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SENATE BILL 5204

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State of Washington

60th Legislature

2007 Regular Session

By Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture

Read first time 01/12/2007. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to the enforcement of animal health laws; amending  
2 RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections  
3 to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing  
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.36 RCW  
7 to read as follows:

8 The director may establish points of inspection for vehicles  
9 transporting animals on the public roads of this state to determine if  
10 the animals being transported are accompanied by valid health  
11 certificates, permits, or other documents as required by this chapter  
12 or its rules. Vehicles transporting animals on the public roads of  
13 this state are subject to inspection and must stop at any posted  
14 inspection point established by the director. The director or  
15 appointed officers are authorized to stop a vehicle transporting  
16 animals upon the public roads of this state at a place other than an  
17 inspection point if there is reasonable cause to believe the animals  
18 are being transported in violation of this chapter or its rules.

1       **Sec. 2.** RCW 16.36.050 and 1998 c 8 s 5 are each amended to read as  
2 follows:

3       It is unlawful for any person to:

4       (1) Bring into this state for any purpose any animals without first  
5 having secured an official health certificate or certificate of  
6 veterinary inspection, reviewed by the state veterinarian of the state  
7 of origin that the animals meet the health requirements of the state of  
8 Washington. This subsection does not apply to livestock imported into  
9 this state for immediate slaughter, or other animals exempted by rule;

10       (2)(a) Divert en route to other than an approved, inspected feedlot  
11 for subsequent slaughter or ~~((to))~~ (b) sell for other than immediate  
12 slaughter or ~~((to))~~ (c) fail to slaughter or deliver to a slaughter  
13 establishment within ~~((seven))~~ three calendar days after ~~((arrival))~~  
14 entry, any animal imported into this state for immediate slaughter;

15       (3) Intentionally falsely make, complete, alter, use, or sign an  
16 animal health certificate, certificate of veterinary inspection, or  
17 official written animal health document of the department;

18       (4) Intentionally falsely apply, alter, or remove an official  
19 animal health or official animal identification tag, permanent mark, or  
20 other device;

21       (5) Willfully hinder, obstruct, or resist the director, or any  
22 peace officer or deputized state veterinarian acting under him or her,  
23 when engaged in the performance of their duties; or

24       ~~((+5))~~ (6) Willfully fail to comply with or to violate any rule or  
25 order adopted by the director under this chapter.

26       NEW SECTION. **Sec. 3.** A new section is added to chapter 16.36 RCW  
27 to read as follows:

28       Any person found transporting animals on the public roads of this  
29 state that are not accompanied by valid health certificates, permits,  
30 or other documents as required by this chapter or its rules has  
31 committed a class 1 civil infraction. The director is authorized to  
32 issue notices of and enforce civil infractions in the manner prescribed  
33 under chapter 7.80 RCW.

34       NEW SECTION. **Sec. 4.** A new section is added to chapter 16.36 RCW  
35 to read as follows:

36       Any person in violation of this chapter or its rules may be subject

1 to a civil penalty in an amount of not more than one thousand dollars  
2 for each violation. Each violation is a separate and distinct offense.  
3 Every person who, through an act of commission or omission, procures,  
4 aids, or abets in the violation is in violation of this chapter or its  
5 rules and may be subject to the civil penalty provided in this section.  
6 Moneys collected under this section must be deposited in the state  
7 general fund.

8 **Sec. 5.** RCW 16.36.010 and 2004 c 251 s 1 are each amended to read  
9 as follows:

10 (1) The director shall supervise the prevention of the spread and  
11 the suppression of infectious, contagious, communicable, and dangerous  
12 diseases affecting animals within, in transit through, and imported  
13 into the state.

14 (2) The director may issue a quarantine order and enforce the  
15 quarantine of any animal or its reproductive products when any animal  
16 or its reproductive products are affected with or have been exposed to  
17 disease or when there is reasonable cause to investigate whether any  
18 animal or its reproductive products are affected with or have been  
19 exposed to disease, either within or outside the state. Overt disease  
20 or exposure to disease in any animal or its reproductive products need  
21 not be immediately obvious for a quarantine order to be issued or  
22 enforced. The quarantine shall remain in effect as long as the  
23 director deems necessary.

24 (3) The director may issue a hold order when:

25 (a) Overt disease or exposure to disease in an animal is not  
26 immediately obvious but there is reasonable cause to investigate  
27 whether an animal is diseased or has been exposed to disease;

28 (b) Import health papers, permits, or other transportation  
29 documents required by law or rule are not complete or are suspected to  
30 be fraudulent; or

31 (c) Further transport of an animal would jeopardize the well-being  
32 of the animal or other animals in Washington state.

33 A hold order is in effect for (~~seven~~) fourteen days and expires  
34 (~~at~~) when released by the director or no later than midnight on the  
35 (~~seventh~~) fourteenth day from the date of the hold order. A hold  
36 order may be replaced with a quarantine order for the purpose of animal  
37 disease control.

1 (4) Any animal or animal reproductive product placed under a  
2 quarantine or hold order shall be kept separate and apart from other  
3 animals designated in the instructions of the quarantine or hold order,  
4 and shall not be allowed to have anything in common with other animals.

5 (5) The expenses of handling and caring for any animal or animal  
6 reproductive product placed under a quarantine or hold order are the  
7 responsibility of the owner.

8 (6) The director has authority over the quarantine or hold area  
9 until the quarantine or hold order is released or the hold order  
10 expires.

11 (7) Any animal or animal reproductive product placed under a  
12 quarantine or hold order may not be moved, transported, or sold without  
13 written approval from the director or until the quarantine or hold  
14 order is released, or the hold order expires.

15 (8) The director may administer oaths and examine witnesses and  
16 records in the performance of his or her duties to control diseases  
17 affecting animals.

18 **Sec. 6.** RCW 20.01.610 and 2003 c 395 s 10 are each amended to read  
19 as follows:

20 The director may establish points of inspection for vehicles  
21 transporting agricultural products on the public roads of this state.  
22 Vehicles transporting agricultural products on the public roads of this  
23 state are subject to inspection and must stop at any posted inspection  
24 point established by the director. The director or appointed officers  
25 may stop a vehicle transporting agricultural products upon the public  
26 roads of this state at a place other than an inspection point if there  
27 is reasonable cause to believe the carrier, seller, or buyer may be in  
28 violation of this chapter. Any operator of a vehicle failing or  
29 refusing to stop when directed to do so has committed a civil  
30 infraction.

31 The director and appointed officers shall work to ensure that  
32 vehicles carrying perishable agricultural products are detained no  
33 longer than is absolutely necessary for a prompt assessment of  
34 compliance with this chapter. If a vehicle carrying perishable  
35 agricultural products is found to be in violation of this chapter, the  
36 director or appointed officers shall promptly issue necessary notices

1 of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and  
2 shall allow the vehicle to continue toward its destination without  
3 further delay.

4 **Sec. 7.** RCW 20.01.380 and 1991 c 109 s 21 are each amended to read  
5 as follows:

6 Every dealer or cash buyer purchasing any agricultural products  
7 from the consignor thereof shall promptly make and keep for three years  
8 a correct record showing in detail the following:

9 (1) The name and address of the consignor.

10 (2) The date received.

11 (3) The terms of the sale.

12 (4) The quality and quantity delivered by the consignor, and where  
13 applicable the dockage, tare, grade, size, net weight, or quantity.

14 (5) An itemized statement of any charges paid by the dealer or cash  
15 buyer for the account of the consignor.

16 (6) The name and address of the purchaser: PROVIDED, That the name  
17 and address of the purchaser may be deleted from the record furnished  
18 to the consignor.

19 A copy of such record containing the above matters shall be  
20 forwarded to the consignor forthwith.

21 Livestock dealers must also maintain individual animal  
22 identification and disposition records as may be required by law, or  
23 (~~regulation~~) rule adopted by the director.

24 Livestock dealers must carry animal identification and animal  
25 health documents as required by chapters 16.36 and 16.57 RCW and rules  
26 adopted by the director under those chapters.

27 NEW SECTION. **Sec. 8.** RCW 16.36.092 is recodified as a new section  
28 in chapter 16.36 RCW to be codified between RCW 16.36.100 and  
29 16.36.105.

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