

# FINAL BILL REPORT

## HB 1955

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*Synopsis As Enacted*

**Brief Description:** Changing provisions regarding misbranded or adulterated food.

By Representatives Rayburn, Nealey, Kremen, McLean, Roland, Inslee, Rasmussen, Basich and Brekke; by request of Department of Agriculture.

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture & Water Resources

**Background:** The state's Uniform Food, Drug and Cosmetic Act permits the director of the Department of Agriculture to embargo articles of trade which are injurious or potentially injurious to the consuming or purchasing public. The director has 20 days in which to petition the Superior Court to affirm the embargo.

Rules adopted by the federal government under the Federal Food, Drug and Cosmetic Act are automatically adopted as state rules, unless the director holds a hearing of nonapplicability within 30 days of the date the federal rules are adopted and concludes that the federal rules should not be adopted as state rules.

Most violations of the act are misdemeanors.

**Summary:**

Embargoes: The director may embargo an article under the act for being adulterated or misbranded without having also to find that the embargo is necessary to protect the public from injury or possible injury. The director now has 30 days (rather than 20 days) to petition the Superior Court for an order affirming the director's embargo of an article.

Uniformity; Statements: Federal rules adopted under the Federal Food, Drug and Cosmetic Act no longer limit the director's authority to adopt rules necessary to carry out the state's act. The employees of the Department of Agriculture are authorized to take verified statements in enforcing the state's act.

Civil Penalties: The director is empowered to impose civil penalties for violations of the Uniform Food, Drug and Cosmetic Act. The maximum civil penalty is \$1000 per violation per day.

***Votes on Final Passage:***

House	98	0
Senate	47	0

***Effective:*** July 28, 1991