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HOUSE BILL 2696

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Dent, Blake, McCaslin, Callan, Eslick, Springer, Griffey, Boehnke, Maycumber, Dye, Chandler, Kretz, and Schmick

Read first time 01/17/20. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

1 AN ACT Relating to misbranding of meat and poultry products;  
2 amending RCW 15.130.110; and adding a new section to chapter 15.130  
3 RCW.

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

5 **Sec. 1.** RCW 15.130.110 and 2018 c 236 s 102 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Advertisement" means all representations, other than by  
10 labeling, that directly or indirectly induce, or are likely to  
11 induce, the purchase of food.

12 (2) "Carrier" means a person who undertakes the professional  
13 conveyance of food.

14 (3) "Color additive" means the same as "color additive" in 21  
15 U.S.C. Sec. 321.

16 (4) "Direct seller" means an entity that: (a) Receives  
17 prepackaged food from a food processor licensed or inspected, or  
18 both, by a state or federal regulatory agency or the department; (b)  
19 delivers the food directly to consumers who placed and paid for an  
20 order on the entity's web site; (c) delivers food without opening the  
21 packaging and without dividing it into smaller packages; (d) provides

1 no interim storage; and (e) delivers the food by means of vehicles  
2 equipped with either refrigeration or freezer units, or both. A  
3 direct seller is not a "carrier" under this chapter.

4 (5) "Food" means the same as "food" in 21 U.S.C. Sec. 321 and  
5 includes any article used for food or drink by humans or other  
6 animals.

7 (6) "Food additive" means the same as "food additive" in 21  
8 U.S.C. Sec. 321.

9 (7) "Food facility" means any part of an operation, factory,  
10 establishment, or vehicle engaged in the sale, processing, storage,  
11 transport, or holding of food in intrastate commerce. A food facility  
12 includes, but is not limited to, grounds, premises, buildings, room,  
13 area, facilities, vehicles, appurtenances, and equipment.

14 (8) "Fish" means fresh or saltwater finfish and other forms of  
15 aquatic animal life intended for human consumption other than  
16 mollusks, birds, and mammals.

17 (9) "Intrastate commerce" means all commerce, including but not  
18 limited to the operation of any business or service establishment;  
19 and the manufacturing or processing of articles intended for sale,  
20 held for sale, sold, stored, transported, handled, or distributed in  
21 Washington state.

22 (10) "Label," "labeling" means the same as "label" and "labeling"  
23 in 21 U.S.C. Sec. 321.

24 (11) "Perishable packaged food" means all food intended for human  
25 consumption that is canned, bottled, or packaged at a time other than  
26 at the point of retail sale, has a risk of spoilage within thirty  
27 days, and is determined by the department in rule to be perishable.  
28 The term does not include raw agricultural commodities, alcoholic  
29 beverages, frozen foods, fresh meat, fresh poultry, fresh fish, and  
30 fresh shellfish.

31 (12) "Pesticide chemical" means any substance defined as a  
32 pesticide in chapter 15.58 RCW or recognized as a pesticide chemical  
33 under 21 U.S.C. Sec. 346.

34 (13) "Process," "processing" means manufacturing, processing,  
35 packing, canning, bottling, or any other production, preparation, or  
36 putting up.

37 (14) "Pull date" means the latest date a perishable packaged food  
38 may be offered for sale to the public.

39 (15) "Raw agricultural commodity" means the same as "raw  
40 agricultural commodity" in 21 U.S.C. Sec. 321.

1 (16) "Sale," "sell," "selling" means all parts of transactions  
2 concerning food including, but not limited to, advertising, offering,  
3 acceptance, dispensing, giving, delivering, serving, bartering,  
4 trading, or other supplying, holding for sale, and preparing for  
5 sale.

6 (17) "Shelf life" means the length of time a perishable packaged  
7 food retains its safe consumption quality if stored under proper  
8 temperature conditions.

9 (18) "Shellfish" means all crustaceans and mollusks intended for  
10 human consumption.

11 (19) "Storage" and "store" means holding, storing, or any other  
12 possessing.

13 (20) "Identifiable meat term" includes, but is not limited to,  
14 terms such as meat, beef, pork, poultry, chicken, turkey, lamb, goat,  
15 jerky, steak, hamburger, burger, ribs, roast, bacon, bratwurst, hot  
16 dog, ham, sausage, tenderloin, wings, breast, and other terms for  
17 food that contain any meat, meat food product, poultry product, or  
18 poultry food product.

19 (21) "Meat" and "meat food product" have the same meaning as  
20 provided in 9 C.F.R. Sec. 301.2 (January 1, 2020).

21 (22) "Poultry product" and "poultry food product" have the same  
22 meaning as provided in 9 C.F.R. Sec. 381.1 (January 1, 2020).

23 NEW SECTION. Sec. 2. A new section is added to chapter 15.130  
24 RCW under the subchapter heading "special quality or labeling  
25 requirements" to read as follows:

26 (1) A food is considered misbranded under RCW 15.130.210 if it is  
27 a meat analogue and (a) its labeling or advertisement utilizes an  
28 identifiable meat term; and (b) the labeling or advertisement does  
29 not have a disclaimer in the same font, style, and size immediately  
30 before or after the identifiable meat term, stating "this product  
31 does not contain meat."

32 (2) A food labeled as "imitation" in compliance with 21 C.F.R.  
33 Sec. 101.3(e) (2019) is not subject to the provisions of subsection  
34 (1) of this section.

35 NEW SECTION. Sec. 3. If any provision of this act or its  
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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