

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6123

Chapter 8, Laws of 1998

55th Legislature
1998 Regular Session

ANIMAL HEALTH

EFFECTIVE DATE: 6/11/98

Passed by the Senate February 10, 1998

YEAS 47 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House February 27, 1998

YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 11, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6123** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 11, 1998 - 4:15 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6123

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senators Morton and Rasmussen; by request of Department of Agriculture

Read first time 01/12/98. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to animal health; amending RCW 16.36.005,
2 16.36.010, 16.36.020, 16.36.040, 16.36.050, 16.36.060, 16.36.070,
3 16.36.080, 16.36.090, 16.36.096, 16.36.100, 16.36.105, 16.36.110,
4 16.44.130, 16.44.140, 16.44.160, and 43.23.070; adding new sections to
5 chapter 16.36 RCW; recodifying RCW 16.44.130, 16.44.140, and 16.44.160;
6 repealing RCW 9.08.020, 16.36.030, 16.36.103, 16.36.107, 16.36.108,
7 16.36.109, 16.36.120, 16.36.130, 16.44.020, 16.44.030, 16.44.040,
8 16.44.045, 16.44.050, 16.44.060, 16.44.070, 16.44.080, 16.44.090,
9 16.44.110, 16.44.120, 16.44.150, and 16.44.180; and prescribing
10 penalties.

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

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

14 As used in this chapter:

15 "Animal" means all members of the animal kingdom except humans,
16 fish, and insects. However, "animal" does not mean non-captive
17 wildlife as defined in RCW 77.08.010(16), except as used in RCW
18 16.36.050(1) and RCW 16.36.080(1),(2),(3), and (5).

1 "Animal reproductive product" means sperm, ova, fertilized ova, and
2 embryos from animals.

3 "Farm-raised fish" means fish raised by aquaculture as defined in
4 RCW 15.85.020. Farm-raised fish are considered to be a part of animal
5 agriculture; however, disease inspection, prevention, and control
6 programs and related activities for farm-raised fish are administered
7 by the department of fish and wildlife under chapter 75.58 RCW.

8 "Communicable disease" means a disease due to a specific infectious
9 agent or its toxic products transmitted from an infected person,
10 animal, or inanimate reservoir to a susceptible host, either directly
11 or indirectly through an intermediate plant or animal host, vector, or
12 the environment.

13 "Contagious disease" means a communicable disease that is capable
14 of being easily transmitted from one animal to another animal or a
15 human.

16 "Director" means the director of agriculture of the state of
17 Washington or his authorized representative.

18 "Department" means the department of agriculture of the state of
19 Washington.

20 "Deputized state veterinarian" means a Washington state licensed
21 and accredited veterinarian appointed and compensated by the director
22 according to state law and department policies.

23 "Garbage" means the solid animal and vegetable waste and offal
24 together with the natural moisture content resulting from the handling,
25 preparation, or consumption of foods in houses, restaurants, hotels,
26 kitchens, markets, meat shops, packing houses and similar
27 establishments or any other food waste containing meat or meat
28 products.

29 "Herd or flock plan" means a written management agreement between
30 the owner of a herd or flock and the state veterinarian, with possible
31 input from a private accredited veterinarian designated by the owner
32 and the area veterinarian-in-charge of the United States department of
33 agriculture, animal and plant health inspection service, veterinary
34 services in which each participant agrees to undertake actions
35 specified in the herd or flock plan to control the spread of
36 infectious, contagious, or communicable disease within and from an
37 infected herd or flock and to work toward eradicating the disease in
38 the infected herd or flock.

1 "Hold order" means an order by the director to the owner or agent
2 of the owner of animals or animal reproductive products which restricts
3 the animals or products to a designated holding location pending an
4 investigation by the director of the disease, disease exposure, well-
5 being, movement, or import status of the animals or animal reproductive
6 products.

7 "Infectious agent" means an organism including viruses, rickettsia,
8 bacteria, fungi, protozoa, helminthes, or prions that is capable of
9 producing infection or infectious disease.

10 "Infectious disease" means a clinical disease of man or animals
11 resulting from an infection with an infectious agent that may or may
12 not be communicable or contagious.

13 "Livestock" means horses, mules, donkeys, cattle, bison, sheep,
14 goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl,
15 game birds, and other species so designated by statute. "Livestock"
16 does not mean free ranging wildlife as defined in Title 77 RCW.

17 "Person" means a person, persons, firm, or corporation.

18 "Quarantine" means the placing and restraining of any animal or its
19 reproductive products by the owner or agent of the owner within a
20 certain described and designated enclosure or area within this state,
21 or the restraining of any animal or its reproductive products from
22 entering this state, as may be directed in an order by the director.

23 "Reportable disease" means a disease designated by rule by the
24 director as reportable to the department by veterinarians and others
25 made responsible to report by statute.

26 "Veterinary biologic" means any virus, serum, toxin, and analogous
27 product of natural or synthetic origin, or product prepared from any
28 type of genetic engineering, such as diagnostics, antitoxins, vaccines,
29 live microorganisms, killed microorganisms, and the antigenic or
30 immunizing components intended for use in the diagnosis, treatment, or
31 prevention of diseases in animals.

32 **Sec. 2.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read
33 as follows:

34 ~~((The word "quarantine" as used in this act shall mean the placing~~
35 ~~and restraining of any animal or animals by the owner or agents in~~
36 ~~charge thereof, either within a certain described and designated~~
37 ~~enclosure or area within this state, or the restraining of any such~~
38 ~~animal or animals from entering this state, as may be directed in~~

1 ~~writing by the director of agriculture, or his duly authorized~~
2 ~~representative.))~~ (1) The director shall supervise the prevention of
3 the spread and the suppression of infectious, contagious, communicable,
4 and dangerous diseases affecting animals within, in transit through,
5 and imported into the state.

6 (2) The director may issue a quarantine order and enforce the
7 quarantine of any animal or its reproductive products that is affected
8 with or has been exposed to disease, either within or outside the
9 state. The quarantine shall remain in effect as long as the director
10 deems necessary.

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

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

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

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

20 A hold order is in effect for seven days and expires at midnight on
21 the seventh day from the date of the hold order. A hold order may be
22 replaced with a quarantine order for the purpose of animal disease
23 control.

24 (4) Any animal or ((animals so quarantined within the state))
25 animal reproductive product placed under a quarantine or hold order
26 shall ((at all times)) be kept separate and apart from other
27 ((domestic)) animals designated in the instructions of the quarantine
28 or hold order, and shall not be allowed to have anything in common
29 ((therewith)) with other animals.

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

33 (6) The director has authority over the quarantine or hold area
34 until the quarantine or hold order is released or the hold order
35 expires.

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

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

4 **Sec. 3.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read
5 as follows:

6 ~~((The director shall have general supervision of the prevention of~~
7 ~~the spread and the suppression of infectious, contagious, communicable~~
8 ~~and dangerous diseases affecting animals within, in transit through and~~
9 ~~being imported into the state. The director may establish and enforce~~
10 ~~quarantine of and against any and all domestic animals which are~~
11 ~~affected with any such disease or that may have been exposed to others~~
12 ~~thus affected, whether within or without the state, for such length of~~
13 ~~time as he deems necessary to determine whether any such animal is~~
14 ~~infected with any such disease.))~~

15 (1) The director shall ((also)) enforce and administer the
16 provisions of this chapter pertaining to garbage feeding ((and when
17 garbage has been fed to swine, the director may require the
18 disinfection of all facilities, including yard, transportation and
19 feeding facilities, used for keeping such swine)).

20 (2) The director ((shall also have)) has the authority to regulate
21 the sale, distribution, and use of veterinary biologics in the state
22 and may adopt rules to restrict the sale, distribution, or use of any
23 veterinary biologic in any manner ((the director determines to be))
24 necessary to protect the health and safety of the public and the
25 state's animal population.

26 (3) The director has the authority to license and regulate the
27 activities of veterinary laboratories that do not have a veterinarian
28 licensed under chapter 18.92 RCW present within the management or staff
29 of the veterinary laboratory. The director may adopt rules to regulate
30 these laboratories in any manner necessary to protect the health and
31 safety of the public and the public's animals.

32 **Sec. 4.** RCW 16.36.040 and 1979 c 154 s 10 are each amended to read
33 as follows:

34 (1) The director ((of agriculture shall have power to promulgate))
35 may adopt and enforce ((such reasonable)) rules((, regulations and
36 orders as he may deem)) necessary ((or proper to prevent)) to carry out
37 the purpose and provisions of this chapter, and including:

1 (a) Preventing the introduction or spreading of infectious,
2 contagious, communicable, or dangerous diseases affecting ((domestic))
3 animals in this state(~~(, and to promulgate and enforce such reasonable~~
4 ~~rules, regulations and orders as he may deem necessary or proper))~~);

5 (b) Governing the inspection and ((test)) testing of all animals
6 within or about to be imported into this state(~~(, and to promulgate and~~
7 ~~enforce intercounty embargoes and quarantine to prevent the shipment,~~
8 ~~trailing, trucking, transporting or movement of bovine animals from any~~
9 ~~county that has not been declared modified accredited by the United~~
10 ~~States department of agriculture, animal and plant health inspection~~
11 ~~service, for tuberculosis and/or certified brucellosis free, into a~~
12 ~~county which has been declared modified accredited by the United States~~
13 ~~department of agriculture, animal and plant health inspection service,~~
14 ~~for tuberculosis and/or certified brucellosis free, unless such animals~~
15 ~~are accompanied by a negative certificate of tuberculin test made~~
16 ~~within sixty days and/or a negative brucellosis test made within the~~
17 ~~forty five day period prior to the movement of such animal into such~~
18 ~~county, issued by a duly authorized veterinary inspector of the state~~
19 ~~department of agriculture, or of the United States department of~~
20 ~~agriculture, animal and plant health inspection service, or an~~
21 ~~accredited veterinarian authorized by permit issued by the director of~~
22 ~~agriculture to execute such certificate))~~; and

23 (c) Designating any disease as a reportable disease.

24 (2) Rules to prevent the introduction or spread of infectious,
25 contagious, communicable, or dangerous diseases affecting animals in
26 this state may differ from federal regulations by being more
27 restrictive.

28 **Sec. 5.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to read
29 as follows:

30 It ~~((shall be))~~ is unlawful for any person(~~(, or any railroad or~~
31 ~~transportation company, or other common carrier,))~~ to:

32 (1) Bring into this state for any purpose any ((domestic)) animals
33 without first having secured an official health certificate(~~(, or~~
34 ~~certified))~~ or certificate of veterinary inspection, reviewed by the
35 state veterinarian of the state of origin that ((such)) the animals
36 meet the health requirements ((promulgated by the director of
37 agriculture)) of the state of Washington((: PROVIDED, That)). This
38 ((section shall)) subsection does not apply to ((domestic animals))

1 livestock imported into this state for immediate slaughter, or
2 ~~((domestic animals imported for the purpose of unloading for feed,~~
3 ~~rest, and water, for a period not in excess of twenty-eight hours~~
4 ~~except upon prior permit therefor secured from the director of~~
5 ~~agriculture. It shall be unlawful for any person to)) other animals
6 exempted by rule;~~

7 (2) Divert en route ((for)) to other than ((to)) an approved,
8 inspected ((stockyard)) feedlot for ((immediate)) subsequent slaughter
9 or to sell for other than immediate slaughter or to fail to slaughter
10 within ((fourteen)) seven calendar days after arrival, any animal
11 imported into this state for immediate slaughter((. It shall be
12 unlawful for any person, railroad, transportation company, or other
13 common carrier, to keep any domestic animals which are unloaded for
14 feed, rest and water in other than quarantined pens, or not to report
15 any missing animals to the director of agriculture at the time the
16 animals are reloaded));

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

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

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

25 **Sec. 6.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read
26 as follows:

27 ~~((It shall be unlawful for any person to wilfully hinder, obstruct,~~
28 ~~or resist the director of agriculture or any duly authorized~~
29 ~~representative, or any peace officer acting under him or them, when~~
30 ~~engaged in the performance of the duties or in the exercise of the~~
31 ~~powers conferred by this chapter, and it shall be unlawful for any~~
32 ~~person to wilfully fail to comply with or violate any rule, regulation~~
33 ~~or order promulgated by the director of agriculture or his duly~~
34 ~~authorized representatives under the provisions of this chapter. The~~
35 ~~director of agriculture shall have the authority under such rules and~~
36 ~~regulations as shall be promulgated by him to enter at any reasonable~~
37 ~~time the premises of any livestock owner to make tests on any animals~~
38 ~~for diseased conditions, and it shall be unlawful for any person to~~

1 ~~interfere with such tests in any manner, or to violate any segregation~~
2 ~~or identification order made in connection with such tests by the~~
3 ~~director of agriculture, or his duly authorized representative.))~~ The
4 director has the authority to enter the animal premises of any animal
5 owner at any reasonable time to make tests on or examinations of any
6 animals for disease conditions when there is reasonable evidence that
7 animals on the premises are infected with or have been exposed to a
8 reportable disease. It is unlawful for any person to interfere with
9 the tests or examinations, or to alter any segregation or
10 identification systems made in connection with the tests or
11 examinations.

12 **Sec. 7.** RCW 16.36.070 and 1947 c 172 s 6 are each amended to read
13 as follows:

14 ~~((Whenever a majority of))~~ When any ~~((board of health, board of~~
15 ~~county commissioners, city council or other))~~ local governing body ~~((of~~
16 ~~any incorporated city or town, or trustees of any township, whether in~~
17 ~~session or not, shall, in writing or by telegraph, notify))~~ notifies
18 the director ~~((of agriculture))~~ of the ~~((prevalence of))~~ presence or
19 probable danger of infection from any ((of the)) animal diseases ~~((of~~
20 ~~domestic animals))~~, the director ~~((of agriculture personally, or by the~~
21 ~~supervisor of dairy and livestock, or by a duly appointed and))~~, state
22 veterinarian, or a deputized state veterinarian ((of the division of
23 ~~dairy and livestock, shall at once go to the place designated in said~~
24 ~~notice and take such action as the exigencies may in his judgment~~
25 ~~demand, and may))~~ shall respond immediately and take appropriate
26 action. In case of an emergency, the director may appoint deputies or
27 assistants((~~7~~)) with equal power to act. ((The compensation to be paid
28 such emergency deputies and assistants, shall be fixed by the director
29 of agriculture in conformity with the standards effective in the
30 locality in which the services are performed.))

31 **Sec. 8.** RCW 16.36.080 and 1947 c 172 s 7 are each amended to read
32 as follows:

33 ~~((It shall be unlawful for))~~ (1) Any person ((registered)) licensed
34 to practice veterinary medicine, surgery, and dentistry in this state
35 ~~((not to)),~~ veterinary laboratories, and others designated by this
36 chapter shall immediately report in writing or by telephone, facsimile,
37 or electronic mail to the director ((of agriculture the discovery of))

1 the existence or suspected existence of any reportable disease among
2 (~~domestic~~) animals within the state (~~of any reportable diseases as~~
3 ~~published by the director of agriculture~~).

4 (2) Persons using their own diagnostic services must report any
5 reportable disease among animals within the state to the director.

6 (3) The director shall investigate and/or maintain records of all
7 cases of reportable diseases among animals within this state.

8 (4) The director may require appropriate treatment of any animal
9 affected with, suspected of being affected with, or that has been
10 exposed to any reportable disease. The owner may dispose of the animal
11 rather than treating the animal as required by the director.

12 (5) It is unlawful for any person to import any animal infected
13 with or exposed to a reportable disease without a permit from the
14 director.

15 **Sec. 9.** RCW 16.36.090 and 1985 c 415 s 3 are each amended to read
16 as follows:

17 (~~Whenever in the opinion of the director of agriculture, upon the~~
18 ~~report of the state veterinarian, the public welfare demands the~~
19 ~~destruction of any animal found to be affected with any infectious,~~
20 ~~contagious, communicable or dangerous disease, or held under quarantine~~
21 ~~for brucellosis when the owner of the animal fails or refuses to follow~~
22 ~~a herd plan established by the state veterinarian, he shall be~~
23 ~~authorized to, by written order, direct such animal or animals to be~~
24 ~~destroyed by or under the direction of the state veterinarian.)) When
25 public welfare demands, the director may order the slaughter or
26 destruction of any animal affected with or exposed to any contagious,
27 infectious, or communicable disease that is affecting or may affect the
28 health of the state's animal population. The director may order
29 destruction of any animal held under quarantine when the owner of the
30 animal fails or refuses to follow a herd or flock plan. The director
31 shall give a written order directing an animal be destroyed by or under
32 the direction of the state veterinarian.~~

33 **Sec. 10.** RCW 16.36.096 and 1985 c 415 s 4 are each amended to read
34 as follows:

35 (~~The director of agriculture, in order to protect the public~~
36 ~~health and welfare, may enter into cooperative programs with the~~
37 ~~federal government or agencies thereof for the prevention or~~

1 eradication of any contagious, infectious, or communicable disease
2 which is affecting or which may affect the health of the animal
3 population of this state.

4 The director of agriculture may also order the slaughter or
5 destruction of any animal affected with or exposed to such a disease
6 and pay indemnities to the owner of such animal. The director of
7 agriculture may pay an indemnity in an amount not to exceed fifty
8 percent of the appraised or salvage value of the animal ordered
9 slaughtered or destroyed and the actual amount shall be established by
10 the director of agriculture by rule: PROVIDED, HOWEVER, The amount of
11 indemnities paid for cattle under this chapter shall not be less than
12 twenty-five dollars for any grade beef breed female, fifty dollars for
13 any purebred registered beef breed bull or female, one hundred dollars
14 for any grade dairy breed female or one hundred fifty dollars for any
15 purebred registered dairy breed bull or female.

16 In ordering the slaughter or destruction of any animals pursuant to
17 this section, the provisions for payment of indemnity shall not apply
18 to animals (1) belonging to the federal government or any of its
19 agencies, this state or political subdivision thereof, or any municipal
20 corporation; and (2) to any animals which have been brought into this
21 state and have been in this state for a period of less than six months
22 before being ordered slaughtered or destroyed by the director of
23 agriculture.) In ordering the slaughter or destruction of any animal,
24 the director may pay an indemnity in an amount not to exceed seventy-
25 five percent of the appraised or salvage value of the animal ordered
26 slaughtered or destroyed. The actual indemnity amount shall be
27 established by the director by rule. Payment of indemnity does not
28 apply to an animal: (1) Belonging to the federal government or any of
29 its agencies, this state or any of its agencies, or any municipal
30 corporation; or (2) that has been brought into this state in violation
31 of this chapter or rules adopted under this chapter.

32 **Sec. 11.** RCW 16.36.100 and 1927 c 165 s 10 are each amended to
33 read as follows:

34 The ((governor and the)) director ((of agriculture shall have the
35 power)) is authorized to cooperate with ((the government of the United
36 States in the prevention and eradication of diseases of domestic
37 animals and the governor shall have the power to receive and receipt
38 for any moneys receivable by this state under the provisions of any act

1 of congress and pay the same into the hands of the state treasurer as
2 custodian for the state to be used and expended in carrying out the
3 provisions of this act and the act or acts of congress under which said
4 moneys are paid over to the state)) and enter into agreements with
5 governmental agencies of this state, other states, and agencies of
6 federal government in order to carry out the purpose and provisions of
7 this chapter and to promote consistency of regulation.

8 **Sec. 12.** RCW 16.36.105 and 1953 c 17 s 4 are each amended to read
9 as follows:

10 No person shall feed garbage to swine without first ~~((securing))~~
11 obtaining a license ~~((therefor))~~ from the ~~((department of agriculture))~~
12 director. The license ~~((shall be renewed on the thirtieth of))~~ expires
13 on June 30th of each year. Application ~~((therefor))~~ for a license
14 shall be accompanied by a ~~((license))~~ fee of ten dollars which shall be
15 ~~((returned to the applicant if the license is denied, or))~~ credited to
16 the general fund ~~((if the license is granted))~~. The license is
17 nontransferable and a separate license ~~((shall be))~~ is required for
18 each place of business if an operator has more than one feeding
19 station.

20 Upon receipt of an application for a license to feed garbage, the
21 director shall inspect the premises and determine whether the applicant
22 meets the requirements of 9 CFR Chapter 1 Part 166 as adopted by rule
23 and any other rules adopted under this chapter. Upon approval of the
24 application by the director and compliance with the provisions of this
25 section, the applicant shall be issued a license. This section does
26 not apply to any person feeding garbage from his or her own domestic
27 household.

28 **Sec. 13.** RCW 16.36.110 and 1989 c 354 s 35 are each amended to
29 read as follows:

30 ~~((A violation of or a failure to comply with))~~ (1) Any person who
31 violates any provision of this chapter or the rules adopted under this
32 chapter shall be guilty of a gross misdemeanor. Each day upon which a
33 violation occurs ~~((shall))~~ constitutes a separate violation. ~~((Any~~
34 ~~person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103,~~
35 ~~16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from~~
36 ~~continuing such violation))~~

1 (2) The director may bring an action to enjoin the violation of any
2 provision of this chapter or any rule adopted under this chapter in the
3 superior court of Thurston county or of the county in which such
4 violation occurs notwithstanding the existence of other remedies at
5 law.

6 (3) The director may deny, revoke, or suspend any license issued
7 under this chapter for any failure or refusal to comply with this
8 chapter or rules adopted under this chapter. Upon notice by the
9 director to deny, revoke, or suspend a license, a person may request a
10 hearing under chapter 34.05 RCW.

11 **Sec. 14.** RCW 16.44.130 and 1927 c 165 s 26 are each amended to
12 read as follows:

13 (1) It ((shall be)) is unlawful for any person((, firm or
14 corporation)) to sell, exchange, or give away ((or in any manner part
15 with to another,)) any ((sheep infected with any contagious or
16 infectious or communicable disease, or any sheep which has, or which
17 the owner or his agent or employee or the person in charge thereof, has
18 reason to believe has, within thirty days next preceding such transfer
19 been exposed to any contagious, infectious or communicable disease,
20 without first notifying the person, firm or corporation to whom such
21 sheep is transferred that it is so infected, or that it has been so
22 exposed, and every person, firm or corporation violating the provisions
23 of this section shall be deemed guilty of a misdemeanor and shall be
24 punished by a fine not less than one hundred dollars nor more than five
25 hundred dollars)) animal that he or she knows:

26 (a) Is infected with any contagious, infectious, or communicable
27 disease;

28 (b) Has been exposed to any contagious, communicable, or infectious
29 disease within the previous thirty days; or

30 (c) Has been treated for any condition within the previous thirty
31 days;

32 without notifying the purchaser or person taking possession of the
33 animal of the infection, exposure, or treatment unless the legal
34 withdrawal period for any treatment has been met or exceeded.

35 (2) It is unlawful for any owner or person in possession of any
36 animal having any contagious, communicable, or infectious disease to
37 knowingly:

- 1 (a) Turn out the animal onto enclosed lands adjoining the enclosed
2 lands of another that are kept for pasture or otherwise used for
3 raising animals without notifying the owner of the enclosed lands; or
4 (b) Stable the animal or allow the animal to be stabled in any barn
5 with other animals without notifying the other owners.

6 **Sec. 15.** RCW 16.44.140 and 1927 c 165 s 28 are each amended to
7 read as follows:

8 ~~((It shall be the duty of))~~ Any person(~~(, persons, firm or~~
9 ~~corporation))~~ owning or having in his or ~~((their))~~ her control any
10 ~~((sheep))~~ livestock which ~~((have))~~ become infected with ~~((seabies or~~
11 ~~any other contagious, infectious or communicable disease))~~ scrapie or
12 another transmissible spongiform encephalopathy (TSE) or which have
13 been exposed ~~((in any manner))~~ to such disease, ~~((to))~~ shall
14 immediately report the ~~((same))~~ disease or exposure to the director
15 ~~((of agriculture by registered letter, telegraph, telephone or in~~
16 ~~person within ten days after said condition has come to his or their~~
17 ~~knowledge and any person, persons, firm or corporation failing so to do~~
18 ~~or attempting))~~. It is unlawful for any person to fail to report or to
19 attempt to conceal the existence of any such disease(~~(, or wilfully~~
20 ~~obstructing or hindering the director of agriculture or the supervisor~~
21 ~~or any inspector of the division of dairy and livestock or any officer~~
22 ~~of the United States bureau of animal industry in the discharge of his~~
23 ~~or their duties under the provisions of this act shall be deemed guilty~~
24 ~~of a misdemeanor and shall be punished by a fine of not less than one~~
25 ~~hundred dollars nor more than five hundred dollars))~~.

26 **Sec. 16.** RCW 16.44.160 and 1927 c 165 s 32 are each amended to
27 read as follows:

28 ~~((Whenever))~~ When any ~~((sheep))~~ livestock affected with ~~((seabies~~
29 ~~or))~~ any ~~((other))~~ contagious, infectious, or communicable disease
30 ~~((shall))~~ mingle with any healthy ~~((animals))~~ livestock belonging to
31 another person, through the fault or negligence of the owner of
32 ~~((said))~~ the diseased ~~((sheep,))~~ livestock or his or her agent ~~((or~~
33 ~~employees, such)),~~ the owner ~~((shall be))~~ is liable ~~((in any action at~~
34 ~~law))~~ for all damages sustained by the owner of ~~((such))~~ the healthy
35 ~~((sheep))~~ livestock.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 16.36 RCW
2 to be codified between RCW 16.36.096 and 16.36.100 to read as follows:

3 Any person whose animal or animal reproductive products are placed
4 under a quarantine, hold, or destruct order may request a hearing. The
5 request for a hearing must be in writing and filed with the director.
6 Any hearing will be held in conformance with RCW 34.05.422 and
7 34.05.479.

8 NEW SECTION. **Sec. 18.** A new section is added to chapter 16.36 RCW
9 to be codified between RCW 16.36.120 and 16.36.130 to read as follows:

10 Certain animals defined in this chapter as livestock or animal may
11 also meet the definition of wildlife contained in Title 77 RCW. This
12 chapter does not allow importation, possession, or uses of animals that
13 are in violation of Title 77 RCW or the rules adopted under that title,
14 nor does it relieve the owners or possessors of wildlife from full
15 compliance with the requirements of Title 77 RCW or the rules adopted
16 under that title. Rules adopted by the director shall not allow
17 importation, possession, or uses of animals that are in violation of
18 Title 77 RCW or the rules adopted under that title.

19 NEW SECTION. **Sec. 19.** A new section is added to chapter 16.36 RCW
20 to read as follows:

21 The director may collect moneys to recover the reasonable costs of
22 printing and distributing certificates and other supplies to
23 veterinarians.

24 **Sec. 20.** RCW 43.23.070 and 1983 c 248 s 7 are each amended to read
25 as follows:

26 The state veterinarian shall exercise all the powers and perform
27 all duties prescribed by law relating to diseases among ((domestic))
28 animals and the quarantine and destruction of diseased animals.

29 ((He)) The state veterinarian shall enforce and supervise the
30 administration of all laws relating to meat inspection, the prevention,
31 detection, control and eradication of diseases of ((domestic)) animals,
32 and all other matters relative to the diseases of livestock and their
33 effect upon the public health.

1 NEW SECTION. **Sec. 21.** RCW 16.44.130, 16.44.140, and 16.44.160 are
2 each recodified as new sections in chapter 16.36 RCW to be codified
3 between RCW 16.36.080 and 16.36.090.

4 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 9.08.020 and 1909 c 249 s 288 & Code 1881 s 923;

7 (2) RCW 16.36.030 and 1985 c 415 s 1, 1979 c 154 s 9, 1947 c 172 s
8 2, & 1927 c 165 s 3;

9 (3) RCW 16.36.103 and 1953 c 17 s 3;

10 (4) RCW 16.36.107 and 1953 c 17 s 5;

11 (5) RCW 16.36.108 and 1953 c 17 s 6;

12 (6) RCW 16.36.109 and 1953 c 17 s 7;

13 (7) RCW 16.36.120 and 1993 c 105 s 4;

14 (8) RCW 16.36.130 and 1993 c 80 s 1;

15 (9) RCW 16.44.020 and 1927 c 165 s 16;

16 (10) RCW 16.44.030 and 1927 c 165 s 17;

17 (11) RCW 16.44.040 and 1927 c 165 s 18;

18 (12) RCW 16.44.045 and 1927 c 165 s 20;

19 (13) RCW 16.44.050 and 1927 c 165 s 27;

20 (14) RCW 16.44.060 and 1927 c 165 s 19;

21 (15) RCW 16.44.070 and 1927 c 165 s 21;

22 (16) RCW 16.44.080 and 1927 c 165 s 24;

23 (17) RCW 16.44.090 and 1927 c 165 s 29;

24 (18) RCW 16.44.110 and 1927 c 165 s 23;

25 (19) RCW 16.44.120 and 1927 c 165 s 25;

26 (20) RCW 16.44.150 and 1927 c 165 s 31; and

27 (21) RCW 16.44.180 and 1957 c 22 s 7.

Passed the Senate February 10, 1998.

Passed the House February 27, 1998.

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