shall have the meaning as defined in
5 section 2 of this act.

6 "Exotic wildlife" means any wild animal whose members do not exist
7 in Washington in a wild state as of the effective date of this act but
8 does not include alternative livestock as defined in section 2 of this
9 act.

10 "Director" means the director of agriculture of the state of
11 Washington or his authorized representative.

12 "Department" means the department of agriculture of the state of
13 Washington.

14 "Garbage" means the solid animal and vegetable waste and offal
15 together with the natural moisture content resulting from the handling,
16 preparation, or consumption of foods in houses, restaurants, hotels,
17 kitchens, markets, meat shops, packing houses and similar
18 establishments or any other food waste containing meat or meat
19 products.

20 "Veterinary biologic" means any virus, serum, toxin, and analogous
21 product of natural or synthetic origin, or product prepared from any
22 type of genetic engineering, such as diagnostics, antitoxins, vaccines,
23 live microorganisms, killed microorganisms, and the antigenic or
24 immunizing components intended for use in the diagnosis, treatment, or
25 prevention of diseases in animals.

26 **Sec. 21.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read
27 as follows:

28 The word "quarantine" as used in this act shall mean the placing
29 and restraining of any animal or animals by the owner or agents in
30 charge thereof, either within a certain described and designated
31 enclosure or area within this state, or the restraining of any such
32 animal or animals from entering this state, as may be directed in
33 writing by the director of agriculture, or his or her duly authorized
34 representative. Any animal or animals so quarantined within the state
35 shall at all times be kept separate and apart from other ((domestic))
36 animals and not allowed to have anything in common therewith.

1 **Sec. 22.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read
2 as follows:

3 The director shall have general supervision of the prevention of
4 the spread and the suppression of infectious, contagious, communicable
5 and dangerous diseases affecting animals within, in transit through and
6 being imported into the state. The director may establish and enforce
7 quarantine of and against any and all ((domestic)) animals which are
8 affected with any such disease or that may have been exposed to others
9 thus affected, whether within or without the state, for such length of
10 time as he or she deems necessary to determine whether any such animal
11 is infected with any such disease. The director shall also enforce and
12 administer the provisions of this chapter pertaining to garbage feeding
13 and when garbage has been fed to swine, the director may require the
14 disinfection of all facilities, including yard, transportation and
15 feeding facilities, used for keeping such swine.

16 The director shall also have the authority to regulate the sale,
17 distribution, and use of veterinary biologics in the state and may
18 adopt rules to restrict the sale, distribution, or use of any
19 veterinary biologic in any manner the director determines to be
20 necessary to protect the health and safety of the public and the
21 state's animal population.

22 The director shall also have the authority to adopt rules governing
23 the importation and care of alternative livestock. In adopting the
24 rules, the department shall consult with the department of wildlife of
25 the state of Washington.

26 **Sec. 23.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to
27 read as follows:

28 It is unlawful for a person to intentionally falsely make,
29 complete, alter, use, or sign an animal health certificate, certificate
30 of veterinary inspection, or official written animal health instrument
31 of the department of agriculture. It ((shall be)) is unlawful for any
32 person, or any railroad or transportation company, or other common
33 carrier, to bring into this state for any purpose any domestic animals,
34 exotic wildlife, or alternative livestock without first having secured
35 an official health certificate or certificate of veterinary inspection,
36 certified by the state veterinarian of origin that such animals meet
37 the health requirements ((promulgated)) adopted by the director of
38 agriculture of the state of Washington((:—PROVIDED, That)). This

1 section shall not apply to domestic animals imported into this state
2 for immediate slaughter, or domestic animals imported for the purpose
3 of unloading for feed, rest, and water, for a period not in excess of
4 twenty-eight hours except upon prior permit therefor secured from the
5 director of agriculture. It (~~shall be~~) is unlawful for any person to
6 divert en route for other than to an approved, inspected stockyard for
7 immediate slaughter or to sell for other than immediate slaughter or to
8 fail to slaughter within fourteen days after arrival, any animal
9 imported into this state for immediate slaughter. It (~~shall be~~) is
10 unlawful for any person, railroad, transportation company, or other
11 common carrier, to keep any domestic animals which are unloaded for
12 feed, rest and water in other than quarantined pens, or not to report
13 any missing animals to the director of agriculture at the time the
14 animals are reloaded.

15 **Sec. 24.** RCW 16.36.040 and 1979 c 154 s 10 are each amended to
16 read as follows:

17 The director of agriculture shall have power to (~~promulgate~~)
18 adopt and enforce such reasonable rules(~~(, regulations)~~) and orders as
19 he or she may deem necessary or proper to prevent the introduction or
20 spreading of infectious, contagious, communicable, or dangerous
21 diseases affecting domestic animals, exotic wildlife, or alternative
22 livestock in this state, and to (~~promulgate~~) adopt and enforce such
23 reasonable rules(~~(, regulations)~~) and orders as he or she may deem
24 necessary or proper governing the inspection and test of all animals
25 within or about to be imported into this state, and to (~~promulgate~~)
26 adopt and enforce (~~(intereounty)~~) intrastate embargoes, hold orders,
27 and quarantine (~~(to prevent the shipment, trailing, trucking,~~
28 ~~transporting or movement of bovine animals from any county that has not~~
29 ~~been declared modified accredited by the United States department of~~
30 ~~agriculture, animal and plant health inspection service, for~~
31 ~~tuberculosis and/or certified brucellosis free, into a county which has~~
32 ~~been declared modified accredited by the United States department of~~
33 ~~agriculture, animal and plant health inspection service, for~~
34 ~~tuberculosis and/or certified brucellosis free, unless such animals are~~
35 ~~accompanied by a negative certificate of tuberculin test made within~~
36 ~~sixty days and/or a negative brucellosis test made within the forty-~~
37 ~~five day period prior to the movement of such animal into such county,~~
38 ~~issued by a duly authorized veterinary inspector of the state~~

1 department of agriculture, or of the United States department of
2 agriculture, animal and plant health inspection service, or an
3 accredited veterinarian authorized by permit issued by the director of
4 agriculture to execute such certificate)).

5 **Sec. 25.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read
6 as follows:

7 It (~~shall be~~) is unlawful for any person to willfully hinder,
8 obstruct, or resist the director of agriculture or any duly authorized
9 representative, or any peace officer acting under him or her or them,
10 when engaged in the performance of the duties or in the exercise of the
11 powers conferred by this chapter, and it shall be unlawful for any
12 person to willfully fail to comply with or violate any rule(~~(~~
13 ~~regulation)~~) or order (~~(promulgated)~~) adopted by the director of
14 agriculture or his or her duly authorized representatives under the
15 provisions of this chapter. The director of agriculture shall have the
16 authority under such rules (~~(and regulations)~~) as shall be
17 (~~(promulgated)~~) adopted by (~~(him)~~) the director to enter at any
18 reasonable time the premises of any (~~(livestock)~~) domestic animals,
19 exotic wildlife, or alternative livestock owner to make tests on any
20 animals for diseased conditions, and it (~~shall be~~) is unlawful for
21 any person to interfere with such tests in any manner, or to violate
22 any segregation or identification order made in connection with such
23 tests by the director of agriculture, or his or her duly authorized
24 representative.

25 **Sec. 26.** RCW 16.36.070 and 1947 c 172 s 6 are each amended to read
26 as follows:

27 Whenever a majority of any board of health, board of county
28 commissioners, city council or other governing body of any incorporated
29 city or town, or trustees of any township, whether in session or not,
30 shall, in writing or by telegraph, notify the director of agriculture
31 of the prevalence of or probable danger of infection from any of the
32 diseases of domestic animals, exotic wildlife, or alternative livestock
33 the director of agriculture personally, or by the supervisor of dairy
34 and livestock, or by a duly appointed and deputized veterinarian of the
35 division of (~~(dairy and livestock)~~) food safety and animal health,
36 shall at once go to the place designated in said notice and take such
37 action as the exigencies may in his or her judgment demand, and may in

1 case of an emergency appoint deputies or assistants, with equal power
2 to act. The compensation to be paid such emergency deputies and
3 assistants, shall be fixed by the director of agriculture in conformity
4 with the standards effective in the locality in which the services are
5 performed.

6 **Sec. 27.** RCW 16.36.080 and 1947 c 172 s 7 are each amended to read
7 as follows:

8 It (~~shall be~~) is unlawful for any person registered to practice
9 veterinary medicine, surgery and dentistry in this state not to
10 immediately report in writing to the director of agriculture the
11 discovery of the existence or suspected existence among domestic
12 animals, exotic wildlife, or alternative livestock within the state of
13 any reportable diseases as published by the director of agriculture.

14 **Sec. 28.** RCW 16.36.100 and 1927 c 165 s 10 are each amended to
15 read as follows:

16 The governor and the director of agriculture shall have the power
17 to cooperate with the government of the United States in the prevention
18 and eradication of diseases of domestic animals, exotic wildlife, or
19 alternative livestock and the governor shall have the power to receive
20 and receipt for any moneys receivable by this state under the
21 provisions of any act of congress and pay the same into the hands of
22 the state treasurer as custodian for the state to be used and expended
23 in carrying out the provisions of this act and the act or acts of
24 congress under which said moneys are paid over to the state.

25 **Sec. 29.** RCW 16.57.010 and 1989 c 286 s 22 are each amended to
26 read as follows:

27 For the purpose of this chapter:

28 (1) "Department" means the department of agriculture of the state
29 of Washington.

30 (2) "Director" means the director of the department or a duly
31 appointed representative.

32 (3) "Person" means a natural person, individual, firm, partnership,
33 corporation, company, society, and association, and every officer,
34 agent or employee thereof. This term shall import either the singular
35 or the plural as the case may be.

1 (4) "Livestock" includes, but is not limited to, horses, mules,
2 cattle, sheep, swine, goats, poultry (~~and~~), rabbits, and alternative
3 livestock as defined in section 2 of this act.

4 (5) "Brand" means a permanent fire brand or any artificial mark,
5 other than an individual identification symbol, approved by the
6 director to be used in conjunction with a brand or by itself.

7 (6) "Production record brand" means a number brand which shall be
8 used for production identification purposes only.

9 (7) "Brand inspection" means the examination of livestock or
10 livestock hides for brands or any means of identifying livestock or
11 livestock hides and/or the application of any artificial identification
12 such as back tags or ear clips necessary to preserve the identity of
13 the livestock or livestock hides examined.

14 (8) "Individual identification symbol" means a permanent mark
15 placed on a horse for the purpose of individually identifying and
16 registering the horse and which has been approved for use as such by
17 the director.

18 (9) "Registering agency" means any person issuing an individual
19 identification symbol for the purpose of individually identifying and
20 registering a horse.

21 **Sec. 30.** RCW 16.52.010 and 1901 c 146 s 17 are each amended to
22 read as follows:

23 In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and
24 16.52.100 through 16.52.180 the singular shall include the plural; the
25 word "animal" shall be held to include every living creature, except
26 man; the words "torture," "torment," and "cruelty," shall be held to
27 include every act, omission, or neglect whereby unnecessary or
28 unjustifiable physical pain or suffering is caused or permitted; and
29 the words "owner" and "person" shall be held to include corporations as
30 well as individuals; and the knowledge and acts of agents of and
31 persons employed by corporations in regard to animals transported,
32 owned, or employed by, or in the custody of such corporations, shall be
33 held to be the act and knowledge of such corporations as well as of
34 such agents or employees.

35 "Domestic animal" for the purposes of this chapter shall include
36 alternative livestock as defined in section 2 of this act.

1 NEW SECTION. **Sec. 31.** Sections 1 through 13, 15, and 16 of this
2 act shall constitute a new chapter in Title 15 RCW."

3 **ESHB 1135** - S COMM AMD
4 By Committee on Agriculture

5
6 On page 1, line 1 of the title, after "livestock;" strike the
7 remainder of the title and insert "amending RCW 19.85.020, 77.08.010,
8 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060,
9 16.36.070, 16.36.080, 16.36.100, 16.57.010, and 16.52.010; adding a new
10 section to chapter 16.49A RCW; adding a new chapter to Title 15 RCW;
11 and creating a new section."

--- END ---