

# SENATE BILL REPORT

## SB 5190

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As Reported By Senate Committee On:  
Agriculture & Rural Economic Development, February 15, 2005

**Title:** An act relating to adulteration of commercial feed.

**Brief Description:** Concerning adulterated commercial feed.

**Sponsors:** Senators Fraser, Schoesler, Rasmussen and Swecker.

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 2/3/05, 2/15/05 [DPS].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen and Morton.

**Staff:** Margaret King (786-7416)

**Background:** The federal Food and Drug Administration has adopted rules as part of the prevention system for spread of bovine spongiform encephalopathy (BSE) that prohibits the use of by-products of ruminant animals as feed supplements for other ruminants. This is commonly referred to as the ruminant to ruminant feed ban. The Washington State Department of Agriculture administers the state commercial feed laws which also includes this federal rule.

It is a misdemeanor to distribute adulterated commercial feed in the State of Washington. The penalty under current law is a fine of up to \$50 for the first offense and up to \$250 for a second offense.

**Summary of Substitute Bill:** Language is added to include within the definition of adulterated commercial feed any ruminant feed that contains any animal protein that is prohibited and listed as unsafe pursuant to the current federal regulations that are in place under the Federal Food, Drug, and Cosmetic Act. The penalty for intentionally violating the provision is increased from a misdemeanor to a gross misdemeanor. Gross misdemeanors are punishable by a fine not to exceed \$5,000 and up to one year in jail.

Other violations of the feed law are considered as standard misdemeanors which are punishable by a fine of up to \$1,000 and up to ninety days in jail.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The major firewall to protect cows from bovine spongiform encephalopathy (mad cow disease) is to prohibit feeding cow protein to cows. Violation of that prohibition should be changed from a misdemeanor to a gross misdemeanor to send clear message of strong enforcement. Concerns with original language but change in proposed substitute bill makes it clear that bill prohibits unsafe ingredients as set forth in the federal regulations for ruminant feed.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Fraser, prime sponsor; Jack Field, WA Cattlemen's Association; Jim Jesernig, Agri Beef; Ted Wishon, Stevens County Farm Bureau; Ted Maxwell, WSDA.