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HOUSE BILL 1151

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler

Read first time 01/11/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to animal identification programs; and adding a new  
2 chapter to Title 16 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that this state has  
5 entered into agreements with the federal government and otherwise may  
6 have participated in establishing a national animal identification  
7 system. The legislature finds that existing means for identifying and  
8 tracking animals have been sufficient to trace outbreaks of animal  
9 diseases, and that there is no scientific evidence that mass, uniform  
10 tagging and tracking of animals will improve this state's or nation's  
11 ability to prevent, control, or respond to an outbreak of animal  
12 disease, whether natural or intentionally introduced. The legislature  
13 finds that the fostering of livestock ownership and farming is in the  
14 best interests of this state and its citizens, and that the  
15 establishment of a national or state animal identification system is  
16 detrimental to individual ownership and raising of livestock. The  
17 legislature therefore directs that this state shall not participate in  
18 or establish a mandatory or voluntary animal identification system.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Animal" means all members of the animal kingdom except humans,  
4 fish, and insects. "Animal" does not include undomesticated animals  
5 living in the wild.

6        (2) "Department" means the department of agriculture of the state  
7 of Washington.

8        (3) "Director" means the director of the department or his or her  
9 duly authorized representative.

10       (4) "Livestock" means equines (horses, mules, donkeys, burros);  
11 bovines (cattle and bison); cervids (deer and elk); ovine (sheep);  
12 caprine (goats); porcine (swine); camelids (llamas and alpacas);  
13 poultry (chickens, ducks, emu, geese, guineas, pheasants, quail,  
14 turkeys); and any other animal that the federal government may have  
15 included in the national animal identification system. "Livestock"  
16 does not include undomesticated animals living in the wild.

17       (5) "Person" means individuals, corporations, partnerships,  
18 associations, or other legal entities and agents of those entities.

19       (6) "Premises" means a location where livestock are raised, held,  
20 or boarded.

21       (7) "Source verification program" means the national animal  
22 identification system (NAIS) or any other program that tracks  
23 individual animals or groups of animals in order to determine the  
24 origin of such animal or group, the identity of all other animals that  
25 have been in contact with it, and the location of all premises at which  
26 it has been held in its lifetime.

27       NEW SECTION.    **Sec. 3.**    (1) This state shall not establish nor  
28 participate in the national animal identification system or any other  
29 source verification program.

30       (2) The prohibition in this section also applies to the components  
31 of a source verification program including premises registration and  
32 data bases, animal identification and data bases, and animal movement  
33 tracing and data bases.

34       (3) All cooperative agreements between the federal government and  
35 this state, or between this state and other states, established before  
36 the effective date of this section and related to the establishment of  
37 animal tracking, tagging, registration, or information data bases,

1 premises registration, or information data bases, use of microchips for  
2 animal tagging purposes, and other matters related to the national  
3 animal identification system are hereby terminated and null and void as  
4 to this state's participation.

5 (4) Immediately upon the effective date of this section, any  
6 identification lists or data bases created using, in whole or in part,  
7 federal funds under the national animal identification system, shall be  
8 void and shall not be used for any purpose by any governmental, public,  
9 or private person or entity. This provision does not include lists and  
10 data bases that were created solely for the purposes of addressing  
11 specific diseases in specific species of livestock, except to the  
12 extent that such lists have been used for the national animal  
13 identification system program.

14 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed as  
15 prohibiting the state from establishing or participating in disease  
16 control programs specifically designed to address a known disease in a  
17 specific species of livestock.

18 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed as  
19 prohibiting the state from operating livestock identification, brand  
20 registration, and inspection programs as authorized by chapters 16.57,  
21 16.58, and 43.23 RCW.

22 NEW SECTION. **Sec. 6.** Nothing in this chapter may be construed as  
23 prohibiting private agricultural industry organizations from  
24 establishing voluntary source verification programs for their own  
25 members or others who elect to participate. However, any private  
26 system is subject to the following conditions and limitations:

27 (1) The program must provide for full and informed consent of all  
28 participants, including disclosure of the entire program, the possible  
29 uses of information collected thereunder, and every entity or person to  
30 whom such information may be disclosed;

31 (2) Persons who voluntarily enroll in the program shall be allowed  
32 to withdraw from the program at any time and their personal information  
33 shall be permanently removed from program records;

34 (3) No public funds may be used to support such a program;

1 (4) The private program shall not be used to gain unfair  
2 competitive advantage, but shall be considered a commercial term  
3 subject to laws restricting unfair competition; and

4 (5) A private source verification program identification system,  
5 device, or marking shall not obliterate or supersede or otherwise make  
6 unreadable this state's or any local entity's brand or mark on any  
7 animal. A source verification program's rules may not supersede this  
8 state's brand or marking system rules as a matter of law.

9 NEW SECTION. **Sec. 7.** (1) No services, compensation, favors,  
10 payments, credits, benefits, licenses, permits, certifications,  
11 insurance or risk management coverage, special consideration, or other  
12 incentives may be provided by any public or private person, directly or  
13 indirectly, to any participant in an animal identification or premises  
14 registration program based solely on that person's participation in  
15 such program.

16 (2) No services, compensation, favors, payments, credits, benefits,  
17 licenses, permits, certifications, insurance or risk management  
18 coverage, special consideration, or other incentives may be denied,  
19 revoked, or limited by any public or private person, directly or  
20 indirectly, based solely on that person's lack of participation in an  
21 animal identification or premises registration program.

22 (3) Neither this state nor any local government in this state may  
23 require any of its suppliers to participate in a premises registration  
24 or animal identification program as a condition of supplying goods or  
25 services.

26 (4) Failure to participate in a premises registration or animal  
27 identification program, or the providing of services to persons who are  
28 not participants in a premises registration or animal identification  
29 program, shall not be a crime, an element of any crime, or evidence of  
30 any negligence or gross negligence on the part of any livestock owner  
31 or provider of goods or services.

32 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
33 a new chapter in Title 16 RCW.

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