

HOUSE BILL REPORT

SSB 6026

As Passed House:

April 6, 1995

Title: An act relating to Washington state agricultural commodities.

Brief Description: Using "Washington state grown" for agricultural commodities.

Sponsors: Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Loveland, A. Anderson, Morton, Bauer, Snyder, Newhouse, Winsley and Kohl).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/20/95, 3/30/95 [DP].

Floor Activity:

Passed House: 4/6/95, 97-0.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Staff: Kenneth Hirst (786-7105).

Background: The State's Consumer Protection Act declares that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful. The Attorney General is authorized to bring an action against any person to restrain and prevent a violation of this prohibition. A person injured in his or her business or property by such a violation may bring an action in the Superior Court to enjoin further violations and to recover actual damages and costs of the suit, including a reasonable attorney's fee. In such a suit, the court may increase the award of damages to an amount equal to treble damages, but not more than \$10,000. An action to recover damages must be taken within four years.

Summary of Bill: An agricultural commodity grown or raised in this state may be advertised, labeled or otherwise held out as "Washington State grown." Agricultural

products not grown or raised in this state may not be so held out, nor may they be held out in a way that implies that they were grown or raised in this state. A violation of this prohibition is unlawful and an unfair or deceptive act and an unfair method of competition under the State's Consumer Protection Act.

For this purpose, "agricultural commodity" means llamas, alpacas, or any other animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, or animal product including products qualifying as organic food products and private sector cultured aquatic products and other fish and fish products, within its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Protection of a "Washington State grown" label is beneficial to the State's agricultural industry.

Testimony Against: None.

Testified: Senator Rasmussen (prime sponsor); and Mike Schwisow, Washington State Potato Commission and Oregon-Washington Dairy Processors (pro).