
SENATE BILL 6338

State of Washington

60th Legislature

2008 Regular Session

By Senators Jacobsen and Franklin

Read first time 01/15/08. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to labeling the country of origin of meat; adding
2 a new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** LABELING. (1) All producers, growers, and
5 shippers of beef, pork, poultry, or lamb in this state shall label each
6 individual portion, piece, or package of beef, pork, poultry, or lamb
7 in a conspicuous place as legibly, indelibly, and permanently as the
8 nature of the commodity will permit, in a manner that indicates to an
9 ultimate purchaser that the product was produced in Washington.

10 (2) Muscle cuts and ground beef, pork, poultry, or lamb, including
11 any package that contains any blending of foreign and domestic product,
12 that is produced in any country other than the United States and
13 offered for retail sale in Washington must be labeled with a placard in
14 a manner that indicates to an ultimate purchaser the country of origin.

15 (3) If one of the products listed in subsection (2) of this section
16 is unlabeled and the retail vendor is unable to determine its country
17 of origin, the product must be labeled with a placard as "country of
18 origin unknown."

1 (4) All retail vendors engaged in the business of selling products
2 that are labeled or identified as to country of origin are prohibited
3 from willfully or knowingly removing the labels or identifying marks.

4 (5) A placard is not required for prepared foods for immediate sale
5 or ready to eat.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter.

8 (1) "Department" means the department of agriculture.

9 (2) "Knowingly" means, with respect to conduct or to a circumstance
10 described by an offense, that the person is aware of the person's own
11 conduct or that the circumstance exists. A person acts knowingly with
12 respect to the result of conduct described by a statute defining an
13 offense when the person is aware that it is highly probable that the
14 result will be caused by the person's conduct. When knowledge of the
15 existence of a particular fact is an element of an offense, knowledge
16 is established if a person is aware of a high probability of its
17 existence.

18 (3) "Label" means a display of written, printed, or graphic matter
19 on the immediate container of an article. "Immediate container" does
20 not include package liners.

21 (4) "Labeling" means labels and other written, printed, or graphic
22 matter: (a) On an article or its containers or wrappers; or (b)
23 accompanying the article.

24 (5) "Package" means a container or wrapping in which a consumer
25 commodity is enclosed for use in the delivery or display of that
26 consumer commodity to retail purchasers. "Package" does not include:
27 (a) Shipping containers or wrappings used solely for the transportation
28 of a consumer commodity in bulk or in quantity to manufacturers,
29 packers, or processors or to wholesale or retail distributors; or (b)
30 shipping containers or outer wrappings used by retailers to ship or
31 deliver a commodity to retail customers if the containers and wrappings
32 bear no printed matter pertaining to a particular commodity.

33 (6) "Person" means an individual, partnership, corporation,
34 company, society, or association.

35 (7) "Placard" means a nonpermanent sign used to display or describe
36 food items for sale in a food service establishment or retail meat
37 establishment.

1 (8) "Purposely" means, with respect to a result or to conduct
2 described by a statute defining an offense, that it is the person's
3 conscious object to engage in that conduct or to cause that result.
4 When a particular purpose is an element of an offense, the element is
5 established although the purpose is conditional, unless the condition
6 negates the harm or evil sought to be prevented by the law defining the
7 offense.

8 NEW SECTION. **Sec. 3. PENALTIES.** (1) A person engaged in the
9 business of retail vending of muscle cuts and ground beef, pork,
10 poultry, or lamb who knowingly or purposely offers those products for
11 sale without ensuring that the products are clearly labeled as to the
12 country of origin, as provided in section 1(2) of this act, is subject
13 to the penalties in this subsection.

14 (a) For a first offense, a vendor shall be fined an amount not to
15 exceed one hundred dollars;

16 (b) For a second offense, a vendor shall be fined an amount not to
17 exceed two hundred fifty dollars; and

18 (c) For a third or subsequent offense, a vendor shall be fined an
19 amount not to exceed five hundred dollars.

20 (2) A person engaged in the business of retail vending of beef,
21 pork, poultry, or lamb who knowingly removes any labels or identifying
22 marks from beef, pork, poultry, or lamb that is labeled as to the
23 country of origin is guilty of a misdemeanor and upon conviction shall
24 be fined an amount not to exceed five hundred dollars or be imprisoned
25 in the county jail for a term not to exceed six months, or both.

26 NEW SECTION. **Sec. 4. RULE-MAKING AUTHORITY.** (1) The department
27 may adopt rules to implement and enforce this chapter. The rules
28 adopted by the department may include but are not limited to:

29 (a) Statements that delineate the difference between imported and
30 unimported raw agricultural commodities for the purpose of this
31 chapter;

32 (b) The preferred labeling or placarding method for each commodity
33 type identified in this chapter; and

34 (c) Other rules that the department considers necessary to enforce
35 this chapter.

1 (2) The rules adopted to implement this chapter may not unduly
2 restrict a person from conducting business.

3 NEW SECTION. **Sec. 5.** CONFLICT WITH FEDERAL REQUIREMENTS. If any
4 provision of this act or its application to any person or circumstance
5 is held invalid due to a conflict with federal law, the conflicting
6 part of this act is inoperative solely to the extent of the conflict,
7 and such holding does not affect the operation of the remainder of this
8 act or the application of the provision to other persons or
9 circumstances.

10 NEW SECTION. **Sec. 6.** SHORT TITLE. This chapter may be known and
11 cited as the country of origin labeling act.

12 NEW SECTION. **Sec. 7.** CAPTIONS NOT LAW. Captions used in this
13 chapter are not any part of the law.

14 NEW SECTION. **Sec. 8.** SEVERABILITY. If any provision of this act
15 or its application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
19 a new chapter in Title 16 RCW.

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