
SUBSTITUTE HOUSE BILL 2377

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Linville, Pennington and Haigh; by request of Department of Agriculture)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to custom meat slaughter and preparation; amending
2 RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690, 16.49.610, 16.49.451,
3 16.49.700, 16.49.710, 16.49.444, 16.49.510, and 16.49.670; adding new
4 sections to chapter 16.49 RCW; adding a new section to chapter 16.57
5 RCW; recodifying RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690,
6 16.49.610, 16.49.451, 16.49.700, 16.49.710, 16.49.444, 16.49.510, and
7 RCW 16.49.670; repealing RCW 16.49.441, 16.49.442, 16.49.454,
8 16.49.500, 16.49.630, and 16.49.635; and prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.49 RCW
11 to read as follows:

12 This chapter is intended to safeguard the household user of
13 uninspected and inspected meat products from possible harm due to
14 adulterated, misbranded, or unfit meat or meat products or meat or meat
15 products that have been prepared under insanitary conditions.

16 **Sec. 2.** RCW 16.49.435 and 1999 c 291 s 28 are each amended to read
17 as follows:

18 For the purposes of this chapter:

1 (1) "Department" means the department of agriculture of the state
2 of Washington.

3 (2) "Director" means the director of the department or the
4 director's designee.

5 (3) "Custom farm slaughterer" means ~~((any))~~ a person licensed
6 ~~((under this chapter who may under such license engage in the business~~
7 ~~of slaughtering))~~ to slaughter meat food animals ~~((only))~~ for the
8 ~~((consumption of the))~~ owner ~~((thereof))~~ of the animal through the use
9 of ~~((an approved))~~ a mobile unit ~~((under such conditions as may be~~
10 ~~prescribed by the director))~~.

11 (4) "Custom slaughtering establishment" means the facility operated
12 by ~~((any))~~ a person licensed ~~((under this chapter who may under such~~
13 ~~license engage in the business of slaughtering))~~ to slaughter meat food
14 animals ~~((only))~~ for the ~~((consumption of the))~~ owner ~~((thereof))~~ of
15 the animal at a fixed location ~~((under such conditions as may be~~
16 ~~prescribed by the director))~~.

17 (5) "Custom meat facility" means the facility operated by ~~((any))~~
18 a person licensed ~~((under this chapter who may under such license~~
19 ~~engage in the business of preparing))~~ to prepare uninspected meat for
20 the ~~((sole consumption of the))~~ owner of the uninspected meat ~~((being~~
21 ~~prepared))~~. Operators of custom meat facilities may also ~~((prepare~~
22 ~~inspected meat for household users only under such conditions as may be~~
23 ~~prescribed by the director and may sell such prepared inspected meat to~~
24 ~~household users only. Operators of custom meat facilities may also))~~
25 sell prepackaged inspected meat to any person~~(, provided the~~
26 ~~prepackaged inspected meat is not prepared in any manner by the~~
27 ~~operator and the operator does not open or alter the original package~~
28 ~~that the inspected meat was placed in))~~. This chapter does not
29 prohibit the operator of a custom meat facility from being licensed to
30 prepare at the facility and sell inspected meat to any person.

31 (6) "Inspected meat" means the carcasses or carcass parts
32 ~~((thereof))~~ of meat food animals which have been slaughtered and
33 inspected at establishments subject to inspection under a federal meat
34 inspection act.

35 (7) "Uninspected meat" means the carcasses or carcass parts
36 ~~((thereof))~~ of meat food animals ~~((which))~~ that have been slaughtered
37 by the owner ~~((thereof, or which have been slaughtered by))~~ of the
38 animals, a custom farm slaughterer, or at a custom slaughtering
39 establishment.

1 (8) "Household user" means the ultimate consumer, (~~the~~) members
2 of the consumer's household, and his or her nonpaying guests and
3 employees.

4 (9) "Person" means any (~~natural person, firm~~) individual,
5 partnership, (~~exchange,~~) association, (~~trustee, receiver,~~) and
6 corporation (~~, and any member, officer, or employee thereof or assignee~~
7 ~~for the benefit of creditors~~)).

8 (10) "Meat food animal" means cattle, swine, sheep, or goats.

9 (11) "Meat food bird" means a ratite, such as an ostrich, emu, or
10 rhea.

11 (12) "Official establishment" means an establishment operated for
12 the purpose of slaughtering meat food animals for sale or use as human
13 food in compliance with the federal meat inspection act (~~(21 U.S.C.~~
14 ~~Sec. 71 et seq.)~~)).

15 (~~(12)~~) (13) "Prepared" means (~~canned~~) smoked, salted, rendered,
16 boned, cut up, or otherwise (~~manufactured, or~~) processed.

17 **Sec. 3.** RCW 16.49.680 and 1987 c 77 s 5 are each amended to read
18 as follows:

19 (~~To ensure the sanitary slaughtering of meat food animals and~~
20 ~~handling of meat and meat food products by licensees under this~~
21 ~~chapter, the director may adopt such rules as the director finds~~
22 ~~necessary to protect public health and safety. To ensure the~~
23 ~~identification of meat food animals slaughtered by licensees and the~~
24 ~~meat and meat food products handled by licensees, both as to ownership~~
25 ~~and as to whether the product is uninspected meat or inspected meat,~~
26 ~~the director may adopt such rules as the director finds necessary. The~~
27 ~~director may also adopt such other rules as the director finds~~
28 ~~necessary to carry out this chapter.)) The director shall enforce and
29 carry out the provisions of this chapter and adopt rules necessary to
30 carry out its purpose. The rules may include, but are not limited to:~~

31 (1) Requirements for construction, equipment, cleaning, sanitation,
32 and sanitary practices to ensure sanitary operations;

33 (2) Requirements for identification or tagging of meat food animals
34 slaughtered by licensees to maintain identification of the owner of the
35 animal;

36 (3) Requirements for handling and storing inspected and uninspected
37 meats and meat products;

38 (4) Requirements for labeling meat and meat products; and

1 (5) Requirements for slaughtering and processing of meat food birds
2 by licensees.

3 **Sec. 4.** RCW 16.49.440 and 1991 c 109 s 4 are each amended to read
4 as follows:

5 (1) It ~~((shall be))~~ is unlawful for any person to ~~((act))~~ operate
6 as a custom farm slaughterer or to operate a custom slaughtering
7 establishment or custom meat facility in the state without first
8 obtaining a license from the director. ~~((The license shall be an~~
9 annual license and shall expire on a date set by rule by the director.
10 License fees shall be prorated where necessary to accommodate
11 staggering of expiration dates of a license or licenses. ~~For))~~ Custom
12 farm slaughterers~~((,))~~ must obtain a separate license ~~((shall be~~
13 required)) for each mobile unit. Separate licenses are required for
14 each custom slaughtering establishment and custom meat facility ~~((shall~~
15 also require a separate license)).

16 (2) Application for a license ~~((shall))~~ must be made on a form
17 prescribed by the director ~~((of agriculture))~~ and accompanied by a
18 twenty-five dollar ~~((annual))~~ license fee. The application ~~((shall))~~
19 must include:

20 (a) The full name and address of the applicant. If the applicant
21 is a partnership or corporation, the application ~~((shall))~~ must include
22 the full name and address of each partner or officer~~((,))~~;

23 (b) The physical location address of each establishment or facility
24 to be licensed;

25 (c) The ~~((application shall further state the principal business~~
26 address of the applicant in the state or elsewhere and the)) name and
27 address of a resident of this state authorized to ~~((receive and))~~
28 accept ~~((service of summons of))~~ legal notices ~~((of all kinds))~~ for the
29 applicant~~((,))~~; and

30 (d) Any other ~~((necessary))~~ information prescribed by the director
31 ~~((of agriculture. The license shall be issued by the director upon his~~
32 satisfaction that the applicant's equipment is properly constructed,
33 has the proper sanitary and mechanical equipment and is maintained in
34 a sanitary manner as required under this chapter and/or rules adopted
35 hereunder. ~~The director of agriculture shall also provide for the~~
36 periodic inspection of equipment used by licensees to assure compliance
37 with the provisions of this chapter and the rules adopted hereunder)).

1 (3) If an application for renewal of a license and the license fee
2 are not received by June 30th, the applicant must pay an additional fee
3 of twenty-five dollars before the renewal license is issued.

4 (4) Initial issuance of a license requires a prelicense inspection
5 by the director for compliance with this chapter and rules adopted
6 under this chapter. A license shall only be issued after an applicant
7 is found to be in substantial compliance with this chapter and rules
8 adopted under this chapter.

9 (5) Licenses issued under this chapter expire June 30th of each
10 year.

11 (6) Licenses issued under this chapter are not transferrable.

12 **Sec. 5.** RCW 16.49.690 and 1987 c 77 s 8 are each amended to read
13 as follows:

14 To ~~((ensure that licensees under this chapter maintain proper~~
15 ~~sanitary practices and comply))~~ determine compliance with ~~((all the~~
16 ~~provisions of))~~ this chapter and the rules adopted ~~((hereunder))~~ under
17 this chapter, the director may inspect the mobile unit of any custom
18 farm slaughterer and the premises of any custom slaughtering
19 establishment or custom meat facility at any reasonable time. ~~((No~~
20 ~~person may interfere with the director in the performance of his or her~~
21 ~~duties under this chapter or the rules adopted hereunder.))~~

22 **Sec. 6.** RCW 16.49.610 and 1987 c 77 s 3 are each amended to read
23 as follows:

24 Inspected and uninspected meat may only be prepared by a custom
25 meat facility under the following conditions:

26 (1) Inspected meat and ~~((the meat and))~~ meat ~~((food))~~ products
27 prepared ~~((therefrom shall))~~ from inspected meat must be kept separated
28 ~~((at all times))~~ from uninspected meat and ~~((the))~~ meat ~~((food))~~
29 products prepared ~~((therefrom, by a sufficient distance))~~ from
30 uninspected meat to prevent inspected meat from coming into contact
31 with uninspected meat.

32 (2) Preparation of inspected meat and uninspected meat ~~((shall))~~
33 must be done at different times.

34 (3) ~~((No sales of inspected meat, nor the meat food products~~
35 ~~derived therefrom shall be made to any person other than a household~~
36 ~~user.))~~ Equipment used in preparing uninspected meat or products

1 prepared from uninspected meat must be cleaned and sanitized before
2 being used to prepare inspected meat.

3 (4) Uninspected meat (~~((shall))~~) may be prepared only for the
4 ~~((sole))~~ use of the owner ~~((of said uninspected meat))~~, who ~~((shall))~~
5 must be a household user.

6 (5) ~~((Inspected meat may be purchased by a custom meat facility for~~
7 ~~preparation and sale to a household user only.~~

8 ~~(6))~~ Uninspected meat ~~((, as well as the packages and containers~~
9 ~~containing any meat or))~~ and meat ~~((food))~~ products prepared
10 ~~((therefrom shall))~~ from uninspected meat must be ~~((plainly))~~ clearly
11 marked and labeled "not for sale" ~~((or as otherwise prescribed by the~~
12 ~~director))~~.

13 ~~((7) Any custom meat facility shall comply with sanitation rules~~
14 ~~and regulations promulgated by the director.))~~ (6) Packages of
15 uninspected meat may not be stored in a retail counter.

16 **Sec. 7.** RCW 16.49.451 and 1967 ex.s. c 120 s 4 are each amended to
17 read as follows:

18 ~~((Notwithstanding any other provisions of the law, any))~~ A licensed
19 custom farm slaughterer may ~~((, without the need for any other~~
20 ~~license,))~~ transport the offal of a meat food animal he or she has
21 slaughtered for the owner ~~((thereof))~~, when ~~((such offal))~~ it is
22 transported as ~~((a))~~ part of ~~((such))~~ a slaughtering transaction and
23 ~~((such))~~ the offal is handled in a sanitary ~~((, suitable container and))~~
24 manner ~~((as provided by the director))~~.

25 **Sec. 8.** RCW 16.49.700 and 1987 c 77 s 9 are each amended to read
26 as follows:

27 It is unlawful for any person to:

28 (1) Sell, trade, or give away uninspected meat or ~~((the))~~ meat
29 ~~((food))~~ products ~~((that may be derived therefrom. Any violation of~~
30 ~~this section by a licensee under this chapter shall be sufficient~~
31 ~~reason for the revocation of the licensee's license))~~; or

32 (2) Interfere with the director in the performance of his or her
33 duties under this chapter or the rules adopted under this chapter.

34 **Sec. 9.** RCW 16.49.710 and 1987 c 77 s 10 are each amended to read
35 as follows:

1 The director may investigate any violation or possible violation of
2 this chapter or any rule adopted under this chapter. ~~((In the~~
3 ~~furtherance of any))~~ To assist in such investigation, the director may
4 issue subpoenas to compel the attendance of witnesses or ~~((the))~~ to
5 compel production of ~~((books))~~ records or documents anywhere in the
6 state.

7 **Sec. 10.** RCW 16.49.444 and 1994 c 128 s 1 are each amended to read
8 as follows:

9 The director ~~((of agriculture))~~ may~~((, subsequent to a hearing~~
10 ~~under chapter 34.05 RCW,))~~ deny, suspend, ~~((establish conditions of~~
11 ~~probation for a designated period of time,))~~ or revoke any license
12 required under this chapter if ~~((it is determined))~~ the director
13 determines that an applicant or licensee has committed any of the
14 following acts:

15 (1) Refused, neglected, or failed to comply with the provisions of
16 this chapter, the rules adopted ~~((hereunder))~~ under this chapter, or
17 any lawful order of the ~~((department of agriculture))~~ director;

18 (2) Refused, neglected, or failed to keep and maintain records
19 required ~~((by))~~ under this chapter~~((,))~~ or rules adopted under this
20 chapter to make the records available ~~((when requested under this~~
21 ~~chapter; or))~~ to the director on request;

22 (3) Refused the director ~~((of agriculture))~~ access to any
23 facilities or parts of the facilities ~~((subject to))~~ for the purpose of
24 carrying out the provisions of this chapter or rules adopted under this
25 chapter; or

26 (4) Refused, neglected, or failed to comply with any provisions of
27 chapter 69.04 RCW, intrastate commerce in food, drugs, and cosmetics,
28 or rules adopted under that chapter.

29 Upon receipt of notice by the director to deny, suspend, or revoke
30 a license, a person may request a hearing under chapter 34.05 RCW.

31 **Sec. 11.** RCW 16.49.510 and 1994 c 128 s 2 are each amended to read
32 as follows:

33 ~~((If the director finds that a person has committed a violation of~~
34 ~~any provision of this chapter or rules adopted under this chapter, the~~
35 ~~director may impose upon and collect from the violator, a civil penalty~~
36 ~~not exceeding))~~ Any person who fails to comply with this chapter or the
37 rules adopted under this chapter may be subject to a civil penalty in

1 an amount of not more than one thousand dollars per violation per day.
2 Each violation is a separate and distinct offense.

3 ~~((The violation of any provision of this chapter or rules adopted~~
4 ~~hereunder shall constitute a gross misdemeanor.~~

5 ~~Both a civil penalty and a criminal penalty may not be imposed for~~
6 ~~the same violation.)) All moneys collected for civil penalties under
7 this chapter shall be deposited in the state general fund.~~

8 NEW SECTION. Sec. 12. A new section is added to chapter 16.49 RCW
9 to read as follows:

10 Chapter 34.05 RCW governs the rights, remedies, and procedures
11 respecting the administration of this chapter, including rule making,
12 assessment of civil penalties, emergency actions, and license
13 suspension, revocation, or denial.

14 **Sec. 13.** RCW 16.49.670 and 1999 c 291 s 29 are each amended to
15 read as follows:

16 The provisions of this chapter relating to the sale of inspected
17 meat in custom meat facilities ~~((shall in no way))~~ do not supersede or
18 restrict the authority of any county or any city to adopt ordinances
19 ~~((which))~~ that are more restrictive for the handling and sale of
20 inspected meat than those provided ~~((for herein))~~ in this chapter.

21 NEW SECTION. Sec. 14. A new section is added to chapter 16.57 RCW
22 to read as follows:

23 Any person licensed as a custom farm slaughterer under RCW
24 16.49.440 (as recodified by this act) shall complete and attach a
25 custom slaughter beef tag to each of the four quarters of all
26 slaughtered cattle handled by the slaughterer. The tags must remain on
27 the quarters until the quarters are cut and wrapped. Only the director
28 may provide custom slaughter beef tags to custom farm slaughterers.
29 The fee for each set of four custom slaughter beef tags is as
30 prescribed in WAC 16-607-100 as it existed on January 1, 2000. The
31 director may, by rule, establish criteria for the use of custom
32 slaughter beef tags.

33 NEW SECTION. Sec. 15. The following acts or parts of acts are
34 each repealed:

- 1 (1) RCW 16.49.441 (Custom farm slaughterers--Prelicense
2 inspections) and 1987 c 77 s 6;
3 (2) RCW 16.49.442 (Additional fee for late renewal--Exception) and
4 1991 c 109 s 5 & 1985 c 415 s 11;
5 (3) RCW 16.49.454 (Establishment of need--Contents of application--
6 Hearing) and 1989 c 175 s 53, 1987 c 77 s 2, & 1961 c 91 s 2;
7 (4) RCW 16.49.500 (Washington State University laboratories
8 exemption--Inspection, stamping) and 1959 c 204 s 50;
9 (5) RCW 16.49.630 (Custom meat facilities--License--Generally) and
10 1991 c 109 s 6 & 1971 ex.s. c 98 s 5; and
11 (6) RCW 16.49.635 (Custom meat facilities--Prelicense inspections)
12 and 1987 c 77 s 7.

13 NEW SECTION. **Sec. 16.** The following sections are codified or
14 recodified within chapter 16.49 RCW in the following order:

- 15 Section 1 of this act;
16 16.49.435;
17 16.49.680;
18 16.49.440;
19 16.49.690;
20 16.49.610;
21 16.49.451;
22 16.49.700;
23 16.49.710;
24 16.49.444;
25 16.49.510;
26 Section 12 of this act; and
27 16.49.670.

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