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**SENATE BILL 6318**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Takko, Warnick, and Van De Wege; by request of Department of Agriculture

AN ACT Relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions; amending RCW 69.04.040, 69.04.710, 69.04.810, 69.04.820, 69.04.850, 69.04.928, 69.04.932, 69.04.935, 69.04.938, 15.28.015, 15.36.012, 15.36.401, 15.36.541, 15.44.015, 15.65.033, 15.66.017, 15.88.025, 15.89.025, 16.49.095, 16.67.035, 69.07.060, 69.07.110, 69.07.120, 69.07.160, 69.10.005, 69.10.010, 69.10.030, 69.10.045, and 69.10.050; reenacting and amending RCW 9.94A.515; adding a new chapter to Title 15 RCW; adding a new chapter to Title 77 RCW; recodifying RCW 69.04.928, 69.04.932, 69.04.933, 69.04.934, 69.04.935, and 69.04.938; repealing RCW 69.04.021, 69.04.022, 69.04.023, 69.04.024, 69.04.025, 69.04.123, 69.04.190, 69.04.200, 69.04.205, 69.04.206, 69.04.207, 69.04.210, 69.04.220, 69.04.231, 69.04.240, 69.04.245, 69.04.250, 69.04.260, 69.04.270, 69.04.280, 69.04.290, 69.04.300, 69.04.310, 69.04.320, 69.04.330, 69.04.331, 69.04.333, 69.04.334, 69.04.335, 69.04.340, 69.04.345, 69.04.350, 69.04.360, 69.04.380, 69.04.390, 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.04.400, 69.04.870, 69.04.900, 69.04.905, 69.04.910, 69.04.915, 69.04.920, 69.04.930, 69.04.940, 69.04.950, 69.04.955, 69.04.960, 69.04.965, 69.04.970, 69.04.975, and 69.04.980; and prescribing penalties.

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

NEW SECTION. **Sec.**  INTENT. The purpose of this chapter is to protect the public from adulteration, misbranding, and false advertisement of food in intrastate commerce. The intent is to promote uniformity with federal law, governmental transparency, and regulatory fairness.

**PART I**

**GENERAL PROVISIONS**

NEW SECTION. **Sec.**  FEDERAL LAW REFERENCE. (1) All references to a federal statute in this chapter mean the statute and its implementing regulations existing on the effective date of this section or the date of such subsequent version as the department may adopt by rule.

(2) Where the referenced federal statute refers to the "secretary," the meaning for the purpose of this chapter is "secretary" or "director."

(3) A reference to a federal statute excludes any matters in the federal statute that are inapplicable to state jurisdiction.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

(4) "Direct seller" means an entity that: (a) Receives prepackaged food from a food processor licensed or inspected, or both, by a state or federal regulatory agency or the department; (b) delivers the food directly to consumers who placed and paid for an order on the entity's web site; (c) delivers food without opening the packaging and without dividing it into smaller packages; (d) provides no interim storage; and (e) delivers the food by means of vehicles equipped with either refrigeration or freezer units, or both. A direct seller is not a "carrier" under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  DEPARTMENT'S GENERAL POWERS. (1) The department must do all acts and things necessary to carry out and enforce the provisions of this chapter.

(2) The department must adopt rules as necessary to implement the purpose and provisions of this chapter.

(a) To the extent feasible, the rules must promote uniformity with the federal food, drug, and cosmetic act, as amended, 21 U.S.C. Sec. 301 et seq., and regulations adopted under it.

(b) To promote such uniformity, the department may conduct expedited rule making under chapter 34.05 RCW to adopt a subsequent version of a federal statute or regulation referenced in this chapter and adopt amendments to federal regulations that the department has previously adopted as rule.

(3) In accordance with subsection (2) of this section, the department may establish by rule:

(a) Standards for food including, but not limited to, identity, quality, and fill;

(b) Tolerance standards for any substance, including pesticides, color additives, and food additives used in or on food, but potentially harmful to humans or animals; and

(c) Uniform standards for pull date labeling and storage conditions for perishable packaged foods.

(4) The department must investigate violations or possible violations of this chapter or the rules adopted under it.

(5) The department may cooperate with and enter into agreements with other state, federal, or local governmental agencies in carrying out the purpose and provisions of this chapter.

(6) The department may notify the public about food safety issues and enforcement actions under this chapter.

(7) Rules that the department adopted under the authority of chapter 69.04 RCW remain effective until June 30, 2022, or until the department repeals or amends the rules, whichever is first.

NEW SECTION. **Sec.**  ADMINISTRATIVE PROCEDURE ACT. Chapter 34.05 RCW governs the administration of this chapter including but not limited to rule making, assessment of civil penalties, orders, emergency actions, and license suspension, revocation, or denial.

NEW SECTION. **Sec.**  EXEMPTION UNDER THIS CHAPTER. (1) Food in transit from one processing facility to another processing facility to complete its preparation for sale is exempt from the labeling requirements of this chapter, but is otherwise subject to all applicable provisions of this chapter.

(2) This chapter is not applicable to kosher food to the extent necessary to produce kosher food products as defined in RCW 69.90.010.

**PART II**

**GENERAL QUALITY STANDARDS AND REQUIREMENTS**

NEW SECTION. **Sec.**  ADULTERATED FOOD PROHIBITED. (1) A person may not:

(a) Cause or intend to cause adulteration of food in intrastate commerce;

(b) Sell, process, or store adulterated food in intrastate commerce; or

(c) Receive for the purpose of sale in intrastate commerce food known to be adulterated.

(2) Food is adulterated if it is adulterated within the meaning of 21 U.S.C. Sec. 342, or is adulterated in accordance with department rules.

NEW SECTION. **Sec.**  MISBRANDED FOOD PROHIBITED. (1) A person may not:

(a) Cause or intend to cause misbranded food in intrastate commerce;

(b) Sell, process, or store misbranded food in intrastate commerce; or

(c) Receive for the purpose of sale in intrastate commerce food known to be misbranded.

(2) Food is misbranded if it is misbranded within the meaning of 21 U.S.C. Sec. 321(n) or 21 U.S.C. Sec. 343, falsely represents its place or origin, or is not labeled and packaged in accordance with department rules.

NEW SECTION. **Sec.**  FALSE ADVERTISEMENT PROHIBITED. (1) A person may not disseminate false advertising with respect to food within the state, in any manner or by any means or through any medium.

(2) An advertisement of a food is false if it is false or misleading in any particular or if it is false or misleading within the meaning of 21 U.S.C. Sec. 321(n).

NEW SECTION. **Sec.**  ALTERATION PROHIBITED. A person may not change, mutilate, destroy, obliterate, or remove any part of food labeling, or do any other act that results in a food being adulterated or misbranded after shipment in intrastate commerce and while the food is held for sale.

NEW SECTION. **Sec.**  FALSE WARRANTY OR GUARANTEE PROHIBITED. A person may not knowingly or intentionally give a false guarantee or falsely warrant that food complies with this chapter.

**PART III**

**SPECIAL QUALITY OR LABELING REQUIREMENTS**

NEW SECTION. **Sec.**  PERISHABLE PACKAGED FOOD—PULL DATES. (1) All perishable packaged foods in intrastate commerce with a projected shelf life of thirty days or less must state a pull date on the package.

(2) The pull date must be stated by month and day and be in a style and format that is readily decipherable by consumers.

(3) A person may not offer perishable packaged food for sale after the pull date, except that if clearly identified as past the pull date, packaged perishable food with an expired pull date may be sold if still wholesome and without danger to health.

(4) A person may not rewrap or repackage perishable packaged food with the intention of providing a pull date different from the original.

(5) The department may exclude the monthly requirement from the pull date for perishable packaged food with a shelf life of seven days or less.

(6) The department must consult with the secretary of the department of health when appropriate in adopting rules to establish uniform standards for pull date labeling and optimum storage conditions for perishable packaged food.

NEW SECTION. **Sec.**  POPCORN SOLD IN THEATERS OR COMMERCIAL FOOD ESTABLISHMENTS. (1) Theaters and other commercial food establishments that prepare and sell popcorn for human consumption must post a sign in a conspicuous location identifying whether butter or butter-like flavoring added to or attributed to the popcorn offered for sale is butter or some other product. If another product, the sign must also disclose the ingredients of the product.

(2) Popcorn sold or offered for sale in violation of this section and rules adopted by the department prescribing the size and content of the sign is misbranded for the purposes of this chapter.

(3) This provision does not apply to prepackaged popcorn labeled in compliance with applicable law.

(4) "Butter," as used in this section, means the food product usually known as butter and made exclusively from milk or cream, or both with or without common salt, and with or without additional coloring matter, and containing not less than eighty percent by weight of milkfat, all tolerance having been allowed for.

**PART IV**

**LICENSES**

NEW SECTION. **Sec.**  GENERAL LICENSE ADMINISTRATION. (1) Unless otherwise provided, the provisions in this section apply to a license or certificate issued under this chapter.

(2) Applicants for a new or renewal license issued by the department must submit applications on forms prescribed by the department.

(3) The license fee must accompany any application submittal.

(4) The department must adopt rules for an annual license and renewal fee to defray the costs of administering a licensing program, including inspections.

(5) The department must issue a license to the applicant if the application is complete and the applicant's food facility complies with this chapter, including the rules adopted under it.

NEW SECTION. **Sec.**  DIRECT SELLER LICENSE. (1) A person may not operate as a direct seller without a license issued by the department.

(2) A licensed direct seller must transport food under conditions that protect food against physical, chemical, and microbial contamination, as well as against deterioration of the food and its container. This includes, but is not limited to, the separation of raw materials in a manner to avoid cross-contamination of other food and ensure that raw materials that inherently contain pathogenic and spoilage microorganisms, soil, or other foreign material, do not come into direct contact with other food.

(3) In the event of a food recall or when required by the department or a federal, state, or local health authority in response to a foodborne illness outbreak, a licensed direct seller must use its client listserv to notify its customers of the recall and other relevant information.

(4) A direct seller license must comply with the definition of a direct seller in this chapter and:

(a) Provide the department with a list of all leased, rented, or owned vehicles, other than vehicles that are rented for fewer than forty-five days, used by the applicant's business to deliver food;

(b) Maintain all records of vehicles rented for fewer than forty-five days for at least twelve months following the termination of the rental period; and

(c) Maintain food temperature logs or use a device to monitor the temperature of the packages in real time for all food while in transport.

(5) The department shall pay all moneys received under this section into the food processing inspection account created in RCW 69.07.120. The department must use such funds solely to carry out the provisions of this section.

(6) In the implementation of this section, the department must:

(a) Conduct inspections of vehicles, food handling areas, refrigeration equipment, and product packaging used by a licensed direct seller;

(b) Conduct audits of temperature logs and other food handling records as appropriate;

(c) Investigate complaints against a licensed direct seller for the failure to maintain food safety; and

(d) Adopt rules, in consultation with the department of health and local health jurisdictions, necessary to administer and enforce the program consistent with federal regulations.

(7) Direct sellers that have a license from the department under this section are exempt from the permitting requirements of food service rules adopted by the state board of health and local health jurisdictions.

NEW SECTION. **Sec.**  INSPECTIONS. (1) Any person authorized by the department to operate a food facility must provide the department access for inspection to any part, portion, or area of the food facility or its records subject to the authorization.

(2) When possible, the department must make any such inspection during regular business hours or during a working shift of the food facility, except that the department may inspect such food facility at any time upon information of conditions that constitute immediate danger to public health.

NEW SECTION. **Sec.**  LICENSE DENIAL, SUSPENSION, OR REVOCATION—PENALTIES. (1) The department may deny, suspend, or revoke a license issued by the department upon determining that an applicant or licensee has:

(a) Refused, neglected, or failed to comply with the provisions of this chapter or the rules adopted under it, or a lawful order of the department;

(b) Refused, neglected, or failed to keep and maintain required records or to make such records available when requested; and

(c) Refused the department access to a portion or area of the food facility for the purpose of carrying out the purposes of this chapter.

(2) In addition to or instead of suspending or revoking a license, the department may impose and collect a civil monetary penalty as provided in section 506 of this act for a licensee's violations of this chapter or the rules adopted under it.

**PART V**

**INVESTIGATION, ENFORCEMENT, AND EMERGENCY AUTHORITY**

NEW SECTION. **Sec.**  INVESTIGATION. (1) At reasonable times, the department may enter any food facility to inspect such food facility and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements and take samples for compliance with this chapter and the rules adopted under it.

(2) The department may take product or ingredient samples of food at food facilities or in intrastate commerce upon payment of the market price, if requested. The department must allow the owner of the food or any person named on the label of the food to conduct independent sampling.

(3) To enforce this chapter, the department may inspect the pertinent records of any state agency.

(4) When the department presents a written request specifying the food under investigation, carriers engaged in intrastate commerce and persons receiving or holding food in intrastate commerce must permit the department reasonable access to and allow the department to copy all records showing the movement or holding in intrastate commerce of food, its quantity, shipper, and consignee. Evidence obtained under this section may not be used in a criminal prosecution of the person who provides access to records under this section.

(5) An owner or other person in control of a food facility or food in intrastate commerce may not refuse to allow the department's investigation under this chapter, if the department has probable cause to conduct the investigation.

NEW SECTION. **Sec.**  INJUNCTION. (1) Regardless of the existence of other remedies at law, the department may bring an action to enjoin the violation of this chapter or the rules adopted under it in the superior court of Thurston county or in a court of competent jurisdiction.

(2) When the injunction concerns dissemination of false advertisement and the court determines that the injunction would delay the regular distribution of a printed issue of a newspaper, magazine, periodical, or other print publication, the court must exclude the issue from the scope of the injunction.

NEW SECTION. **Sec.**  EMBARGO. (1) If the department has probable cause to believe that a food that violates a provision of this chapter and stopping its movement in intrastate commerce is necessary to protect public health, the department may initiate an embargo prohibiting transportation, distribution, or sale of the food.

(2) The department must provide an opportunity for an emergency adjudicative proceeding under chapter 34.05 RCW within twenty days of initiating the embargo action and provide notice to other governmental authorities having jurisdiction.

(3) The department must initiate the embargo action by (a) posting or affixing an embargo order on or at the location of the food or (b) delivering an embargo order to the party in control of the food. The order must specify the food under embargo, set forth the department's intent for disposition of the food, give notice of emergency hearing rights, and otherwise comply with the requirements for an emergency adjudicative proceeding under chapter 34.05 RCW. Disposition of the food may include, but is not limited to, destruction or correction or cure of the violation.

(4) A person may not transport, distribute, or sell food subject to an embargo order without the department's written approval.

(5) A person may not remove, mutilate, or destroy an embargo order without the department's written approval.

(6) The department must immediately withdraw or remove an embargo order upon discovery that the food does not violate any provision of this chapter.

(7) A court shall not allow recovery of damages in an embargo action if the court finds that there was probable cause for such action.

NEW SECTION. **Sec.**  CONDEMNATION. Consistent with constitutional requirements, the department may take condemnation action against food, which may include ordering destruction of the food, if the department has probable cause to believe that immediate containment or destruction of the food is necessary to protect public health. A court shall not allow recovery of damages in a condemnation action if the court finds that there was probable cause for such action.

NEW SECTION. **Sec.**  TEMPORARY EMERGENCY RULES. (1) If a class of food manufactured, processed, or packed in a locality is possibly contaminated with microorganisms injurious to health and the extent of injury cannot be determined once the food has entered into intrastate commerce, the department may adopt emergency rules for the manufacture, processing, or packing of that class of food in that locality. The rules must include the conditions necessary to protect public health and provide for the department to issue temporary permits during the emergency period.

(2) A person may not manufacture, process, or pack the class of food subject to the emergency unless holding a temporary permit under the emergency rules and complying with the conditions of the permit.

(3) To the extent practicable, such emergency rules must conform to federal emergency regulations, if any, addressing the same subject.

(4) A person may not introduce or deliver in intrastate commerce food that violates the requirements of this provision.

(5) A person may not falsely represent that food subject to temporary emergency rule complies with those rules through the use of a mark stamp, tag, label, or other counterfeit or false identification device.

(6) The department may immediately suspend a temporary emergency permit when its holder violates the conditions of the permit.

NEW SECTION. **Sec.**  CIVIL MONETARY PENALTY. (1) The department may impose upon and collect a civil penalty from a person violating this chapter or the rules adopted under it.

(2) The civil penalty must not exceed one thousand dollars per violation per day, except the civil penalty for a violation of pull date requirements in section 301 of this act must not exceed five hundred dollars.

(3) Each violation of this section is a separate and distinct offense.

NEW SECTION. **Sec.**  CRIMINAL PENALTIES. (1) A person who knowingly violates any of sections 201 through 205, 501, 503, or 505 of this act is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) A person who commits any of the following is guilty of a class C felony punishable under chapter 9A.20 RCW:

(a) Violating any one of sections 201 through 205, 501, 503, or 505 of this act following a first offense under subsection (1) of this section; or

(b) Violating any one of sections 201 through 205, 501, 503, or 505 of this act with intent to defraud or mislead.

(3) Before reporting a violation for criminal prosecution, the department must provide the affected person with notice and opportunity to present oral or written comment to the department.

NEW SECTION. **Sec.**  AVOIDANCE OF PENALTY. (1) A person who receives, holds, or sells adulterated or misbranded food is not subject to civil monetary or criminal penalties under this chapter if the person:

(a) Establishes that receipt or sale of the food was in good faith;

(b) Furnishes the identity of the entity from whom the food was received; and

(c) Provides copies of all documents pertaining to the receipt and distribution of the food.

(2) If food is found to be adulterated or misbranded, a person who has given guarantee or warranty that the food complies with this chapter is not subject to civil monetary or criminal penalties under this chapter if the person:

(a) Establishes that the guarantee or warranty was in good faith and in reliance on the guarantee or warranty by another entity;

(b) Furnishes the identity of the entity providing the guarantee or warranty under (a) of this subsection; and

(c) Provides copies of all documents pertaining to the receipt and distribution of the food.

(3) No publisher, broadcaster, or other disseminator of advertisement prepared by others is subject to civil or criminal penalties if the person establishes that receipt of the advertisement was in good faith and the person furnishes the identity of the entity that caused or created a false advertisement.

NEW SECTION. **Sec.**  PROCEEDINGS. (1) The department may refer a violation of this chapter or the rules adopted under it to a state, county, or city attorney, who may initiate proceedings as appropriate and prosecute the matter as prescribed by law.

(2) This chapter does not require the department to refer minor violations of this chapter for legal proceedings if public interest is adequately served in the circumstances by written notice or warning.

**PART VI**

**AMENDMENTS TO CHAPTER 69.04 RCW**

**Sec.**  RCW 69.04.040 and 1945 c 257 s 22 are each amended to read as follows:

The following acts and the causing thereof are hereby prohibited:

(1) The sale in intrastate commerce of any ((~~food,~~)) drug, device, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any ((~~food,~~)) drug, device, or cosmetic in intrastate commerce.

(3) The receipt in intrastate commerce of any ((~~food,~~)) drug, device, or cosmetic that is adulterated or misbranded, and the sale thereof in such commerce for pay or otherwise.

(4) The introduction or delivery for introduction into intrastate commerce of ((~~(a) any food in violation of RCW 69.04.350; or (b)~~)) any new drug in violation of RCW 69.04.570.

(5) The dissemination within this state, in any manner or by any means or through any medium, of any false advertisement.

(6) The refusal to permit (a) entry and the taking of a sample or specimen or the making of any investigation or examination as authorized by RCW 69.04.780; or (b) access to or copying of any record as authorized by RCW 69.04.810.

(7) The refusal to permit entry or inspection as authorized by RCW 69.04.820.

(8) The removal, mutilation, or violation of an embargo notice as authorized by RCW 69.04.110.

(9) The giving of a guaranty or undertaking in intrastate commerce, referred to in RCW 69.04.080, that is false.

(10) ((~~The forging, counterfeiting, simulating, or falsely representing, or without proper authority, using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under RCW 69.04.350.~~

~~(11)~~)) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a ((~~food,~~)) drug, device, or cosmetic, or the doing of any other act with respect to a ((~~food,~~)) drug, device, or cosmetic, or the labeling or advertisement thereof, which results in a violation of this chapter.

((~~(12)~~)) (11) The using in intrastate commerce, in the labeling or advertisement of any drug, of any representation or suggestion that an application with respect to such drug is effective under section 505 of the federal act or under RCW 69.04.570, or that such drug complies with the provisions of either such section.

**Sec.**  RCW 69.04.710 and 1945 c 257 s 89 are each amended to read as follows:

An advertisement of a ((~~food,~~)) drug, device, or cosmetic shall be deemed to be false, if it is false or misleading in any particular.

**Sec.**  RCW 69.04.810 and 1990 c 202 s 9 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, carriers engaged in intrastate commerce, and persons receiving ((~~food,~~)) drugs, devices, or cosmetics in intrastate commerce or holding such articles so received, shall, upon the request of the director, permit the director at reasonable times, to have access to and to copy all records showing the movement in intrastate commerce of any ((~~food,~~)) drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and the copying of any such records so requested when such request is accompanied by a statement in writing specifying the nature or kind of ((~~food,~~)) drug, device, or cosmetic to which such request relates: PROVIDED, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: PROVIDED FURTHER, That ((~~except for violations of RCW 69.04.955, penalties levied under RCW 69.04.980, the requirements of RCW 69.04.950 through 69.04.980, and the requirements of this section,~~)) carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of ((~~food,~~)) drugs, devices, or cosmetics in the usual course of business as carriers.

**Sec.**  RCW 69.04.820 and 1945 c 257 s 100 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, the director is authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment subject to this chapter, or to enter any vehicle being used to transport or hold ((~~food,~~)) drugs, devices, or cosmetics in intrastate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements therein.

**Sec.**  RCW 69.04.850 and 1945 c 257 s 104 are each amended to read as follows:

This chapter and the ((~~regulations promulgated~~)) rules adopted hereunder shall be so interpreted and construed as to effectuate its general purpose to secure uniformity with federal acts and regulations relating to adulterating, misbranding and false advertising of ((~~food,~~)) drugs, devices, and cosmetics.

**Sec.**  RCW 69.04.928 and 2013 c 290 s 2 are each amended to read as follows:

The department of ((~~agriculture~~)) may:

(1) Develop a pamphlet that generally describes the labeling requirements for seafood as set forth in this chapter; and

(2) ((~~Provide to the department of fish and wildlife a web site link to the pamphlet; and~~

~~(3)~~)) Make the pamphlet available to holders of any license associated with buying and selling fish or shellfish under chapter 77.65 RCW.

**Sec.**  RCW 69.04.932 and 2013 c 290 s 3 are each amended to read as follows:

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

(1) "Commercially caught" means wild or hatchery‑raised salmon harvested in the wild by commercial fishers. The term does not apply to farmed fish raised exclusively by private sector aquaculture.

(2) "((~~Food~~)) Fish" means fresh or saltwater finfish and other forms of aquatic animal life other than crustaceans, mollusks, birds, and mammals where the animal life is intended for human consumption.

(3) "Salmon" means all species of the genus Oncorhynchus, except those classified as game fish in RCW 77.08.020, and includes:

|  |  |  |
| --- | --- | --- |
| SCIENTIFIC NAME | | COMMON NAME |
| Oncorhynchus tshawytscha | | Chinook salmon or king salmon |
| Oncorhynchus kisutch | | Coho salmon or silver salmon |
| Oncorhynchus keta | | Chum or "keta" salmon |
| Oncorhynchus gorbuscha | | Pink salmon |
| Oncorhynchus nerka | | Sockeye or "red" salmon |
| Salmo salar (in other than | | Atlantic salmon |
|  | its landlocked form) |  |

(4) "Shellfish" means crustaceans and all mollusks where the animal life is intended for human consumption.

**Sec.**  RCW 69.04.933 and 2017 3rd sp.s. c 8 s 6 are each amended to read as follows:

(1) It is unlawful to knowingly sell or offer for sale at wholesale or retail any fresh, frozen, or processed fish or shellfish without identifying for the buyer at the point of sale the species of fish or shellfish by its common name, such that the buyer can make an informed purchasing decision for his or her protection, health, and safety.

(2) It is unlawful to knowingly label or offer for sale any fish designated as halibut, with or without additional descriptive words, unless the fish product is *Hippoglossus hippoglossus* or *Hippoglossus stenolepsis*.

(3) This section does not apply to salmon that is minced, pulverized, coated with batter, or breaded.

(4) This section does not apply to a commercial fisher properly licensed under chapter 77.65 or 77.70 RCW and engaged in sales of fish to a wholesale fish buyer.

(5) A violation of this section constitutes misbranding under RCW 69.04.938 (as recodified by this act) and is punishable as a misdemeanor, gross misdemeanor, or felony depending on the fair market value of the fish or shellfish involved in the violation.

(6)(a) The common names for salmon species are as listed in RCW 69.04.932 (as recodified by this act).

(b) The common names for all other fish and shellfish are the common names for fish and shellfish species as defined by rule of the department ((~~of fish and wildlife~~)). If the common name for a species is not defined by rule of the department ((~~of fish and wildlife~~)), then the common name is the acceptable market name or common name as provided in the United States food and drug administration's publication "Seafood list ‑ FDA's guide to acceptable market names for seafood sold in interstate commerce," as the publication existed on July 28, 2013.

(7) For the purposes of this section, "processed" means fish or shellfish processed by heat for human consumption, such as fish or shellfish that is kippered, smoked, boiled, canned, cleaned, portioned, or prepared for sale or attempted sale for human consumption.

(8) Nothing in this section precludes using additional descriptive language or trade names to describe fish or shellfish as long as the labeling requirements in this section are met.

**Sec.**  RCW 69.04.934 and 2017 3rd sp.s. c 8 s 7 are each amended to read as follows:

(1) It is unlawful to knowingly sell or offer for sale at wholesale or retail any fresh, frozen, or processed salmon without identifying private sector cultured aquatic salmon or salmon products as farm-raised salmon, or identifying commercially caught salmon or salmon products as commercially caught salmon.

(2) Identification of the products under subsection (1) of this section must be made to the buyer at the point of sale such that the buyer can make an informed purchasing decision for his or her protection, health, and safety.

(3) A violation of this section constitutes misbranding under RCW 69.04.938 (as recodified by this act) and is punishable as a misdemeanor, gross misdemeanor, or felony depending on the fair market value of the fish or shellfish involved in the violation.

(4) This section does not apply to salmon that is minced, pulverized, coated with batter, or breaded.

(5) This section does not apply to a commercial fisher properly licensed under chapter 77.65 or 77.70 RCW and lawfully engaged in the sale of fish to a wholesale fish buyer.

(6) Nothing in this section precludes using additional descriptive language or trade names to describe fish or shellfish as long as the labeling requirements of this section are met.

**Sec.**  RCW 69.04.935 and 2013 c 290 s 6 are each amended to read as follows:

To promote honesty and fair dealing for consumers and to protect public health and safety, ((~~the director, in consultation with~~)) the director ((~~of the department of fish and wildlife~~)), may adopt rules as necessary to:

(1) Establish and implement a reasonable definition and identification standard for species of ((~~food~~)) fish and shellfish that are sold for human consumption;

(2) Provide procedures for enforcing this chapter's ((~~food~~)) fish and shellfish labeling requirements and misbranding prohibitions.

**Sec.**  RCW 69.04.938 and 2013 c 290 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful misbranding of ((~~food~~)) fish or shellfish in the third degree if the person commits an act that violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as recodified by this act), and the misbranding involves ((~~food~~)) fish or shellfish with a fair market value up to five hundred dollars. Unlawful misbranding of ((~~food~~)) fish or shellfish in the third degree is a misdemeanor.

(2) A person is guilty of unlawful misbranding of ((~~food~~)) fish or shellfish in the second degree if the person commits an act that violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as recodified by this act), and the misbranding involves ((~~food~~)) fish or shellfish with a fair market value of five hundred dollars or more, up to five thousand dollars. Unlawful misbranding of ((~~food~~)) fish or shellfish in the second degree is a gross misdemeanor.

(3) A person is guilty of unlawful misbranding of ((~~food~~)) fish or shellfish in the first degree if the person commits an act that violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as recodified by this act), and the misbranding involves ((~~food~~)) fish or shellfish with a fair market value of five thousand dollars or more. Unlawful misbranding of ((~~food~~)) fish or shellfish in the first degree is a class C felony.

**PART VII**

**AMENDMENTS TO REFERENCING STATUTES**

**Sec.**  RCW 15.28.015 and 2011 c 103 s 28 are each amended to read as follows:

The history, economy, culture, and the future of Washington state's agriculture involves the production of soft tree fruits. In order to develop and promote Washington's soft tree fruits as part of an existing comprehensive regulatory scheme the legislature declares:

(1) That the Washington state fruit commission is created;

(2) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its soft tree fruits be properly promoted by (a) enabling the soft tree fruit industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered cooperative marketing, grading, and standardizing of soft tree fruits they produce; and (b) working to stabilize the soft tree fruit industry by increasing consumption of soft tree fruits within the state, the nation, and internationally;

(3) That producers of soft tree fruits operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the producers of soft tree fruits in their ability to compete in local, domestic, and foreign markets;

(4) That it is in the overriding public interest that support for the soft tree fruit industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that soft tree fruits be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of Washington state's soft tree fruits in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's soft tree fruits;

(d) Increase the knowledge of the health-giving qualities and dietetic value of soft tree fruits;

(e) Support and engage in cooperative programs or activities that benefit the production, handling, processing, marketing, and uses of soft tree fruits produced in Washington state;

(5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state and to stabilize and protect the soft tree fruit industry of the state; and

(6) That the production and marketing of soft tree fruit is a highly regulated industry and that the provisions of this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the soft tree fruit industry include:

(a) The federal marketing order under 7 C.F.R. Part 922 (apricots);

(b) The federal marketing order under 7 C.F.R. Part 923 (sweet cherries);

(c) The federal marketing order under 7 C.F.R. Part 924 (prunes);

(d) The federal marketing order under 7 C.F.R. Part 930 (tart cherries);

(e) The federal marketing order under 7 C.F.R. Part 931 (Bartlett pears);

(f) Tree fruit research act under chapter 15.26 RCW;

(g) Controlled atmosphere storage of fruits and vegetables under chapter 15.30 RCW;

(h) Organic products act under chapter 15.86 RCW;

(i) ((~~Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;~~)) The food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

(j) Washington food processing act under chapter 69.07 RCW;

(k) Washington food storage warehouses act under chapter 69.10 RCW;

(l) Weighmasters under chapter 15.80 RCW;

(m) Horticultural pests and diseases under chapter 15.08 RCW;

(n) Horticultural plants, Christmas trees, and facilities—Inspection and licensing under chapter 15.13 RCW;

(o) Planting stock under chapter 15.14 RCW;

(p) Standards of grades and packs under chapter 15.17 RCW;

(q) Washington pesticide control act under chapter 15.58 RCW;

(r) Farm marketing under chapter 15.64 RCW;

(s) Insect pests and plant diseases under chapter 17.24 RCW;

(t) Weights and measures under chapter 19.94 RCW;

(u) Agricultural products—Commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and

(v) Rules under the Washington Administrative Code, Title 16.

**Sec.**  RCW 15.36.012 and 2006 c 157 s 2 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement I, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale.

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Degrade" means the lowering in grade from grade A to grade C.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act). Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment that merely receives the processed milk products and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale.

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, distributing, dispensing, delivering, supplying, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

**Sec.**  RCW 15.36.401 and 1999 c 291 s 15 are each amended to read as follows:

(1) A license issued under this chapter may be denied, suspended, or revoked by the director when a person:

(a) Fails to comply with the provisions of this chapter or the rules adopted under this chapter;

(b) Refuses the department access to a portion or area of a facility regulated under this chapter, for the purpose of carrying out the provisions of this chapter;

(c) Fails to comply with an order of the director;

(d) Refuses to make available to the department records required to be kept under the provisions of this chapter;

(e) Fails to comply with the applicable provisions of chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act), Washington intrastate commerce in food, drugs, and cosmetics act, or rules adopted under that chapter;

(f) Interferes with the director in the performance of his or her duties; or

(g) Exhibits negligence, misconduct, or lack of qualification in the discharge of his or her functions.

Upon notice by the director to deny, revoke, or suspend a license, a person may request a hearing under chapter 34.05 RCW.

(2) Whenever a milk transport vehicle is found in violation of this chapter or rules adopted under this chapter, the endorsement for that milk transport vehicle contained on a milk hauler's license may be suspended or revoked. The suspension or revocation does not apply to any other milk transport vehicle operated by the milk hauler.

(3) A license may be revoked by the director upon serious or repeated violations or after a license suspension or degrade for thirty continuous days without correction of the items causing the suspension or degrade.

**Sec.**  RCW 15.36.541 and 1961 c 11 s 15.32.910 are each amended to read as follows:

Nothing in this chapter shall be construed as affecting or being intended to effect a repeal of chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) or RCW 69.40.010 through 69.40.025, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this chapter shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not in substitution therefor. And nothing in this chapter shall be construed to forbid the importation, transportation, manufacture, sale, or possession of any article of food which is not prohibited from interstate commerce by the laws of the United States or rules or regulations lawfully made thereunder, if there be a standard of quality, purity and strength therefor authorized by any law of this state, and such article comply therewith and be not misbranded.

**Sec.**  RCW 15.44.015 and 2011 c 103 s 29 are each amended to read as follows:

The history, economy, culture, and the future of Washington state's agriculture involves the dairy industry. In order to develop and promote Washington's dairy products as part of an existing comprehensive scheme to regulate those products the legislature declares:

(1) That the Washington state dairy products commission is created. The commission may also take actions under the name "the dairy farmers of Washington";

(2) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its dairy products be properly promoted by (a) enabling the dairy industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the dairy products they produce; and (b) working to stabilize the dairy industry by increasing consumption of dairy products within the state, the nation, and internationally;

(3) That dairy producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the dairy producer's ability to compete in local, domestic, and foreign markets;

(4) That it is in the overriding public interest that support for the dairy industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that dairy products be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of Washington state's dairy products in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's dairy products;

(d) Increase the knowledge of the health-giving qualities and dietetic value of dairy products; and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of dairy products produced in Washington state;

(5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(6) That the dairy industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the dairy industry include the:

(a) Federal marketing order under 7 C.F.R., Part 1124;

(b) Dairy promotion program under the dairy and tobacco adjustment act of 1983, Subtitle B;

(c) Milk and milk products act under chapter 15.36 RCW and rules, including:

(i) The national conference of interstate milk shippers pasteurized milk ordinance;

(ii) The national conference of interstate milk shippers dry milk ordinance;

(iii) Standards for the fabrication of single-service containers;

(iv) Procedures governing cooperative state-public health service;

(v) Methods of making sanitation ratings of milk supplies;

(vi) Evaluation and certification of milk laboratories; and

(vii) Interstate milk shippers;

(d) Milk and milk products for animal food act under chapter 15.37 RCW and rules;

(e) Organic products act under chapter 15.86 RCW and rules;

(f) ((~~Intrastate commerce in food, drugs, and cosmetics act under chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating to the general manufacturing practices, milk processing, food labeling, food standards, and food additives~~)) The food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

(g) Washington food processing act under chapter 69.07 RCW and rules;

(h) Washington food storage warehouses act under chapter 69.10 RCW and rules;

(i) Animal health under chapter 16.36 RCW and rules;

(j) Weighmasters under chapter 15.80 RCW and rules; and

(k) Dairy nutrient management act under chapter 90.64 RCW and rules.

**Sec.**  RCW 15.65.033 and 2011 c 103 s 24 are each amended to read as follows:

This chapter and the rules adopted under it are only one aspect of the comprehensively regulated agricultural industry.

(1) Other laws applicable to agricultural commodities include the following chapters and the rules adopted thereunder:

Chapter 15.08 RCW Horticultural pests and diseases;

Chapter 15.13 RCW Horticultural plants, Christmas trees, and facilities—Inspection and licensing;

Chapter 15.14 RCW Planting stock;

Chapter 15.15 RCW Certified seed potatoes;

Chapter 15.17 RCW Standards of grades and packs;

Chapter 15.19 RCW Certification and inspection of ginseng;

Chapter 15.30 RCW Controlled atmosphere storage of fruits and vegetables;

Chapter 15.49 RCW Seeds;

Chapter 15.53 RCW Commercial feed;

Chapter 15.54 RCW Fertilizers, minerals, and limes;

Chapter 15.58 RCW Washington pesticide control act;

Chapter 15.60 RCW Apiaries;

Chapter 15.64 RCW Farm marketing;

Chapter 15.83 RCW Agricultural marketing and fair practices;

Chapter 15.85 RCW Aquaculture marketing;

Chapter 15.86 RCW Organic products;

Chapter 15.92 RCW Center for sustaining agriculture and natural resources;

The food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

Chapter 17.24 RCW Insect pests and plant diseases;

Chapter 19.94 RCW Weights and measures;

Chapter 20.01 RCW Agricultural products—Commission merchants, dealers, brokers, buyers, agents;

Chapter 22.09 RCW Agricultural commodities;

((~~Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;~~))

Chapter 69.07 RCW Washington food processing act;

Chapter 69.25 RCW Washington wholesome eggs and egg products act;

Chapter 69.28 RCW Honey;

7 U.S.C., section 136, Federal insecticide, fungicide, and rodenticide act.

(2) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the dry pea and lentil industry is regulated by or must comply with the additional laws and rules adopted under 7 U.S.C., chapter 38, agricultural marketing act.

**Sec.**  RCW 15.66.017 and 2011 c 103 s 26 are each amended to read as follows:

This chapter and the rules adopted under it are only one aspect of the comprehensively regulated agricultural industry.

(1) Other laws applicable to agricultural commodities include the following chapters and the rules adopted thereunder:

Chapter 15.08 RCW Horticultural pests and diseases;

Chapter 15.13 RCW Horticultural plants, Christmas trees, and facilities—Inspection and licensing;

Chapter 15.14 RCW Planting stock;

Chapter 15.15 RCW Certified seed potatoes;

Chapter 15.17 RCW Standards of grades and packs;

Chapter 15.19 RCW Certification and inspection of ginseng;

Chapter 15.30 RCW Controlled atmosphere storage of fruits and vegetables;

Chapter 15.49 RCW Seeds;

Chapter 15.53 RCW Commercial feed;

Chapter 15.54 RCW Fertilizers, minerals, and limes;

Chapter 15.58 RCW Washington pesticide control act;

Chapter 15.60 RCW Apiaries;

Chapter 15.64 RCW Farm marketing;

Chapter 15.83 RCW Agricultural marketing and fair practices;

Chapter 15.85 RCW Aquaculture marketing;

Chapter 15.86 RCW Organic products;

Chapter 15.92 RCW Center for sustaining agriculture and natural resources;

Chapter 15.--- RCW (the new chapter created in section 903 of this act) Food safety and security act;

Chapter 17.24 RCW Insect pests and plant diseases;

Chapter 19.94 RCW Weights and measures;

Chapter 20.01 RCW Agricultural products—Commission merchants, dealers, brokers, buyers, agents;

Chapter 22.09 RCW Agricultural commodities;

((~~Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;~~))

Chapter 69.07 RCW Washington food processing act;

Chapter 69.25 RCW Washington wholesome eggs and egg products act;

Chapter 69.28 RCW Honey;

7 U.S.C., section 136, Federal insecticide, fungicide, and rodenticide act.

(2) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the potato industry is regulated by or must comply with the following additional laws and the rules or regulations adopted thereunder:

(a) 7 C.F.R., Part 51, United States standards for grades of potatoes;

(b) 7 C.F.R., Part 946, Federal marketing order for Irish potatoes grown in Washington;

(c) 7 C.F.R., Part 1207, Potato research and promotion plan.

(3) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the wheat and barley industries are regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 7 U.S.C., section 1621, Agricultural marketing act;

(b) Chapter 70.94 RCW, Washington clean air act, agricultural burning.

(4) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the poultry industry is regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 21 U.S.C., chapter 10, Poultry and poultry products inspection;

(b) 21 U.S.C., chapter 9, Packers and stockyards;

(c) 7 U.S.C., section 1621, Agricultural marketing act;

(d) Washington fryer commission labeling standards.

**Sec.**  RCW 15.88.025 and 2011 c 103 s 30 are each amended to read as follows:

The history, economy, culture, and future of Washington state's agriculture involves the wine industry. In order to develop and promote wine grapes and wine as part of an existing comprehensive scheme to regulate those products the legislature declares:

(1) That it is vital to the continued economic well‑being of the citizens of this state and their general welfare that its wine grapes and wine be properly promoted by (a) enabling the wine industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing of wine grapes and wines they produce; and (b) working to stabilize the wine industry by increasing markets for wine grapes and wine within the state, the nation, and internationally;

(2) That wine grape growers and wine producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the wine grape growers' and wine producers' ability to compete in local, domestic, and foreign markets;

(3) That it is in the overriding public interest that support for the wine industry be clearly expressed; that adequate protection be given to agricultural commodities, uses, activities, and operations; and that wine grapes and wine be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of wine grapes and wine in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of wine grapes and wine;

(d) Increase the knowledge of the qualities and value of Washington's wine grapes and wine; and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of wine grapes and wine;

(4) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(5) That the production and marketing of wine grapes and wine is a highly regulated industry and that the provisions of this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the wine grape and wine industry include:

(a) Organic products act under chapter 15.86 RCW;

(b) Horticultural pests and diseases under chapter 15.08 RCW;

(c) Horticultural plants, Christmas trees, and facilities—Inspection and licensing under chapter 15.13 RCW;

(d) Planting stock under chapter 15.14 RCW;

(e) Washington pesticide control act under chapter 15.58 RCW;

(f) Food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

(g) Insect pests and plant diseases under chapter 17.24 RCW;

((~~(g)~~)) (h) Wholesale distributors and suppliers of wine and malt beverages under chapter 19.126 RCW;

((~~(h)~~)) (i) Weights and measures under chapter 19.94 RCW;

((~~(i)~~)) (j) Title 66 RCW, alcoholic beverage control;

((~~(j) Title 69 RCW, food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;~~))

(k) Chapter 69.07 RCW, Washington food processing act;

(l) 27 U.S.C., Secs. 201 through 211, 213 through 219a, and 122A;

(m) 27 C.F.R., Parts 1, 6, 9, 10, 12, 16, 240, 251, 252; and

(n) Rules under Titles 16 and 314 WAC, and rules adopted under chapter 15.88 RCW.

**Sec.**  RCW 15.89.025 and 2011 c 103 s 31 are each amended to read as follows:

The history, economy, culture, and future of Washington state's agriculture involve the beer industry. In order to develop and promote beer as part of an existing comprehensive scheme to regulate those products, the legislature declares that:

(1) It is vital to the continued economic well-being of the citizens of this state and their general welfare that beer produced in Washington state be properly promoted;

(2) It is in the overriding public interest that support for the Washington beer industry be clearly expressed and that beer be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of beer;

(c) Increase the knowledge of the qualities and value of Washington's beer; and

(d) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of beer;

(3) This chapter is enacted in the exercise of the police powers of this state to protect the health, peace, safety, and general welfare of the people of this state; and

(4) The production and marketing of beer is a highly regulated industry and this chapter and the rules adopted under it are only one aspect of the regulated industry. Other laws applicable to the beer industry include:

(a) The organic products act, chapter 15.86 RCW;

(b) The food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

(c) The wholesale distributors and suppliers of malt beverages, chapter 19.126 RCW;

((~~(c)~~)) (d) Weights and measures, chapter 19.94 RCW;

((~~(d)~~)) (e) Title 66 RCW, alcoholic beverage control;

((~~(e) Title 69 RCW, food, drugs, cosmetics, and poisons;~~))

(f) 21 C.F.R. as it relates to general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(g) Chapter 69.07 RCW, Washington food processing act;

(h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

(i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

(j) Rules under Title 314 WAC.

**Sec.**  RCW 16.49.095 and 2000 c 99 s 10 are each amended to read as follows:

(1) The director may deny, suspend, or revoke any license required under this chapter if the director determines that an applicant or licensee has committed any of the following acts:

((~~(1)~~)) (a) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or any lawful order of the director;

((~~(2)~~)) (b) Refused, neglected, or failed to keep and maintain records required under this chapter or rules adopted under this chapter to make the records available to the director on request;

((~~(3)~~)) (c) Refused the director access to any facilities or parts of the facilities for the purpose of carrying out the provisions of this chapter or rules adopted under this chapter; or

((~~(4)~~)) (d) Refused, neglected, or failed to comply with any provisions of chapter ((~~69.04~~)) 15.--- RCW ((~~, intrastate commerce in food, drugs, and cosmetics,~~)) (the new chapter created in section 903 of this act) or rules adopted under that chapter.

(2) Upon receipt of notice by the director to deny, suspend, or revoke a license, a person may request a hearing under chapter 34.05 RCW.

**Sec.**  RCW 16.67.035 and 2017 c 256 s 1 are each amended to read as follows:

The legislature declares:

(1) That the history, economy, culture, and the future of Washington state's agriculture involves the beef industry. It is vital to the economy and to citizens' health that the beef industry continue to progress and thrive. The Washington state beef commission is part of an existing comprehensive system to regulate and promote beef and beef products;

(2) That the focus of the beef commission shall include the following responsibilities:

(a) The beef industry is to be promoted in a manner that showcases the varied aspects and segments of the industry;

(b) Research, education, and programs related to health and safety of beef are to be advanced in cooperation with the Washington state department of agriculture, Washington State University, other institutions of higher learning as appropriate, and other governmental or nongovernmental organizations doing research on trade or health issues;

(c) Support is to be provided to the beef industry in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of beef and beef products; and

(d) Maintain efforts to increase consumption of beef and beef products within the state, the nation, and internationally;

(3) That beef producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the beef producer's ability to compete in local, domestic, and foreign markets;

(4) That it is in the overriding public interest that support for the beef industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that beef and beef products be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of beef products in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to sustainable stewardship of cattle and the environment, quality, care, and methods used in the production of beef and beef products, and in reference to the various cuts and grades of beef and the uses to which each should be put;

(d) Increase the knowledge of the health-giving qualities and dietetic value of beef products; and

(e) Support and engage in programs or activities that benefit the care and well-being of the cattle, and the production, handling, processing, marketing, and uses of beef and beef products;

(5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(6) That the beef industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the beef industry include the:

(a) Beef promotion and research act of 1985, U.S.C. Title 7, chapter 62;

(b) Beef promotion and research, 7 C.F.R., Part 1260;

(c) Agricultural marketing act, 7 U.S.C., section 1621;

(d) USDA meat grading, certification, and standards, 7 C.F.R., Part 54;

(e) Mandatory price reporting, 7 C.F.R., Part 57;

(f) Grazing permits, 43 C.F.R., Part 2920;

(g) Capper-Volstead act, U.S.C. Title 7, chapters 291 and 292;

(h) Livestock identification under chapter 16.57 RCW and rules;

(i) Organic products act under chapter 15.86 RCW and rules;

(j) ((~~Intrastate commerce in food, drugs, and cosmetics act under chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;~~)) The food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act);

(k) Washington food processing act under chapter 69.07 RCW and rules;

(l) Washington food storage warehouses act under chapter 69.10 RCW and rules;

(m) Animal health under chapter 16.36 RCW and rules; and

(n) Weights and measures under chapter 19.94 RCW and rules.

**Sec.**  RCW 69.07.060 and 2012 c 117 s 345 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend, or revoke any license provided for in this chapter if he or she determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make such records available when requested pursuant to the provisions of this chapter.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to any records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with any provisions of ((~~chapter 69.04 RCW, Washington food, drug, and cosmetic act~~)) the food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act), or any ((~~regulations~~)) rules adopted thereunder.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under RCW 69.07.065.

**Sec.**  RCW 69.07.110 and 1967 ex.s. c 121 s 11 are each amended to read as follows:

The department may use all the civil remedies provided for in ((~~chapter 69.04 RCW (The Uniform Washington Food, Drug, and Cosmetic Act)~~)) the food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act) in carrying out and enforcing the provisions of this chapter.

**Sec.**  RCW 69.07.120 and 2014 c 98 s 3 are each amended to read as follows:

All moneys received by the department under the provisions of this chapter, ((~~RCW 69.04.345~~)) section 402 of this act, and chapter 69.22 RCW shall be paid into the food processing inspection account hereby created within the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out the provisions of this chapter, ((~~RCW 69.04.345~~)) section 402 of this act, and chapters 69.22 and ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act).

**Sec.**  RCW 69.07.160 and 1969 c 68 s 4 are each amended to read as follows:

The authority granted to the director and to the department under the provisions of the ((~~Uniform Washington Food, Drug, and Cosmetic Act (chapter 69.04 RCW), as now or hereafter amended,~~)) the food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act) shall not be deemed to be reduced or otherwise impaired as a result of any provision or provisions of the Washington Food Processing Act (chapter 69.07 RCW).

**Sec.**  RCW 69.10.005 and 1995 c 374 s 8 are each amended to read as follows:

For the purpose of this chapter:

(1) "Food storage warehouse" means any premises, establishment, building, room area, facility, or place, in whole or in part, where food is stored, kept, or held for wholesale distribution to other wholesalers or to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Food storage warehouses include, but are not limited to, facilities where food is kept or held refrigerated or frozen and include facilities where food is stored to the account of another firm and/or is owned by the food storage warehouse. "Food storage warehouse" does not include grain elevators or fruit and vegetable storage and packing houses that store, pack, and ship fresh fruit and vegetables even though they may use refrigerated or controlled atmosphere storage practices in their operation. However, this chapter applies to multiple food storage operations that also distribute or ripen fruits and vegetables.

(2) "Department" means the Washington department of agriculture.

(3) "Director" means the director of the Washington department of agriculture.

(4) "Food" means the same as defined in ((~~RCW 69.04.008~~)) the food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act).

(5) "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; ((~~principals [principles]~~)) principles of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues.

**Sec.**  RCW 69.10.010 and 1995 c 374 s 9 are each amended to read as follows:

The director or his or her representative may inspect food storage warehouses for compliance with the provisions of chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) and the rules adopted under chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) as deemed necessary by the director. Any food storage warehouse found to not be in substantial compliance with chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) and the rules adopted under chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) will be reinspected as deemed necessary by the director to determine compliance. This does not preclude the director from using any other remedies as provided under chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) to gain compliance or to embargo products as provided under ((~~RCW 69.04.110~~)) section 503 of this act to protect the public from adulterated foods.

**Sec.**  RCW 69.10.030 and 1995 c 374 s 13 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend, or revoke any license provided for in this chapter if he or she determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or any lawful order of the director;

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make such records available if requested pursuant to the provisions of this chapter;

(3) Refused the department access to any portion or area of the food storage warehouse for the purpose of carrying out the provisions of this chapter;

(4) Refused the department access to any records required to be kept under the provisions of this chapter;

(5) Refused, neglected, or failed to comply with any provisions of ((~~chapter 69.04 RCW, Washington food, drug, and cosmetic act~~)) the food safety and security act under chapter 15.--- RCW (the new chapter created in section 903 of this act), or any rules adopted under chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act).

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under RCW 69.10.035.

**Sec.**  RCW 69.10.045 and 1995 c 374 s 16 are each amended to read as follows:

All moneys received by the department under provisions of this chapter, except moneys collected for civil penalties levied under this chapter, shall be paid into an account created in the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out provisions of this chapter and chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act). All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund.

**Sec.**  RCW 69.10.050 and 1995 c 374 s 17 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may use all the civil remedies provided under chapter ((~~69.04~~)) 15.--- RCW (the new chapter created in section 903 of this act) in carrying out and enforcing the provisions of this chapter.

(2) Civil penalties are intended to be used to obtain compliance and shall not be collected if a warehouse successfully completes a mutually agreed upon compliance agreement with the department. A warehouse that enters into a compliance agreement with the department shall pay only for inspections conducted by the department and any laboratory analyses as required by the inspections as outlined and agreed to in the compliance agreement. In no event shall the fee for these inspections and analyses exceed four hundred dollars per inspection or one thousand dollars in total.

**Sec.**  RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

|  |  |  |
| --- | --- | --- |
|  | TABLE 2 |  |
|  | CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL |  |
| XVI | Aggravated Murder 1 (RCW 10.95.020) |  |
| XV | Homicide by abuse (RCW 9A.32.055) |  |
|  | Malicious explosion 1 (RCW 70.74.280(1)) |  |
|  | Murder 1 (RCW 9A.32.030) |  |
| XIV | Murder 2 (RCW 9A.32.050) |  |
|  | Trafficking 1 (RCW 9A.40.100(1)) |  |
| XIII | Malicious explosion 2 (RCW 70.74.280(2)) |  |
|  | Malicious placement of an explosive 1 (RCW 70.74.270(1)) |  |
| XII | Assault 1 (RCW 9A.36.011) |  |
|  | Assault of a Child 1 (RCW 9A.36.120) |  |
|  | Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) |  |
|  | Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) |  |
|  | Rape 1 (RCW 9A.44.040) |  |
|  | Rape of a Child 1 (RCW 9A.44.073) |  |
|  | Trafficking 2 (RCW 9A.40.100(3)) |  |
| XI | Manslaughter 1 (RCW 9A.32.060) |  |
|  | Rape 2 (RCW 9A.44.050) |  |
|  | Rape of a Child 2 (RCW 9A.44.076) |  |
|  | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) |  |
|  | Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520) |  |
| X | Child Molestation 1 (RCW 9A.44.083) |  |
|  | Criminal Mistreatment 1 (RCW 9A.42.020) |  |
|  | Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) |  |
|  | Kidnapping 1 (RCW 9A.40.020) |  |
|  | Leading Organized Crime (RCW 9A.82.060(1)(a)) |  |
|  | Malicious explosion 3 (RCW 70.74.280(3)) |  |
|  | Sexually Violent Predator Escape (RCW 9A.76.115) |  |
| IX | Abandonment of Dependent Person 1 (RCW 9A.42.060) |  |
|  | Assault of a Child 2 (RCW 9A.36.130) |  |
|  | Explosive devices prohibited (RCW 70.74.180) |  |
|  | Hit and Run—Death (RCW 46.52.020(4)(a)) |  |
|  | Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) |  |
|  | Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) |  |
|  | Malicious placement of an explosive 2 (RCW 70.74.270(2)) |  |
|  | Robbery 1 (RCW 9A.56.200) |  |
|  | Sexual Exploitation (RCW 9.68A.040) |  |
| VIII | Arson 1 (RCW 9A.48.020) |  |
|  | Commercial Sexual Abuse of a Minor (RCW 9.68A.100) |  |
|  | Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) |  |
|  | Manslaughter 2 (RCW 9A.32.070) |  |
|  | Promoting Prostitution 1 (RCW 9A.88.070) |  |
|  | Theft of Ammonia (RCW 69.55.010) |  |
| VII | Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b)) |  |
|  | Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b)) |  |
|  | Burglary 1 (RCW 9A.52.020) |  |
|  | Child Molestation 2 (RCW 9A.44.086) |  |
|  | Civil Disorder Training (RCW 9A.48.120) |  |
|  | Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1)) |  |
|  | Drive-by Shooting (RCW 9A.36.045) |  |
|  | Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050) |  |
|  | Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) |  |
|  | Introducing Contraband 1 (RCW 9A.76.140) |  |
|  | Malicious placement of an explosive 3 (RCW 70.74.270(3)) |  |
|  | Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b)) |  |
|  | Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675) |  |
|  | Sale ((~~[of]~~)) of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b)) |  |
|  | Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1)) |  |
|  | Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)) |  |
|  | Use of a Machine Gun in Commission of a Felony (RCW 9.41.225) |  |
|  | Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520) |  |
| VI | Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a)) |  |
|  | Bribery (RCW 9A.68.010) |  |
|  | Incest 1 (RCW 9A.64.020(1)) |  |
|  | Intimidating a Judge (RCW 9A.72.160) |  |
|  | Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) |  |
|  | Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b)) |  |
|  | Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1)) |  |
|  | Rape of a Child 3 (RCW 9A.44.079) |  |
|  | Theft of a Firearm (RCW 9A.56.300) |  |
|  | Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1)) |  |
|  | Unlawful Storage of Ammonia (RCW 69.55.020) |  |
| V | Abandonment of Dependent Person 2 (RCW 9A.42.070) |  |
|  | Advancing money or property for extortionate extension of credit (RCW 9A.82.030) |  |
|  | Air bag diagnostic systems (RCW 46.37.660(2)(c)) |  |
|  | Air bag replacement requirements (RCW 46.37.660(1)(c)) |  |
|  | Bail Jumping with class A Felony (RCW 9A.76.170(3)(b)) |  |
|  | Child Molestation 3 (RCW 9A.44.089) |  |
|  | Criminal Mistreatment 2 (RCW 9A.42.030) |  |
|  | Custodial Sexual Misconduct 1 (RCW 9A.44.160) |  |
|  | Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2)) |  |
|  | Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145) |  |
|  | Extortion 1 (RCW 9A.56.120) |  |
|  | Extortionate Extension of Credit (RCW 9A.82.020) |  |
|  | Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040) |  |
|  | Incest 2 (RCW 9A.64.020(2)) |  |
|  | Kidnapping 2 (RCW 9A.40.030) |  |
|  | Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c)) |  |
|  | Perjury 1 (RCW 9A.72.020) |  |
|  | Persistent prison misbehavior (RCW 9.94.070) |  |
|  | Possession of a Stolen Firearm (RCW 9A.56.310) |  |
|  | Rape 3 (RCW 9A.44.060) |  |
|  | Rendering Criminal Assistance 1 (RCW 9A.76.070) |  |
|  | Sale ((~~[of]~~)) of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c)) |  |
|  | Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2)) |  |
|  | Sexual Misconduct with a Minor 1 (RCW 9A.44.093) |  |
|  | Sexually Violating Human Remains (RCW 9A.44.105) |  |
|  | Stalking (RCW 9A.46.110) |  |
|  | Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070) |  |
| IV | Arson 2 (RCW 9A.48.030) |  |
|  | Assault 2 (RCW 9A.36.021) |  |
|  | Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h)) |  |
|  | Assault 4 (third domestic violence offense) (RCW 9A.36.041(3)) |  |
|  | Assault by Watercraft (RCW 79A.60.060) |  |
|  | Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100) |  |
|  | Cheating 1 (RCW 9.46.1961) |  |
|  | Commercial Bribery (RCW 9A.68.060) |  |
|  | Counterfeiting (RCW 9.16.035(4)) |  |
|  | Driving While Under the Influence (RCW 46.61.502(6)) |  |
|  | Endangerment with a Controlled Substance (RCW 9A.42.100) |  |
|  | Escape 1 (RCW 9A.76.110) |  |
|  | Hit and Run—Injury (RCW 46.52.020(4)(b)) |  |
|  | Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3)) |  |
|  | Identity Theft 1 (RCW 9.35.020(2)) |  |
|  | Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010) |  |
|  | Influencing Outcome of Sporting Event (RCW 9A.82.070) |  |
|  | Malicious Harassment (RCW 9A.36.080) |  |
|  | Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6)) |  |
|  | Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2)) |  |
|  | Residential Burglary (RCW 9A.52.025) |  |
|  | Robbery 2 (RCW 9A.56.210) |  |
|  | Theft of Livestock 1 (RCW 9A.56.080) |  |
|  | Threats to Bomb (RCW 9.61.160) |  |
|  | Trafficking in Stolen Property 1 (RCW 9A.82.050) |  |
|  | Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b)) |  |
|  | Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3)) |  |
|  | Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3)) |  |
|  | Unlawful transaction of insurance business (RCW 48.15.023(3)) |  |
|  | Unlicensed practice as an insurance professional (RCW 48.17.063(2)) |  |
|  | Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2)) |  |
|  | Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3)) |  |
|  | Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522) |  |
|  | Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1)) |  |
|  | Willful Failure to Return from Furlough (RCW 72.66.060) |  |
| III | Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3)) |  |
|  | Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h)) |  |
|  | Assault of a Child 3 (RCW 9A.36.140) |  |
|  | Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c)) |  |
|  | Burglary 2 (RCW 9A.52.030) |  |
|  | Communication with a Minor for Immoral Purposes (RCW 9.68A.090) |  |
|  | Criminal Gang Intimidation (RCW 9A.46.120) |  |
|  | Custodial Assault (RCW 9A.36.100) |  |
|  | Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3)) |  |
|  | Escape 2 (RCW 9A.76.120) |  |
|  | Extortion 2 (RCW 9A.56.130) |  |
|  | Harassment (RCW 9A.46.020) |  |
|  | Intimidating a Public Servant (RCW 9A.76.180) |  |
|  | Introducing Contraband 2 (RCW 9A.76.150) |  |
|  | Malicious Injury to Railroad Property (RCW 81.60.070) |  |
|  | Mortgage Fraud (RCW 19.144.080) |  |
|  | Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674) |  |
|  | Organized Retail Theft 1 (RCW 9A.56.350(2)) |  |
|  | Perjury 2 (RCW 9A.72.030) |  |
|  | Possession of Incendiary Device (RCW 9.40.120) |  |
|  | Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190) |  |
|  | Promoting Prostitution 2 (RCW 9A.88.080) |  |
|  | Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2)) |  |
|  | Securities Act violation (RCW 21.20.400) |  |
|  | Tampering with a Witness (RCW 9A.72.120) |  |
|  | Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2)) |  |
|  | Theft of Livestock 2 (RCW 9A.56.083) |  |
|  | Theft with the Intent to Resell 1 (RCW 9A.56.340(2)) |  |
|  | Trafficking in Stolen Property 2 (RCW 9A.82.055) |  |
|  | Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b)) |  |
|  | Unlawful Imprisonment (RCW 9A.40.040) |  |
|  | Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3) (as recodified by this act)) |  |
|  | Unlawful possession of firearm in the second degree (RCW 9.41.040(2)) |  |
|  | Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b)) |  |
|  | Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b)) |  |
|  | Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4)) |  |
|  | Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522) |  |
|  | Willful Failure to Return from Work Release (RCW 72.65.070) |  |
| II | Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b)) |  |
|  | Computer Trespass 1 (RCW 9A.90.040) |  |
|  | Counterfeiting (RCW 9.16.035(3)) |  |
|  | Electronic Data Service Interference (RCW 9A.90.060) |  |
|  | Electronic Data Tampering 1 (RCW 9A.90.080) |  |
|  | Electronic Data Theft (RCW 9A.90.100) |  |
|  | Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3)) |  |
|  | Escape from Community Custody (RCW 72.09.310) |  |
|  | Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132) |  |
|  | Health Care False Claims (RCW 48.80.030) |  |
|  | Identity Theft 2 (RCW 9.35.020(3)) |  |
|  | Improperly Obtaining Financial Information (RCW 9.35.010) |  |
|  | Malicious Mischief 1 (RCW 9A.48.070) |  |
|  | Organized Retail Theft 2 (RCW 9A.56.350(3)) |  |
|  | Possession of Stolen Property 1 (RCW 9A.56.150) |  |
|  | Possession of a Stolen Vehicle (RCW 9A.56.068) |  |
|  | Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3)) |  |
|  | Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100) |  |
|  | Theft 1 (RCW 9A.56.030) |  |
|  | Theft of a Motor Vehicle (RCW 9A.56.065) |  |
|  | Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a)) |  |
|  | Theft with the Intent to Resell 2 (RCW 9A.56.340(3)) |  |
|  | Trafficking in Insurance Claims (RCW 48.30A.015) |  |
|  | Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a)) |  |
|  | Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2)) |  |
|  | Unlawful Practice of Law (RCW 2.48.180) |  |
|  | Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b)) |  |
|  | Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a)) |  |
|  | Unlicensed Practice of a Profession or Business (RCW 18.130.190(7)) |  |
|  | Voyeurism 1 (RCW 9A.44.115) |  |
| I | Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024) |  |
|  | False Verification for Welfare (RCW 74.08.055) |  |
|  | Forgery (RCW 9A.60.020) |  |
|  | Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060) |  |
|  | Malicious Mischief 2 (RCW 9A.48.080) |  |
|  | Mineral Trespass (RCW 78.44.330) |  |
|  | Possession of Stolen Property 2 (RCW 9A.56.160) |  |
|  | Reckless Burning 1 (RCW 9A.48.040) |  |
|  | Spotlighting Big Game 1 (RCW 77.15.450(3)(b)) |  |
|  | Suspension of Department Privileges 1 (RCW 77.15.670(3)(b)) |  |
|  | Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075) |  |
|  | Theft 2 (RCW 9A.56.040) |  |
|  | Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2)) |  |
|  | Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b)) |  |
|  | Transaction of insurance business beyond the scope of licensure (RCW 48.17.063) |  |
|  | Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b)) |  |
|  | Unlawful Issuance of Checks or Drafts (RCW 9A.56.060) |  |
|  | Unlawful Possession of Fictitious Identification (RCW 9A.56.320) |  |
|  | Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320) |  |
|  | Unlawful Possession of Payment Instruments (RCW 9A.56.320) |  |
|  | Unlawful Possession of a Personal Identification Device (RCW 9A.56.320) |  |
|  | Unlawful Production of Payment Instruments (RCW 9A.56.320) |  |
|  | Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b)) |  |
|  | Unlawful Trafficking in Food Stamps (RCW 9.91.142) |  |
|  | Unlawful Use of Food Stamps (RCW 9.91.144) |  |
|  | Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b)) |  |
|  | Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3)) |  |
|  | Vehicle Prowl 1 (RCW 9A.52.095) |  |
|  | Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b)) |  |

**PART VIII**

**REPEALERS**

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 69.04.021 ("Package") and 1963 c 198 s 8;

(2)RCW 69.04.022 ("Pesticide chemical") and 1963 c 198 s 9;

(3)RCW 69.04.023 ("Raw agricultural commodity") and 1963 c 198 s 10;

(4)RCW 69.04.024 ("Food additive," "safe") and 2009 c 549 s 1020 & 1963 c 198 s 11;

(5)RCW 69.04.025 ("Color additive," "color") and 1963 c 198 s 12;

(6)RCW 69.04.123 (Exception to petition requirement under RCW 69.04.120) and 1995 c 374 s 20;

(7)RCW 69.04.190 (Standards may be prescribed by regulations) and 2012 c 117 s 333 & 1945 c 257 s 37;

(8)RCW 69.04.200 (Conformance with federal standards) and 1945 c 257 s 38;

(9)RCW 69.04.205 (Bacon—Packaging at retail to reveal quality and leanness) and 1971 c 49 s 1;

(10)RCW 69.04.206 (Bacon—Rules, regulations, and standards—Withholding packaging use—Hearing—Final determination—Appeal) and 2012 c 117 s 334 & 1971 c 49 s 2;

(11)RCW 69.04.207 (Bacon—Effective date) and 1971 c 49 s 3;

(12)RCW 69.04.210 (Food—Adulteration by poisonous or deleterious substance) and 1963 c 198 s 1 & 1945 c 257 s 39;

(13)RCW 69.04.220 (Food—Adulteration by abstraction, addition, substitution, etc.) and 1945 c 257 s 40;

(14)RCW 69.04.231 (Food—Adulteration by color additive) and 1963 c 198 s 5;

(15)RCW 69.04.240 (Confectionery—Adulteration) and 2007 c 226 s 3, 1984 c 78 s 2, & 1945 c 257 s 42;

(16)RCW 69.04.245 (Poultry—Improper use of state's geographic outline) and 1989 c 257 s 2;

(17)RCW 69.04.250 (Food—Misbranding by false label, etc.) and 1945 c 257 s 43;

(18)RCW 69.04.260 (Packaged food—Misbranding) and 1945 c 257 s 44;

(19)RCW 69.04.270 (Food—Misbranding by lack of prominent label) and 1945 c 257 s 45;

(20)RCW 69.04.280 (Food—Misbranding for nonconformity with standard of identity) and 1945 c 257 s 46;

(21)RCW 69.04.290 (Food—Misbranding for nonconformity with standard of quality) and 1945 c 257 s 47;

(22)RCW 69.04.300 (Food—Misbranding for nonconformity with standard of fill) and 1945 c 257 s 48;

(23)RCW 69.04.310 (Food—Misbranding by failure to show usual name and ingredients) and 1945 c 257 s 49;

(24)RCW 69.04.320 (Food—Misbranding by failure to show dietary properties) and 1945 c 257 s 50;

(25)RCW 69.04.330 (Food—Misbranding by failure to show artificial flavoring, coloring, etc.) and 1945 c 257 s 51;

(26)RCW 69.04.331 (Popcorn sold by theaters or commercial food service establishments—Misbranded if the use of butter or ingredients of butter-like flavoring not disclosed) and 2012 c 25 s 1 & 1986 c 203 s 17;

(27)RCW 69.04.333 (Poultry and poultry products—Label to indicate if product frozen) and 1969 ex.s. c 194 s 1;

(28)RCW 69.04.334 (Turkeys—Label requirement as to grading) and 1969 ex.s. c 194 s 2;

(29)RCW 69.04.335 (RCW 69.04.333 and 69.04.334 subject to enforcement and penalty provisions of chapter) and 1969 ex.s. c 194 s 3;

(30)RCW 69.04.340 (Natural vitamin, mineral, or dietary properties need not be shown) and 1945 c 257 s 52;

(31)RCW 69.04.345 (Direct seller license) and 2014 c 98 s 2;

(32)RCW 69.04.350 (Permits to manufacture or process certain foods) and 2012 c 117 s 335 & 1945 c 257 s 53;

(33)RCW 69.04.360 (Suspension of permit) and 1945 c 257 s 54;

(34)RCW 69.04.380 (Food exempt if in transit for completion purposes) and 1945 c 257 s 56;

(35)RCW 69.04.390 (Regulations permitting tolerance of harmful matter) and 2012 c 117 s 336, 1963 c 198 s 2, & 1945 c 257 s 57;

(36)RCW 69.04.392 (Regulations permitting tolerance of harmful matter—Pesticide chemicals in or on raw agricultural commodities) and 2012 c 117 s 337, 1975 1st ex.s. c 7 s 26, & 1963 c 198 s 3;

(37)RCW 69.04.394 (Regulations permitting tolerance of harmful matter—Food additives) and 2009 c 549 s 1021, 1975 1st ex.s. c 7 s 27, & 1963 c 198 s 4;

(38)RCW 69.04.396 (Regulations permitting tolerance of harmful matter—Color additives) and 2009 c 549 s 1022, 1975 1st ex.s. c 7 s 28, & 1963 c 198 s 6;

(39)RCW 69.04.398 (Purpose of RCW 69.04.110, 69.04.392, 69.04.394, 69.04.396—Uniformity with federal laws and regulations—Application to production of kosher food products—Adoption of rules) and 1991 c 162 s 5, 1986 c 203 s 18, & 1975 1st ex.s. c 7 s 36;

(40)RCW 69.04.400 (Conformance with federal regulations) and 1963 c 198 s 7 & 1945 c 257 s 58;

(41)RCW 69.04.870 (Short title) and 1945 c 257 s 1;

(42)RCW 69.04.900 (Perishable packaged food—Pull date labeling—Definitions) and 1974 ex.s. c 57 s 1 & 1973 1st ex.s. c 112 s 1;

(43)RCW 69.04.905 (Perishable packaged food—Pull date labeling—Required) and 1974 ex.s. c 57 s 2 & 1973 1st ex.s. c 112 s 2;

(44)RCW 69.04.910 (Perishable packaged food—Pull date labeling—Selling or trading goods beyond pull date—Repackaging to substitute for original date—Exception) and 1973 1st ex.s. c 112 s 3;

(45)RCW 69.04.915 (Perishable packaged food—Pull date labeling—Storage—Rules and regulations) and 2012 c 117 s 344, 1989 1st ex.s. c 9 s 225, & 1973 1st ex.s. c 112 s 4;

(46)RCW 69.04.920 (Perishable packaged food—Pull date labeling—Penalties) and 1973 1st ex.s. c 112 s 5;

(47)RCW 69.04.930 (Frozen fish and meat—Labeling requirements—Exceptions) and 2003 c 39 s 28, 1999 c 291 s 32, 1988 c 254 s 8, 1983 1st ex.s. c 46 s 179, & 1975 c 39 s 1;

(48)RCW 69.04.940 (Imported lamb products—Labeling requirements) and 1987 c 393 s 25;

(49)RCW 69.04.950 (Transport of bulk foods—Definitions) and 1990 c 202 s 1;

(50)RCW 69.04.955 (Transport of bulk foods—Prohibitions—Exemption) and 1990 c 202 s 2;

(51)RCW 69.04.960 (Transport of bulk foods—Compatible substances—Cleaning vehicle or vessel—Vehicle or vessel marking) and 1990 c 202 s 3;

(52)RCW 69.04.965 (Transport of bulk foods—Transports not constituting violations) and 1990 c 202 s 4;

(53)RCW 69.04.970 (Transport of bulk foods—Substances rendering vehicle or vessel permanently unsuitable for bulk food transport—Procedures to rehabilitate vehicles and vessels) and 1990 c 202 s 5;

(54)RCW 69.04.975 (Transport of bulk foods—Rehabilitation of vehicles and vessels—Inspection—Certification—Marking—Costs) and 1990 c 202 s 6; and

(55)RCW 69.04.980 (Transport of bulk foods—Penalties) and 1990 c 202 s 7.

**PART IX**

**MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec.**  SHORT TITLE. This chapter may be known and cited as the food safety and security act.

NEW SECTION. **Sec.**  CONSTRUCTION. This chapter and the rules adopted under it must be construed to promote uniformity with federal acts and regulations relating to adulteration, misbranding, and false advertising of food.

NEW SECTION. **Sec.**  (1) Sections 1, 101 through 105, 201 through 205, 301 and 302, 401 through 404, 501 through 509, 901, and 902 of this act constitute a new chapter in Title 15 RCW, with the following subchapters.

(a) Sections 101 through 105 of this act must be codified under the subchapter heading of "general provisions."

(b) Sections 201 through 205 of this act must be codified under the subchapter heading "general quality standards and requirements."

(c) Sections 301 and 302 of this act must be codified under the subchapter heading "special quality or labeling requirements."

(d) Sections 401 through 404 of this act must be codified under the subchapter heading "licenses."

(e) Sections 501 through 509 of this act must be codified under the subchapter heading "investigation, enforcement, and emergency authority."

(f) Sections 901 and 902 of this act must be codified under the subchapter heading "miscellaneous provisions."

(2) The code reviser shall provide a gap in the numbering between the end of the subchapter "special quality and labeling requirements" and the beginning of the subchapter "licenses" to accommodate future addition of amendments and subchapters, to the chapter.

NEW SECTION. **Sec.**  RCW 69.04.928, 69.04.932, 69.04.933, 69.04.934, 69.04.935, and 69.04.938 are each recodified as sections in a new chapter in Title 77 RCW.

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