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**Agriculture & Natural Resources  
Committee**

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**HB 2802**

**Brief Description:** Establishing penalties for trading in nonambulatory livestock.

**Sponsors:** Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darneille, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, Simpson, G., Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta.

**Brief Summary of Bill**

- Authorizes a fine of up to \$1,000 per day per animal for transfer or accepting delivery of nonambulatory livestock.
- Specifies certain activities that are exempt from imposition of the fine.

**Hearing Date:** 2/3/04

**Staff:** Caroleen Dineen (786-7156).

**Background:**

Federal Law

Interstate commerce of food and consumer products is subject to a variety of federal laws. The federal Meat Inspection Act establishes requirements for inspection of meat and meat food products and includes provisions for animal inspection, treatment and examination of diseased animals, slaughter methods, inspection and regulation of slaughter and packing establishments, and imports and exports of meat and meat food products. Federal law also includes requirements for importation and transportation of cattle, meat, and dairy products, including bans on importation, quarantine of imported animals, slaughter of infected animals, inspection of imported animals, and regulation of transportation of infected or exposed animals. Further, the federal Food, Drug, and Cosmetic Act includes a variety of food and consumer product safety provisions, such as food standards, adulterated food, food labeling, human and animal drugs, and animal feed.

Through these and other relevant federal laws, numerous federal agencies have direct responsibility for administering and implementing programs to protect food and consumer product safety and to identify disease and prevent disease transmission. These agencies include the U.S. Customs Service, which screens all goods entering the country and enforces the federal customs laws and other relevant federal laws. The USDA's Animal and Plant Health Inspection Service (APHIS) screens imported and monitors domestic animals and other products for animal health protection, and its Food Safety and Inspection Service (FSIS) monitors safety of imported and domestic meat, poultry, and some egg products. In addition, the Food and Drug Administration (FDA) monitors safety of imported and domestic food products, dietary supplements, animal feed, human vaccines, drugs, and cosmetics.

### State Law

Washington's animal health laws authorize the Director of the Washington State Department of Agriculture (WSDA) to take actions to control animal disease. Among other powers, the WSDA Director may issue "hold orders" for up to seven days for disease control and other purposes, require permits for import of animals with or exposed to reportable diseases, and require immediate report of livestock infected with or exposed to certain diseases. Washington law also includes provisions for inspection and testing, health certification for animal importation, destruction of diseased animals, and disposal of animal carcasses. State law makes violation of the state animal health laws a gross misdemeanor and also authorizes civil enforcement actions for violations.

State law also addresses meat production and food safety issues. State law includes requirements for humane slaughter of livestock and custom slaughtering. State law also requires licensure of and operating standards for rendering plants. In addition, Washington's food, drugs, and cosmetics law is intended to establish uniformity with the federal Food, Drug, and Cosmetic Act and addresses numerous food and consumer product safety issues, including food standards, processing, additives, adulteration, storage, transport, labeling, and advertising.

### Bovine Spongiform Encephalopathy

The December 2003 detection of Bovine Spongiform Encephalopathy (BSE) ("mad-cow" disease) in a holstein cow in Washington became the first confirmed BSE case in the United States. BSE is a fatal neurological disorder affecting the brain and central nervous system of cattle and is part of a family of transmissible spongiform encephalopathies (TSE) affecting humans and other animals, including sheep, goats, deer, and elk. According to the federal Centers for Disease Control and Prevention (CDC), evidence suggests a causal relationship between outbreaks of BSE in European cattle and a human disease known as new variant Creutzfeldt-Jakob disease (vCJD). Both BSE and vCJD are invariably fatal brain diseases with long incubation periods caused by an unconventional transmissible agent. There is no known cure or treatment for either BSE or vCJD.

### **Summary of Bill:**

Transport or accepting delivery of nonambulatory livestock is a violation of the state's animal health laws. Any person who knowingly transports or accepts delivery of nonambulatory livestock is subject to a fine of up to \$1,000 per day for each nonambulatory livestock animal. The WSDA must set the amount of the fine after considering factors such as:

- the violator's history;
- severity of the violation's impact on public health and safety and the state's animal population; and
- significance of the risk created for public health and safety and the state's animal population.

Exceptions are specified. Transport or acceptance of nonambulatory livestock by a licensed veterinarian to provide appropriate medical care and treatment or euthanasia is not a violation. In addition, transport of nonambulatory livestock for appropriate medical care and treatment or euthanasia on a farm is not subject to the fine.

The fine authorized for transport or accepting delivery of nonambulatory livestock is in addition to any criminal penalty authorized under the state's animal health laws or any other penalty authorized by law.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.