CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6299

Chapter 66, Laws of 2010

61st Legislature
2010 Regular Session

ANIMAL HEALTH INSPECTIONS--PROOF OF OWNERSHIP

EFFECTIVE DATE: 06/10/10

Passed by the Senate February 16, 2010
YEAS 45  NAYS 3

BRAD OWEN
President of the Senate

Passed by the House February 28, 2010
YEAS 96  NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 6299 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

Approved March 15, 2010, 3:04 p.m.

FILED
March 15, 2010

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to animal inspection; amending RCW 16.36.005, 16.36.050, 16.36.060, 16.57.010, 16.57.160, 16.57.220, 16.57.240, 16.57.243, 16.57.245, 16.57.280, and 16.57.290; adding a new section to chapter 16.36 RCW; and adding a new section to chapter 16.57 RCW.

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

Sec. 1. RCW 16.36.005 and 2003 c 39 s 9 are each amended to read as follows:

(As used in this chapter:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

(3) "Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official electronic or paper form from the state of origin or from the animal and plant health inspection service (APHIS) of the United States department of...
agriculture, executed by a licensed and accredited veterinarian or a veterinarian approved by the animal and plant health inspection service. "Certificate of veterinary inspection" is also known as an "official health certificate."

(4) "Farm-raised fish" means fish raised by aquaculture as defined in RCW 15.85.020. Farm-raised fish are considered to be a part of animal agriculture; however, disease inspection, prevention, and control programs and related activities for farm-raised fish are administered by the department of fish and wildlife under chapter 77.115 RCW.

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

(6) "Contagious disease" means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human.

(7) "Director" means the director of the department or his or her authorized representative.

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

(9) "Deputized state veterinarian" means a Washington state licensed and accredited veterinarian appointed and compensated by the director according to state law and department policies.

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

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

(12) "Hold order" means an order by the director to the owner or agent of the owner of animals or animal reproductive products which restricts the animals or products to a designated holding location pending an investigation by the director of the disease, disease exposure, well-being, movement, or import status of the animals or animal reproductive products.

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

(14) "Infectious disease" means a clinical disease of humans or animals resulting from an infection with an infectious agent that may or may not be communicable or contagious.

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

(16) "Person" means a person, persons, firm, or corporation.

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

(18) "Reportable disease" means a disease designated by rule by the director as reportable to the department by veterinarians and others made responsible to report by statute.

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

Sec. 2. RCW 16.36.050 and 2007 c 71 s 2 are each amended to read as follows:
(1) It is unlawful for any person to bring an animal into Washington state for any purpose any animals without first securing a certificate of veterinary inspection, reviewed by the state veterinarian of the state of origin, verifying that the animal meets the Washington state animal health requirements of the state of Washington). This subsection does not apply to:

(a) Livestock destined for immediate slaughter at a federal inspected slaughter facility where federal disease control standards are applied), which are governed by section 3 of this act; or
(b) Other animals exempted by the director by rule.

(2) (a) Divert en route to other than an approved, inspected feedlot for subsequent slaughter or (b) sell for other than immediate slaughter or (c) fail to slaughter or deliver to a slaughter establishment within three calendar days after entry, any animal imported into this state for immediate slaughter;

(3) It is unlawful for a person to intentionally falsely make, complete, alter, use, or sign a certificate of veterinary inspection or official animal health document of the department.

(4) It is unlawful for a person to intentionally falsely apply, alter, or remove an official animal health or official animal identification tag, permanent mark, or other device.

(5) It is unlawful for a person to willfully hinder, obstruct, or resist the director, or any peace officer or deputized state veterinarian acting under him or her, when engaged in the performance of their duties.

(6) It is unlawful for a person to willfully fail to comply with or to violate any rule or order adopted by the director under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 16.36 RCW to read as follows:

(1) It is unlawful for a person to bring livestock into Washington state without first securing a certificate of veterinary inspection, reviewed by the state veterinarian of the state of origin, verifying
that the livestock meet Washington state animal health requirements. This subsection does not apply to livestock that:
(a) Have been exempted by the director by rule; or
(b) Will be delivered within twelve hours after entry into Washington state to:
(i) An approved, inspected feed lot for slaughter;
(ii) A federally inspected slaughter plant; or
(iii) A licensed public livestock market for sale and subsequent delivery within twelve hours to:
(A) An approved, inspected feed lot for slaughter; or
(B) A federally inspected slaughter plant.
(2) The director may monitor livestock entering Washington state. Persons importing, transporting, receiving, feeding, or housing imported livestock shall:
(a) Comply with the requirement and any exemptions specified in subsection (1) of this section; and
(b) Make the livestock and related records available for inspection by the director.
(3) The department may charge a time and mileage fee for inspecting livestock and related records during an investigation of a proven violation of this section. The fee is eighty-five dollars per hour and the current mileage rate set by the office of financial management. The director may increase the hourly fee by rule as necessary to cover costs of investigations. All fees collected pursuant to this subsection shall be deposited in an account in the agricultural local fund and used to carry out the purposes of this chapter.
(4) The director may adopt and enforce rules necessary to carry out the purpose and provisions of this section.

Sec. 4. RCW 16.36.060 and 2004 c 251 s 2 are each amended to read as follows:
(1) The director has the authority to enter (the animal premises of any animal owner)) a property at any reasonable time to:
(a) Conduct tests, examinations, or inspections (for disease conditions) to take samples, and to examine and copy records when there is reasonable cause to investigate whether animals on the (premises) property or that have been on the (premises) property are infected with or have been exposed to (a reportable disease) and
(b) Determine, when there is reasonable cause to investigate, whether livestock on the property have been imported into Washington state in violation of requirements of this chapter, and to conduct tests, examinations, and inspections, take samples, and examine and copy records during such investigations.

(2) It is unlawful for any person to interfere with ((the)) investigations, tests, inspections, or examinations, or to alter any segregation or identification systems made in connection with ((the)) tests, inspections, or examinations conducted pursuant to subsection (1) of this section. ((When the director has determined that there is probable cause that there is a serious risk from disease or contamination, the director may seize those items necessary to conduct the tests, inspections, or examinations.))

(2) (3) If the director is denied access to ((the animal premises)) a property or ((the)) animals for purposes of ((conducting tests, inspections, or examinations or the animal owner)) this chapter, or a person fails to comply with an order of the director, the director may apply to a court of competent jurisdiction for a search warrant. To show that access is denied, the director shall file with the court an affidavit or declaration containing a description of all attempts to notify and locate the owner or owner's agent and secure consent. The court may issue a search warrant ((may authorize)) authorizing access to any animal or ((animal premises for purposes of conducting)) property at reasonable times to conduct investigations, tests, inspections, or examinations of any animal or ((animal premises)) property, or ((taking)) to take samples, and examine and copy records, and may authorize seizure or destruction of property. ((The warrant shall be issued upon probable cause being found by the court. It is sufficient -- probable cause to show a potential threat to the agricultural interests of this state or a potential threat which seriously endangers animals, human health, the environment, or public welfare. To show that access is denied, the director shall file with the court an affidavit or declaration containing a description of all attempts to notify and locate the owner or the owner's agent and to secure consent.))

Sec. 5. RCW 16.57.010 and 2003 c 326 s 2 are each amended to read as follows:
(For the purpose of this chapter.) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

1. "Department" means the department of agriculture of the state of Washington.

2. "Director" means the director of the department or his or her duly authorized representative.

3. "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

4. "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, and goats.

5. "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

6. "Production record brand" means a number brand which shall be used for production identification purposes only.

7. "Livestock inspection" or "inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

8. "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

9. "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

10. "Ratite" means, but is not limited to, ostrich, emu, rhea, or other flightless bird used for human consumption, whether live or slaughtered.

11. "Microchipping" means the implantation of an identification microchip or similar electronic identification device to establish the identity of an individual animal:

   a. In the pipping muscle of a chick ratite or the implantation of a microchip in the tail muscle of an otherwise unidentified adult ratite;
(b) In the nuchal ligament of a horse unless otherwise specified by rule of the director; and
(c) In locations of other livestock species as specified by rule of the director when requested by an association of producers of that species of livestock.

(12) "Certificate of permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It is used to document ownership of livestock while in transit within the state or on consignment to any public livestock market, special sale, slaughter plant or certified feed lot. It does not evidence inspection of livestock.

(13) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(14) "Individual identification certificate" means an inspection certificate that authorizes the livestock owner to transport the animal out of state multiple times within a set period of time.

(15) "Self-inspection certificate" means a form prescribed by and obtained from the director that was completed and signed by the buyer and seller of livestock to document a change in ownership before the effective date of this section.

(16) "Horses" means horses, burros, and mules.

Sec. 6. RCW 16.57.160 and 2006 c 156 s 3 are each amended to read as follows:

(1) The director may adopt rules:

((1) (a)) (a) Designating any point for mandatory inspection of cattle or horses or the furnishing of proof that cattle or horses passing or being transported through the point have been inspected or identified and are lawfully being transported;

((2) Providing for self-inspection of twenty-five head or less of cattle;

((3) (b)) (b) Providing for issuance of individual horse and cattle identification certificates or other means of horse and cattle identification; and
((44)) (c) Designating the documents that constitute other satisfactory proof of ownership for cattle and horses. A bill of sale may not be designated as documenting satisfactory proof of ownership for cattle.

(2) A self-inspection certificate may be accepted as satisfactory proof of ownership for cattle if the director determines that the self-inspection certificate, together with other available documentation, sufficiently establishes ownership. Self-inspection certificates completed after the effective date of this section are not satisfactory proof of ownership for cattle.

Sec. 7. RCW 16.57.220 and 2006 c 156 s 1 are each amended to read as follows:

(1) Except as provided for in RCW 16.65.090 and otherwise in this section, the fee for livestock inspection is one dollar and sixty cents per head for cattle and three dollars and fifty cents for horses or the time and mileage fee, whichever is greater.

(2) When cattle are identified with the owner's brand or other form of identification specified by the director by rule, the fee for livestock inspection is one dollar and ten cents per head or the time and mileage fee, whichever is greater. (This fee does not apply for inspection of cattle when documenting a change of ownership with a self-inspection certificate.)

(3) No inspection fee is charged for a calf that is inspected before moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington-recorded brand or other form of identification specified by the director by rule.

(4) The fee for inspection of cattle at a processing plant with a daily capacity of no more than five hundred head of cattle where the United States department of agriculture maintains a meat inspection program is four dollars per head.

(5) When a single inspection certificate issued for thirty or more horses belonging to one person, the fee for livestock inspection is two dollars per head or the time and mileage fee, whichever is greater.

(6) The fee for individual identification certificates is twenty dollars for an annual certificate and sixty dollars for a lifetime certificate or the time and mileage fee, whichever is greater.
However, the fee for an annual certificate listing thirty or more animals belonging to one person is five dollars per head or the time and mileage fee, whichever is greater. A lifetime certificate shall not be issued until the fee has been paid to the director.

(7) The minimum fee for the issuance of an inspection certificate by the director is five dollars. The minimum fee does not apply to livestock consigned to a public livestock market or special sale or inspected at a cattle processing plant.

(8) For purposes of this section, "the time and mileage fee" means seventeen dollars per hour and the current mileage rate set by the office of financial management.

**Sec. 8.** RCW 16.57.240 and 2003 c 326 s 27 are each amended to read as follows:

(1) Certificates of permit, inspection certificates, and self-inspection certificates meeting the requirements of RCW 16.57.160 shall show the owner, number, breed, sex, brand, or other method of identification of the cattle or horses and any other necessary information required by the director.

(2) The director may issue certificate of permit forms to any person on payment of a fee established by rule.

(3) Certificates of permit, inspection certificates, self-inspection certificates meeting the requirements of RCW 16.57.160, or other satisfactory proof of ownership shall be kept by the owner and/or person in possession of any cattle and shall be furnished to the director or any peace officer upon demand.

(4) A self-inspection certificate meeting the requirements of RCW 16.57.160 is not valid if proof of ownership ((had not been provided by the seller to the buyer for cattle bearing brands not recorded to the seller.)

**Sec. 9.** RCW 16.57.243 and 2003 c 326 s 28 are each amended to read as follows:

(1) Cattle may not be moved or transported within ((this)) Washington state without being accompanied by a certificate of permit, inspection certificate, self-inspection certificate meeting the requirements of RCW 16.57.160, or other satisfactory proof of ownership, except (}
when the cattle are moved or transported:
(a) Upon lands under the exclusive control of the person moving or
transporting the cattle; or

(b) For temporary grazing or feeding purposes and have the recorded brand of
the person having or transporting the cattle.

(2) Certificates of permit, inspection certificates, self-
inspection certificates meeting the requirements of RCW 16.57.160, or
other satisfactory proof of ownership accompanying cattle being moved
or transported within ((this)) Washington state shall be subject to
inspection at any time by the director or any peace officer.

Sec. 10. RCW 16.57.245 and 2003 c 326 s 29 are each amended to
read as follows:

The director or any peace officer may stop vehicles carrying cattle
or horses to determine if the livestock being transported are
accompanied by a certificate of permit, inspection certificate, self-
inspection certificate meeting the requirements of RCW 16.57.010, or
other satisfactory proof of ownership, as determined by the director.

Sec. 11. RCW 16.57.280 and 2003 c 326 s 34 are each amended to
read as follows:

(1) No person shall knowingly have possession of any cattle or
horse marked with a recorded brand of another person unless the:

   (a) Cattle or horse lawfully bears the person's own healed
recorded brand; ((or

   (b) Cattle or horse is accompanied by a certificate of permit
from the owner of the recorded brand; ((or

   (c) Cattle or horse is accompanied by an inspection
certificate; ((or

   (d) Cattle are accompanied by a self-inspection
certificate meeting the requirements of RCW 16.57.010; ((or

   (e) Horse is accompanied by a bill of sale from the previous
owner; or

   (f) Cattle or horse is accompanied by other satisfactory
proof of ownership as designated in rule.

(2) A violation of this section constitutes a gross misdemeanor.
Sec. 12. RCW 16.57.290 and 2003 c 326 s 35 are each amended to read as follows:

All cattle and horses that are not accompanied by a certificate of permit, inspection certificate, self-inspection certificate meeting the requirements of RCW 16.57.160, or other satisfactory proof of ownership when offered for sale and presented for inspection by the director, shall be impounded. If theft is suspected, the director shall immediately initiate an investigation. If theft is not suspected, the animal shall be sold and the proceeds retained by the director. Upon the sale of the cattle or horses, the director shall give the purchasers an inspection certificate for the cattle or horses documenting their ownership.

NEW SECTION. Sec. 13. A new section is added to chapter 16.57 RCW to read as follows:

The director may:

(1) Adopt rules governing issuance of replacement copies of brand inspection documents; and

(2) Charge a fee of twenty-five dollars for such copies, which may be increased by rule.