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**SUBSTITUTE SENATE BILL 5839**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Agriculture & Agricultural Trade & Development  
(originally sponsored by Senators Rasmussen and A. Anderson)

Read first time 03/01/95.

1 AN ACT Relating to alternative livestock farming; amending RCW  
2 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060,  
3 16.36.070, 16.36.080, and 16.36.100; and adding a new chapter to Title  
4 16 RCW.

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

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

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

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

17 The legislature finds that alternative livestock farming should be  
18 considered a branch of the agricultural industry of the state for  
19 purposes of laws that apply to or provide for the advancement, benefit,

1 or protection of the agriculture industry within the state. The  
2 legislature further finds, however, that alternative livestock farming  
3 may pose threats to the state's wildlife, and therefore requires  
4 effective regulation to minimize these threats.

5 Therefore, it is the policy of this state to protect wildlife and  
6 existing domestic livestock industries by providing for effective  
7 regulation of alternative livestock farming including but not limited  
8 to a disease inspection and control program for alternative livestock  
9 farming operations.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
11 otherwise, the definitions in this section apply throughout this  
12 chapter.

13 (1) "Alternative livestock" means those species classified under  
14 the provisions of section 9 of this act, so long as the alternative  
15 livestock are: Confined by humans; raised or used in farm or ranch  
16 operations in the private sector; and produced on the farm or ranch or  
17 legally acquired for the farm or ranch. "Alternative livestock" does  
18 not include: Wildlife as defined in RCW 77.08.010(16); domestic dogs  
19 (canis familiaris) or domestic cats (felis domestica); private-sector  
20 aquatic products as defined in and regulated under chapter 15.85 RCW;  
21 animals raised for release into the wild; animals raised for the  
22 purpose of hunting that takes place in this state; or fur farming and  
23 game farming as currently allowed and regulated by chapters 16.72 and  
24 77.32 RCW.

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

29 (3) "Alternative livestock products" means the agricultural  
30 products of alternative livestock including, but not limited to, meat  
31 and meat products, velvet, antlers, horns, leather, hides, feathers,  
32 eggs, gametes, and genetic materials. "Alternative livestock products"  
33 does not include a product that is required to be identified under  
34 section 5 of this act and that is not identified as required.

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

36 NEW SECTION. **Sec. 3.** The department is the principal state agency  
37 for providing state marketing support services for the alternative

1 livestock industry. The department shall exercise its authorities,  
2 including those provided by chapters 15.64, 15.65, 15.66, and 43.23  
3 RCW, to develop a program for assisting the alternative livestock  
4 industry to market and promote the use of its products.

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

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

18 NEW SECTION. **Sec. 6.** The department shall, in consultation with  
19 the department of fish and wildlife and other interests, develop a  
20 program of disease inspection and control for alternative livestock.  
21 The purpose of the program is to protect the domestic and alternative  
22 livestock industries from the loss of animals or productivity to  
23 disease and to protect wildlife in this state.

24 The department shall adopt new or amend existing rules in  
25 conformance with chapter 34.05 RCW. The department shall administer a  
26 program of disease inspection and control for alternative livestock.  
27 As used in this section "disease" means, in addition its ordinary  
28 meanings, infestations of parasites or pests.

29 NEW SECTION. **Sec. 7.** The owner of a farm or ranch for alternative  
30 livestock shall register the farm or ranch annually with the  
31 department. The director shall develop and maintain a registration  
32 list of all alternative livestock farms and ranches. Registered  
33 alternative livestock farms and ranches shall provide the department  
34 production statistical data. The director of agriculture and the  
35 director of fish and wildlife shall establish by rule reasonable annual

1 registration fees sufficient to cover the costs of development of rules  
2 and the administration of this chapter and the rules adopted under this  
3 chapter. Fees may differ between species based upon factors including  
4 but not limited to economic value, degree of services required, and  
5 complexity of rules. Fees collected under this section shall be  
6 allocated evenly between the alternative livestock farm account, hereby  
7 created, within the agricultural local fund and the wildlife fund, and  
8 shall be used solely to carry out the provisions of this chapter.

9 NEW SECTION. **Sec. 8.** The director of agriculture and the director  
10 of fish and wildlife shall study, with input from the alternative  
11 livestock industry and other interested parties, the needs for assuring  
12 adequate fences or other methods of enclosure for various species of  
13 alternative livestock. The directors shall jointly adopt rules  
14 establishing enclosure standards for one or more types of alternative  
15 livestock as deemed necessary to assure adequate protection to domestic  
16 livestock, wildlife, and alternative livestock.

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

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

32 NEW SECTION. **Sec. 9.** (1) Animals shall be classified as  
33 alternative livestock under the process established in this section.

34 (2) A species may be petitioned for regulation by the director of  
35 fish and wildlife, the director of agriculture, or any person by filing  
36 with either department a completed written petition requesting the  
37 joint regulation of a species under this chapter.

1 (3) The directors may decide if and how a species is to be  
2 regulated through jointly adopted rules. Each determination shall be  
3 in writing and shall be published in the Washington State Register.

4 (4) If the directors do not reach agreement as to whether and how  
5 a species should be regulated under this chapter, the directors will  
6 convene a scientific review panel that will make a written  
7 recommendation to the directors as to the status of the species in  
8 question.

9 (5) Wildlife shall be regulated by the department of fish and  
10 wildlife and may not be classified under this chapter as alternative  
11 livestock.

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

16 (b) The legal status of a species that is present in the state on  
17 the effective date of this act does not change unless new or amended  
18 rules regarding such species are adopted.

19 NEW SECTION. **Sec. 10.** The director of agriculture and the  
20 director of fish and wildlife shall develop by rule the requirements  
21 for documents, data, scientific evidence, or other items to be  
22 submitted that will constitute a completed written petition for the  
23 purpose of section 9 of this act. The directors shall develop criteria  
24 upon which to make evaluations as to whether and how petitioned species  
25 will be regulated.

26 The department of agriculture and the department of fish and  
27 wildlife may adopt rules in accordance with chapter 34.05 RCW to carry  
28 out the provisions of this chapter.

29 NEW SECTION. **Sec. 11.** All rules of the department of fish and  
30 wildlife and the department of agriculture that are inconsistent with  
31 the provisions of chapter . . . , Laws of 1995 (this act), shall be  
32 amended or repealed to comply with chapter . . . , Laws of 1995 (this  
33 act).

34 **Sec. 12.** RCW 16.36.005 and 1987 c 163 s 1 are each amended to read  
35 as follows:

36 As used in this chapter:

1 "Animal" means all members of the animal kingdom except humans,  
2 fish, and insects.

3 "Director" means the director of agriculture of the state of  
4 Washington or his or her authorized representative.

5 "Department" means the department of agriculture of the state of  
6 Washington.

7 "Domestic livestock" means horses, mules, donkeys, cattle, sheep,  
8 goats, swine, poultry, rabbits, llamas, alpacas, ratites, and other  
9 species so designated by statute.

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

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

22 **Sec. 13.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read  
23 as follows:

24 The word "quarantine" as used in ~~((this act shall))~~ this chapter  
25 and chapter 16.44 RCW means the placing and restraining of any animal  
26 or animals by the owner or agents in charge thereof, either within a  
27 certain described and designated enclosure or area within this state,  
28 or the restraining of any such animal, animals, or animal~~((s))~~ species  
29 from entering this state, as may be directed in writing by the director  
30 of agriculture, or his or her duly authorized representative. Any  
31 animal or animals so quarantined within the state shall at all times be  
32 kept separate and apart from other ~~((domestic))~~ animals and not allowed  
33 to have anything in common therewith.

34 **Sec. 14.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read  
35 as follows:

36 The director shall have general supervision of the prevention of  
37 the spread and the suppression of infectious, contagious, communicable

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

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

18 **Sec. 15.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to  
19 read as follows:

20 It is unlawful for any person to intentionally falsely make,  
21 complete, alter, use, or sign an animal health certificate, certificate  
22 of veterinary inspection, or official written animal health instrument  
23 of the department. It ((shall be)) is unlawful for any person, or any  
24 railroad or transportation company, or other common carrier, to bring  
25 into this state for any purpose any ((domestic)) animals without first  
26 having secured an official health certificate or certificate of  
27 veterinary inspection, ((certified)) reviewed by the state veterinarian  
28 of origin that such animals meet the health requirements  
29 ((promulgated)) adopted by the director of agriculture of the state of  
30 Washington((:—PROVIDED,—That)). This section shall not apply to  
31 domestic ((animals)) livestock imported into this state for immediate  
32 slaughter, or ((domestic)) livestock animals imported for the purpose  
33 of unloading for feed, rest, and water, for a period not in excess of  
34 twenty-eight hours except upon prior permit therefor secured from the  
35 director of agriculture. It ((shall be)) is unlawful for any person to  
36 divert en route for other than to an approved, inspected stockyard for  
37 immediate slaughter or to sell for other than immediate slaughter or to  
38 fail to slaughter within fourteen days after arrival, any animal

1 imported into this state for immediate slaughter. It (~~shall be~~) is  
2 unlawful for any person, railroad, transportation company, or other  
3 common carrier, to keep any (~~domestic~~) animals which are unloaded for  
4 feed, rest and water in other than quarantined pens, or not to report  
5 any missing animals to the director of agriculture at the time the  
6 animals are reloaded. This section does not allow or purport to allow  
7 importation, possession, or uses of animals which are in violation of  
8 Title 77 RCW or the rules adopted thereunder.

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

11       The director of agriculture shall have power to (~~promulgate~~)  
12 adopt and enforce (~~such~~) reasonable rules(~~(regulations)~~) and orders  
13 as he or she may deem necessary or proper to prevent the introduction  
14 or spreading of infectious, contagious, communicable or dangerous  
15 diseases affecting (~~domestic~~) animals in this state, and to  
16 (~~promulgate~~) adopt and enforce (~~such~~) reasonable rules(~~(regulations)~~) and orders as he or she may deem necessary or proper  
17 governing the inspection and (~~test~~) testing of all animals within or  
18 about to be imported into this state, and to (~~promulgate~~) adopt and  
19 enforce (~~intercounty~~) intrastate embargoes, hold orders, and  
20 quarantine (~~to prevent the shipment, trailing, trucking, transporting~~  
21 ~~or movement of bovine animals from any county that has not been~~  
22 ~~declared modified accredited by the United States department of~~  
23 ~~agriculture, animal and plant health inspection service, for~~  
24 ~~tuberculosis and/or certified brucellosis free, into a county which has~~  
25 ~~been declared modified accredited by the United States department of~~  
26 ~~agriculture, animal and plant health inspection service, for~~  
27 ~~tuberculosis and/or certified brucellosis free, unless such animals are~~  
28 ~~accompanied by a negative certificate of tuberculin test made within~~  
29 ~~sixty days and/or a negative brucellosis test made within the forty-~~  
30 ~~five day period prior to the movement of such animal into such county,~~  
31 ~~issued by a duly authorized veterinary inspector of the state~~  
32 ~~department of agriculture, or of the United States department of~~  
33 ~~agriculture, animal and plant health inspection service, or an~~  
34 ~~accredited veterinarian authorized by permit issued by the director of~~  
35 ~~agriculture to execute such certificate)). However, these rules shall  
36 not allow or purport to allow importation, possession, or uses of  
37 animals that are in violation of Title 77 RCW or the rules adopted  
38~~



1 under Title 77 RCW. In adopting such rules for animals other than  
2 domestic livestock, the department shall consult with the department of  
3 fish and wildlife.

4 **Sec. 17.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read  
5 as follows:

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

25 **Sec. 18.** 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~~) facsimile, notify the director of  
31 agriculture of the prevalence of or probable danger of infection from  
32 any of the diseases of (~~domestic~~) animals the director of agriculture  
33 personally, or by the (~~supervisor of dairy and livestock~~) state  
34 veterinarian, 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~~) the notice and  
37 take (~~such~~) action as the exigencies may in his or her judgment

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

6 **Sec. 19.** 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 within the state of any reportable diseases as published by the  
13 director of agriculture.

14 **Sec. 20.** 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 and the governor  
19 shall have the power to receive and receipt for any moneys receivable  
20 by this state under the provisions of any act of congress and pay the  
21 same into the hands of the state treasurer as custodian for the state  
22 to be used and expended in carrying out the provisions of this act and  
23 the act or acts of congress under which (~~said~~) the moneys are paid  
24 over to the state.

25 NEW SECTION. **Sec. 21.** Sections 1 through 11 of this act shall  
26 constitute a new chapter in Title 16 RCW.

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