
HOUSE BILL 1692

State of Washington

65th Legislature

2017 Regular Session

By Representatives Buys, Sawyer, Chapman, Condotta, Stanford, Lytton, Vick, Blake, and Fitzgibbon

Read first time 01/26/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to agriculture and farming; amending RCW
2 7.48.310, 7.48.305, and 82.04.213; and declaring an emergency.

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

4 **Sec. 1.** RCW 7.48.310 and 2009 c 200 s 3 are each amended to read
5 as follows:

6 For the purposes of RCW 7.48.305 only:

7 (1) "Agricultural activity" means a condition or activity which
8 occurs on a farm in connection with the commercial production of farm
9 products and includes, but is not limited to, marketed produce at
10 roadside stands or farm markets; noise; odors; dust; fumes; operation
11 of machinery and irrigation pumps; movement, including, but not
12 limited to, use of current county road ditches, streams, rivers,
13 canals, and drains, and use of water for agricultural activities;
14 ground and aerial application of seed, fertilizers, conditioners, and
15 plant protection products; keeping of bees for production of
16 agricultural or apicultural products; employment and use of labor;
17 roadway movement of equipment and livestock; protection from damage
18 by wildlife; prevention of trespass; construction and maintenance of
19 buildings, fences, roads, bridges, ponds, drains, waterways, and
20 similar features and maintenance of stream banks and watercourses;
21 and conversion from one agricultural activity to another, including a

1 change in the type of plant-related farm product being produced. The
2 term includes use of new practices and equipment consistent with
3 technological development within the agricultural industry.

4 (2) "Farm" means the land, buildings, freshwater ponds,
5 freshwater culturing and growing facilities, and machinery used in
6 the commercial production of farm products.

7 (3) "Farmland" means land or freshwater ponds devoted primarily
8 to the production, for commercial purposes, of livestock, freshwater
9 aquacultural, or other farm products.

10 (4) "Farm product" means those plants and animals useful to
11 humans and includes, but is not limited to, forages and sod crops,
12 dairy and dairy products, poultry and poultry products, livestock,
13 including breeding, grazing, and recreational equine use, fruits,
14 vegetables, flowers, seeds, grasses, trees, marijuana, useable
15 marijuana, and marijuana-infused products, freshwater fish and fish
16 products, apiaries and apiary products, equine and other similar
17 products, or any other product which incorporates the use of food,
18 feed, fiber, or fur.

19 (5) "Forest practice" means any activity conducted on or directly
20 pertaining to forestland, as that term is defined in RCW 76.09.020,
21 and relating to growing, harvesting, or processing timber. The term
22 "forest practices" includes, but is not limited to, road and trail
23 construction, final and intermediate harvesting, precommercial
24 thinning, reforestation, fertilization, prevention and suppression of
25 diseases and insects, salvage of trees, brush control, and owning
26 land where trees may passively grow until one of the preceding
27 activities is deemed timely by the owner.

28 **Sec. 2.** RCW 7.48.305 and 2009 c 200 s 2 are each amended to read
29 as follows:

30 (1) Notwithstanding any other provision of this chapter,
31 agricultural activities conducted on farmland and forest practices,
32 if consistent with good agricultural and forest practices and
33 established prior to surrounding nonagricultural and nonforestry
34 activities, are presumed to be reasonable and shall not be found to
35 constitute a nuisance unless the activity or practice has a
36 substantial adverse effect on public health and safety.

37 (2) Agricultural activities and forest practices undertaken in
38 conformity with all applicable laws and rules are presumed to be good
39 agricultural and forest practices not adversely affecting the public

1 health and safety for purposes of this section and RCW 7.48.300. An
2 agricultural activity that is in conformity with such laws and rules
3 shall not be restricted as to the hours of the day or day or days of
4 the week during which it may be conducted.

5 (3) The act of owning land upon which a growing crop of trees is
6 located, even if the tree growth is being managed passively and even
7 if the owner does not indicate the land's status as a working forest,
8 is considered to be a forest practice occurring on the land if the
9 crop of trees is located on land that is capable of supporting a
10 merchantable stand of timber that is not being actively used for a
11 use that is incompatible with timber growing. If the growing of trees
12 has been established prior to surrounding nonforestry activities,
13 then the act of tree growth is considered a necessary part of any
14 other subsequent stages of forest practices necessary to bring a crop
15 of trees from its planting to final harvest and is included in the
16 provisions of this section.

17 (4) Agricultural activities involving marijuana, useable
18 marijuana, and marijuana-infused products shall be considered to have
19 been established before surrounding nonagricultural and nonforestry
20 activities under RCW 7.48.310 if the activity was licensed by the
21 Washington state liquor and cannabis board before the effective date
22 of this section.

23 (5) Nothing in this section shall affect or impair any right to
24 sue for damages.

25 **Sec. 3.** RCW 82.04.213 and 2015 3rd sp.s. c 6 s 1102 are each
26 amended to read as follows:

27 (1) "Agricultural product" means any product of plant cultivation
28 or animal husbandry including, but not limited to: A product of
29 horticulture, grain cultivation, vermiculture, viticulture, or
30 aquaculture as defined in RCW 15.85.020; plantation Christmas trees;
31 short-rotation hardwoods as defined in RCW 84.33.035; turf; or any
32 animal including but not limited to an animal that is a private
33 sector cultured aquatic product as defined in RCW 15.85.020, or a
34 bird, or insect, or the substances obtained from such an animal
35 including honey bee products. "Agricultural product" does not include
36 marijuana, useable marijuana, or marijuana-infused products, or
37 animals defined as pet animals under RCW 16.70.020.

38 (2)(a) "Farmer" means any person engaged in the business of
39 growing, raising, or producing, upon the person's own lands or upon

1 the lands in which the person has a present right of possession, any
2 agricultural product to be sold, and the growing, raising, or
3 producing honey bee products for sale, or providing bee pollination
4 services, by an eligible apiarist. "Farmer" does not include a person
5 growing, raising, or producing such products for the person's own
6 consumption; a person selling any animal or substance obtained
7 therefrom in connection with the person's business of operating a
8 stockyard or a slaughter or packing house; or a person in respect to
9 the business of taking, cultivating, or raising timber.

10 (b) "Eligible apiarist" means a person who owns or keeps one or
11 more bee colonies and who grows, raises, or produces honey bee
12 products for sale at wholesale and is registered under RCW 15.60.021.

13 (c) "Honey bee products" means queen honey bees, packaged honey
14 bees, honey, pollen, bees wax, propolis, or other substances obtained
15 from honey bees. "Honey bee products" does not include manufactured
16 substances or articles.

17 (3) (~~The terms "agriculture," "farming," "horticulture,"~~
18 ~~"horticultural," and "horticultural product" may not be construed to~~
19 ~~include or relate to marijuana, useable marijuana, or marijuana-~~
20 ~~infused products unless the applicable term is explicitly defined to~~
21 ~~include marijuana, useable marijuana, or marijuana-infused products.~~

22 (4)) "Marijuana," "useable marijuana," and "marijuana-infused
23 products" have the same meaning as in RCW 69.50.101.

24 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

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