

2 ESHB 1135 - S COMM AMD  
3 By Committee on Agriculture

4 NOT ADOPTED 4/8/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature declares that the husbandry  
8 of alternative livestock as a farming operation may provide a  
9 consistent source of healthful food, offers opportunities for new jobs  
10 and increased farm income stability, and improves the balance of trade.

11 The legislature intends to establish a process to identify  
12 vertebrate animal species that may be commercially raised in the state  
13 of Washington.

14 The legislature finds that many areas of the state of Washington  
15 may be suitable for alternative livestock farms, and therefore the  
16 legislature encourages the promotion of alternative livestock farming  
17 activities, programs, and development with the same status as other  
18 agricultural activities, programs, and development within the state.

19 The legislature finds that alternative livestock farming should be  
20 considered a branch of the agricultural industry of the state for  
21 purposes of laws that apply to or provide for the advancement, benefit,  
22 or protection of the agriculture industry within the state. The  
23 legislature further finds, however, that alternative livestock farming  
24 may pose threats to the state's wildlife, and therefore requires  
25 effective regulation to minimize these threats.

26 It is therefore the policy of this state to encourage the  
27 development and expansion of alternative livestock farming within the  
28 state. It is also the policy of this state to protect wildlife and  
29 existing traditional livestock industries by providing for effective  
30 regulation of alternative livestock farming including but not limited  
31 to a disease inspection and control program for alternative livestock  
32 farming operations.

33 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
34 otherwise, the definitions in this section apply throughout this  
35 chapter.

1 (1) "Alternative livestock" means those species designated under  
2 the provisions of section 10 of this act so long as they are: Confined  
3 by humans; raised or used in farm or ranch operations in the private  
4 sector; and produced on the farm or ranch or legally acquired for the  
5 farm or ranch. "Alternative livestock" shall not include: Resident  
6 wildlife species that currently exist in a wild state in the state of  
7 Washington; domestic dogs (*canis familiaris*) or domestic cats (*felis*  
8 *domestica*); private sector aquatic products as defined in and regulated  
9 under chapter 15.85 RCW; animals raised for release into the wild;  
10 animals raised for the purpose of hunting that takes place in this  
11 state; or fur farming and game farming as currently allowed and  
12 regulated by chapters 16.72 and 77.32 RCW.

13 (2) "Alternative livestock farm or ranch" means the farm or ranch  
14 upon which alternative livestock are reared and shall not include  
15 publicly and privately owned facilities for which a license or permit  
16 is required under RCW 77.12.570 or 77.32.010.

17 (3) "Alternative livestock products" means the agricultural  
18 products of alternative livestock including, but not limited to, meat  
19 and meat products, velvet, antlers, horns, leather, hides, feathers,  
20 eggs, gametes, and genetic materials. "Alternative livestock products"  
21 does not include a product that is required to be identified under  
22 section 5 of this act and is not identified as required.

23 (4) "Department" means the department of agriculture.

24 (5) "Traditional livestock" means horses, mules, cattle, sheep,  
25 swine, goats, poultry, and rabbits, and other species designated  
26 jointly by the director of agriculture and director of wildlife  
27 pursuant to section 10 of this act.

28 NEW SECTION. **Sec. 3.** The department is the principal state agency  
29 for providing state marketing support services for the alternative  
30 livestock industry. The department shall exercise its authorities,  
31 including those provided by chapters 15.64, 15.65, 15.66, and 43.23  
32 RCW, to develop a program for assisting the alternative livestock  
33 industry to market and promote the use of its products. The department  
34 shall consult the alternative livestock council in developing the  
35 program.

1        NEW SECTION.    **Sec. 4.**    It is unlawful to hunt or allow others to  
2 hunt for a fee, any alternative livestock reared on or derived from an  
3 alternative livestock farm.

4        NEW SECTION.    **Sec. 5.**    The director of agriculture shall, in  
5 consultation with the director of wildlife and the alternative  
6 livestock council, establish methods of identification requirements,  
7 such as tattoos, branding, or eartags, for alternative livestock and  
8 alternative livestock products to the extent that identifying the  
9 livestock or the source or quantity of the products is necessary to  
10 permit the department of wildlife to effectively administer and enforce  
11 Title 77 RCW. The director shall also consult with the director of the  
12 department of wildlife to ensure that such rules enable the department  
13 of wildlife to enforce the programs administered under that title.

14        NEW SECTION.    **Sec. 6.**    The department of agriculture shall, in  
15 consultation with the department of wildlife and other interests,  
16 develop a program of disease inspection and control for alternative  
17 livestock. The purpose of the program is to protect the traditional  
18 and alternative livestock industries from the loss of animals or  
19 productivity to disease and to protect wildlife in this state.

20        The department of agriculture shall adopt new or amend existing  
21 rules in conformance with chapter 34.05 RCW. The department of  
22 agriculture shall administer a program of disease inspection and  
23 control for alternative livestock. As used in this section "disease"  
24 means, in addition to its ordinary meaning, infestations of parasites  
25 or pests.

26        NEW SECTION.    **Sec. 7.**    The owner of a farm or ranch for alternative  
27 livestock shall register the farm or ranch annually with the department  
28 of agriculture. The director shall develop and maintain a registration  
29 list of all alternative livestock farms and ranches. Registered  
30 alternative livestock farms and ranches shall provide the department  
31 production statistical data. The director of agriculture and the  
32 director of wildlife shall, in consultation with the alternative  
33 livestock council, establish by rule reasonable annual registration  
34 fees sufficient to cover the costs of development of rules and the  
35 administration of this chapter and the rules adopted under this  
36 chapter. Fees may differ between species based upon factors including

1 but not limited to economic value, degree of services required, and  
2 complexity of regulations. Fees collected under this section shall be  
3 deposited in the alternative livestock farm account within the  
4 agricultural local fund established in RCW 43.23.230 and the wildlife  
5 fund established in RCW 77.12.170 and shall be used solely to carry out  
6 the provisions of this chapter.

7 NEW SECTION. **Sec. 8.** The director of agriculture and the director  
8 of wildlife shall study the needs for assuring adequate fences or other  
9 methods of enclosure for various species of alternative livestock. The  
10 directors shall jointly adopt rules establishing enclosure standards  
11 for one or more types of alternative livestock as deemed necessary to  
12 assure adequate protection to traditional livestock, wildlife, and  
13 alternative livestock.

14 If an animal is not enclosed as required for the animal in rules  
15 adopted under this section or if it is found by a state wildlife or  
16 agricultural official or local law enforcement officer outside an area  
17 of an enclosure that is required for it in rules adopted under this  
18 section, the animal so unenclosed or so found is hereby declared to be  
19 a public nuisance. An owner of alternative livestock may request  
20 assistance from the department of agriculture, department of wildlife,  
21 or local law enforcement office in recapturing escaped alternative  
22 livestock and may be billed for the cost of services rendered.

23 Alternative livestock that escape a required enclosure and are  
24 recaptured may be impounded at a suitable facility at the owner's  
25 expense. Animals may not be returned to the owner's premises until  
26 sufficient repairs or improvement are made to assure that release will  
27 not reoccur. The owner of the animal is liable for damages that are  
28 shown to be caused by the animal during the time of the escape.

29 NEW SECTION. **Sec. 9.** Growers of nontraditional animals shall  
30 register within one hundred eighty days of the effective date of this  
31 act. The registration grants no future right or change to the legal  
32 status until the department of wildlife and the department of  
33 agriculture jointly take some action. This registration will not in  
34 any way be construed to initiate the petition or designation process  
35 established in section 10 of this act.

1        NEW SECTION.    **Sec. 10.**    (1) A vertebrate animal identification  
2 process is hereby established.    The purpose of the process is to  
3 provide a method by which animals are classified as alternative or  
4 traditional livestock.

5        (2) Species that are designated as traditional livestock shall be  
6 regulated by the department of agriculture.    Species in addition to  
7 those specified in section 2(5) of this act may be designated as  
8 traditional livestock by joint rule adopted by the department of  
9 wildlife and the department of agriculture.

10       (3) A species may be petitioned for regulation by the director of  
11 wildlife, the director of agriculture, or any person registering under  
12 section 9 of this act by filing with either department a completed  
13 written petition requesting the joint regulation of a species under  
14 this chapter.

15       (4) The two directors may decide if and how a species is to be  
16 regulated through jointly adopted rules.    Each determination shall be  
17 in writing and shall be published in the Washington State Register.

18       (5) If the two directors do not reach agreement as to whether and  
19 how a species should be regulated under this chapter, a scientific  
20 review board shall be convened in accordance with section 11 of this  
21 act and shall make a written recommendation to the directors as to the  
22 status of the species in question.    Should the directors fail to agree  
23 within thirty days after receipt of such recommendation, the  
24 determination shall be made by the governor.

25       (6) Resident wildlife shall be regulated by the department of  
26 wildlife and may not be classified under this chapter as alternative  
27 livestock except as provided in section 12 of this act.

28       (7)(a) Any species that is not present in the state as of the  
29 effective date of this act, may be petitioned for possible regulation  
30 by any person and such petition acted upon under this section prior to  
31 entry for allowance or prohibition as alternative livestock.

32       (b) The legal status of a species that on the effective date of  
33 this act is present in the state and registered in accordance with  
34 section 9 of this act does not change until the directors make a  
35 determination as to its status.

36       NEW SECTION.    **Sec. 11.**    (1) A scientific review board, convened  
37 pursuant to section 10 of this act shall consist of three members.    One  
38 member shall be appointed by the director of the department of

1 wildlife, one member shall be appointed by the director of the  
2 department of agriculture, and one member shall be appointed jointly by  
3 these two members. The members that are appointed by the two  
4 departments must have qualifications that are appropriate to their  
5 responsibilities under this chapter. All three members must be  
6 residents of the state of Washington prior to appointment.

7 (2) The board may take testimony and seek other expert advice.

8 (3) All meetings of the board shall be public.

9 (4) The board may hold public hearings and take public testimony  
10 before making a written recommendation concerning whether a species is  
11 prohibited or allowed under section 10 of this act.

12 (5) All recommendations concerning whether a species is to be  
13 regulated under this chapter shall be written and shall include  
14 findings of fact. Recommendations shall be published in the Washington  
15 State Register.

16 (6) The board shall attend all public hearings held on the adoption  
17 of proposed rules under this chapter, review existing agency rules that  
18 pertain to the issues addressed by this chapter, review the rules  
19 proposed under this chapter, and provide comments and recommendations  
20 to the departments regarding the need, adequacy, and workability of the  
21 proposed rules.

22 NEW SECTION. **Sec. 12.** Wildlife species that exist in a wild state  
23 in the state of Washington are not alternative livestock and may not be  
24 farmed except as provided in this section. By joint rule, which shall  
25 include methods that will ensure genetic integrity, the directors of  
26 the department of agriculture and the department of wildlife may allow  
27 rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same  
28 status and under the same regulatory provisions as alternative  
29 livestock. The directors shall, within ninety days of the adoption of  
30 the rule, jointly prepare a report on the rule adopted under this  
31 section, which shall include specific detail on the methods used to  
32 determine genetic integrity of farmed rocky mountain elk (*cervus*  
33 *elaphus nelsoni*). Within two years of the adoption of the rule, the  
34 directors shall jointly prepare a report on the status of operations  
35 conducted under the provisions of the rule. The reports shall be  
36 transmitted to the chairs of the house of representatives committees on  
37 agriculture and rural development and fisheries and wildlife and the  
38 senate committees on agriculture and natural resources.

1        NEW SECTION.    **Sec. 13.**    (1) If rule making under this chapter  
2 restricts the economic utilization of a species being raised for  
3 commercial purposes in the state, then the provisions of chapter 19.85  
4 RCW shall apply and a small business economic impact statement shall be  
5 prepared. Such activity shall be considered as an industry for the  
6 purpose of RCW 19.85.020.

7        (2) The department of agriculture and the department of wildlife,  
8 in consultation with the attorney general, shall develop a report  
9 containing findings and recommendations regarding the establishment of  
10 an indemnification policy. Such report shall be delivered by December  
11 15, 1993, to the secretary of the senate and the speaker of the house  
12 of representatives.

13        **Sec. 14.** RCW 19.85.020 and 1989 c 374 s 1 are each amended to read  
14 as follows:

15        Unless the context clearly indicates otherwise, the definitions in  
16 this section apply through this chapter.

17        (1) "Small business" has the meaning given in RCW 43.31.025(4).

18        (2) "Small business economic impact statement" means a statement  
19 meeting the requirements of RCW 19.85.040 prepared by a state agency  
20 pursuant to RCW 19.85.030.

21        (3) "Industry" means all of the businesses in this state in any one  
22 three-digit standard industrial classification as published by the  
23 United States department of commerce and those specifically declared to  
24 be an industry by a provision of state law.

25        NEW SECTION.    **Sec. 15.**    The director of agriculture and the  
26 director of wildlife shall develop by rule the requirements for  
27 documents, data, or other items to be submitted that will constitute a  
28 completed written petition for the purpose of section 10(4) of this  
29 act. The directors shall develop criteria upon which to make  
30 evaluations as to whether and how petitioned species will be regulated.

31        The department of agriculture and the department of wildlife may  
32 adopt rules in accordance with chapter 34.05 RCW to carry out the  
33 provisions of this chapter.

34        NEW SECTION.    **Sec. 16.**    The alternative livestock council is  
35 created. The council shall consist of seven persons. Four members of  
36 the council shall be appointed by the director of agriculture to three-

1 year terms. Three members of the council shall be appointed by the  
2 director of the department of wildlife to three-year terms. The  
3 directors may shorten the initial term for a position on the council to  
4 stagger the expiration of terms on the council. Vacancies on the  
5 council shall be filled by each director by appointment. The council  
6 shall advise the departments on all aspects of alternative livestock  
7 farming and the regulation and marketing of alternative livestock and  
8 alternative livestock products.

9 NEW SECTION. **Sec. 17.** All rules of the department of wildlife and  
10 the department of agriculture that are inconsistent with the purpose  
11 and substance of chapter . . . , Laws of 1993 (this act), shall be  
12 amended or repealed to comply with chapter . . . , Laws of 1993 (this  
13 act).

14 **Sec. 18.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read  
15 as follows:

16 As used in this title or rules adopted pursuant to this title,  
17 unless the context clearly requires otherwise:

18 (1) "Director" means the director of wildlife.

19 (2) "Department" means the department of wildlife.

20 (3) "Commission" means the state wildlife commission.

21 (4) "Person" means and includes an individual, a corporation, or a  
22 group of two or more individuals acting with a common purpose whether  
23 acting in an individual, representative, or official capacity.

24 (5) "Wildlife agent" means a person appointed and commissioned by  
25 the director, with authority to enforce laws and rules adopted pursuant  
26 to this title, and other statutes as prescribed by the legislature.

27 (6) "Ex officio wildlife agent" means a commissioned officer of a  
28 municipal, county, state, or federal agency having as its primary  
29 function the enforcement of criminal laws in general, while the officer  
30 is in the appropriate jurisdiction. The term "ex officio wildlife  
31 agent" includes fisheries patrol officers, special agents of the  
32 national marine fisheries commission, state parks commissioned  
33 officers, United States fish and wildlife special agents, department of  
34 natural resources enforcement officers, and United States forest  
35 service officers, while the agents and officers are within their  
36 respective jurisdictions.



1 (7) "To hunt" and its derivatives means an effort to kill, injure,  
2 capture, or harass a wild animal or wild bird.

3 (8) "To trap" and its derivatives means a method of hunting using  
4 devices to capture wild animals or wild birds.

5 (9) "To fish" and its derivatives means an effort to kill, injure,  
6 harass, or catch a game fish.

7 (10) "Open season" means those times, manners of taking, and places  
8 or waters established by rule of the commission for the lawful hunting,  
9 fishing, or possession of game animals, game birds, or game fish.  
10 "Open season" includes the first and last days of the established time.

11 (11) "Closed season" means all times, manners of taking, and places  
12 or waters other than those established as an open season.

13 (12) "Closed area" means a place where the hunting of some species  
14 of wild animals or wild birds is prohibited.

15 (13) "Closed waters" means all or part of a lake, river, stream, or  
16 other body of water, where fishing for game fish is prohibited.

17 (14) "Game reserve" means a closed area where hunting for all wild  
18 animals and wild birds is prohibited.

19 (15) "Bag limit" means the maximum number of game animals, game  
20 birds, or game fish which may be taken, caught, killed, or possessed by  
21 a person, as specified by rule of the commission for a particular  
22 period of time, or as to size, sex, or species.

23 (16) "Wildlife" means all species of the animal kingdom whose  
24 members exist in Washington in a wild state. This includes but is not  
25 limited to mammals, birds, reptiles, amphibians, fish, and  
26 invertebrates. The term "wildlife" does not include feral domestic  
27 mammals, the family Muridae of the order Rodentia (old world rats and  
28 mice), or those fish, shellfish, and marine invertebrates classified by  
29 the director of fisheries. The term "wildlife" includes all stages of  
30 development and the bodily parts of wildlife members.

31 (17) "Wild animals" means those species of the class Mammalia whose  
32 members exist in Washington in a wild state and the species *Rana*  
33 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
34 domestic mammals or the family Muridae of the order Rodentia (old world  
35 rats and mice).

36 (18) "Wild birds" means those species of the class Aves whose  
37 members exist in Washington in a wild state.

38 (19) "Protected wildlife" means wildlife designated by the  
39 commission that shall not be hunted or fished.

1 (20) "Endangered species" means wildlife designated by the  
2 commission as seriously threatened with extinction.

3 (21) "Game animals" means wild animals that shall not be hunted  
4 except as authorized by the commission.

5 (22) "Fur-bearing animals" means game animals that shall not be  
6 trapped except as authorized by the commission.

7 (23) "Game birds" means wild birds that shall not be hunted except  
8 as authorized by the commission.

9 (24) "Predatory birds" means wild birds that may be hunted  
10 throughout the year as authorized by the commission.

11 (25) "Deleterious exotic wildlife" means species of the animal  
12 kingdom not native to Washington and designated as dangerous to the  
13 environment or wildlife of the state but excluding traditional  
14 livestock as defined in section 2(5) of this act.

15 (26) "Game farm" means property on which wildlife is held or raised  
16 for commercial purposes, trade, or gift. The term "game farm" does not  
17 include publicly owned facilities.

18 (27) "Person of disability" means a permanently disabled person who  
19 is not ambulatory without the assistance of a wheelchair, crutches, or  
20 similar devices.

21 NEW SECTION. **Sec. 19.** A new section is added to chapter 16.49A  
22 RCW to read as follows:

23 (1) Meat and meat by-products of alternative livestock, as defined  
24 in section 2 of this act, whether or not such meat, meat by-products,  
25 or animals originate from within the state, shall not be sold or  
26 distributed for public consumption without prior inspection by the  
27 department, the United States department of agriculture, or another  
28 department-recognized local, state, or federal agency responsible for  
29 food safety and inspection.

30 (2) The department may adopt rules establishing a program for  
31 inspecting meat and meat by-products of alternative livestock. Such  
32 rules shall include a fee schedule that will provide for the recovery  
33 of the full cost of the inspection program. Fees collected under this  
34 section shall be deposited in an account within the agricultural local  
35 fund and the revenue from such fees shall be used solely for carrying  
36 out the provisions of this section. No appropriation is required for  
37 disbursement from the account. The director may employ such personnel  
38 as are necessary to carry out the provisions of this section.

1       **Sec. 20.** RCW 16.36.005 and 1987 c 163 s 1 are each amended to read  
2 as follows:

3       As used in this chapter:

4       "Alternative livestock" shall have the meaning as defined in  
5 section 2 of this act.

6       "Exotic wildlife" means any wild animal whose members do not exist  
7 in Washington in a wild state as of the effective date of this act but  
8 does not include alternative livestock as defined in section 2 of this  
9 act.

10       "Director" means the director of agriculture of the state of  
11 Washington or his authorized representative.

12       "Department" means the department of agriculture of the state of  
13 Washington.

14       "Garbage" means the solid animal and vegetable waste and offal  
15 together with the natural moisture content resulting from the handling,  
16 preparation, or consumption of foods in houses, restaurants, hotels,  
17 kitchens, markets, meat shops, packing houses and similar  
18 establishments or any other food waste containing meat or meat  
19 products.

20       "Veterinary biologic" means any virus, serum, toxin, and analogous  
21 product of natural or synthetic origin, or product prepared from any  
22 type of genetic engineering, such as diagnostics, antitoxins, vaccines,  
23 live microorganisms, killed microorganisms, and the antigenic or  
24 immunizing components intended for use in the diagnosis, treatment, or  
25 prevention of diseases in animals.

26       **Sec. 21.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read  
27 as follows:

28       The word "quarantine" as used in this act shall mean the placing  
29 and restraining of any animal or animals by the owner or agents in  
30 charge thereof, either within a certain described and designated  
31 enclosure or area within this state, or the restraining of any such  
32 animal or animals from entering this state, as may be directed in  
33 writing by the director of agriculture, or his or her duly authorized  
34 representative. Any animal or animals so quarantined within the state  
35 shall at all times be kept separate and apart from other ((domestic))  
36 animals and not allowed to have anything in common therewith.

1       **Sec. 22.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read  
2 as follows:

3       The director shall have general supervision of the prevention of  
4 the spread and the suppression of infectious, contagious, communicable  
5 and dangerous diseases affecting animals within, in transit through and  
6 being imported into the state. The director may establish and enforce  
7 quarantine of and against any and all ((domestic)) animals which are  
8 affected with any such disease or that may have been exposed to others  
9 thus affected, whether within or without the state, for such length of  
10 time as he or she deems necessary to determine whether any such animal  
11 is infected with any such disease. The director shall also enforce and  
12 administer the provisions of this chapter pertaining to garbage feeding  
13 and when garbage has been fed to swine, the director may require the  
14 disinfection of all facilities, including yard, transportation and  
15 feeding facilities, used for keeping such swine.

16       The director shall also have the authority to regulate the sale,  
17 distribution, and use of veterinary biologics in the state and may  
18 adopt rules to restrict the sale, distribution, or use of any  
19 veterinary biologic in any manner the director determines to be  
20 necessary to protect the health and safety of the public and the  
21 state's animal population.

22       The director shall also have the authority to adopt rules governing  
23 the importation and care of alternative livestock. In adopting the  
24 rules, the department shall consult with the department of wildlife of  
25 the state of Washington.

26       **Sec. 23.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to  
27 read as follows:

28       It is unlawful for a person to intentionally falsely make,  
29 complete, alter, use, or sign an animal health certificate, certificate  
30 of veterinary inspection, or official written animal health instrument  
31 of the department of agriculture. It ((shall be)) is unlawful for any  
32 person, or any railroad or transportation company, or other common  
33 carrier, to bring into this state for any purpose any domestic animals,  
34 exotic wildlife, or alternative livestock without first having secured  
35 an official health certificate or certificate of veterinary inspection,  
36 certified by the state veterinarian of origin that such animals meet  
37 the health requirements ((promulgated)) adopted by the director of  
38 agriculture of the state of Washington((:—PROVIDED, That)). This

1 section shall not apply to domestic animals imported into this state  
2 for immediate slaughter, or domestic animals imported for the purpose  
3 of unloading for feed, rest, and water, for a period not in excess of  
4 twenty-eight hours except upon prior permit therefor secured from the  
5 director of agriculture. It (~~shall be~~) is unlawful for any person to  
6 divert en route for other than to an approved, inspected stockyard for  
7 immediate slaughter or to sell for other than immediate slaughter or to  
8 fail to slaughter within fourteen days after arrival, any animal  
9 imported into this state for immediate slaughter. It (~~shall be~~) is  
10 unlawful for any person, railroad, transportation company, or other  
11 common carrier, to keep any domestic animals which are unloaded for  
12 feed, rest and water in other than quarantined pens, or not to report  
13 any missing animals to the director of agriculture at the time the  
14 animals are reloaded.

15 **Sec. 24.** RCW 16.36.040 and 1979 c 154 s 10 are each amended to  
16 read as follows:

17 The director of agriculture shall have power to (~~promulgate~~)  
18 adopt and enforce such reasonable rules(~~(, regulations)~~) and orders as  
19 he or she may deem necessary or proper to prevent the introduction or  
20 spreading of infectious, contagious, communicable, or dangerous  
21 diseases affecting domestic animals, exotic wildlife, or alternative  
22 livestock in this state, and to (~~promulgate~~) adopt and enforce such  
23 reasonable rules(~~(, regulations)~~) and orders as he or she may deem  
24 necessary or proper governing the inspection and test of all animals  
25 within or about to be imported into this state, and to (~~promulgate~~)  
26 adopt and enforce (~~(intereounty)~~) intrastate embargoes, hold orders,  
27 and quarantine (~~(to prevent the shipment, trailing, trucking,~~  
28 ~~transporting or movement of bovine animals from any county that has not~~  
29 ~~been declared modified accredited by the United States department of~~  
30 ~~agriculture, animal and plant health inspection service, for~~  
31 ~~tuberculosis and/or certified brucellosis free, into a county which has~~  
32 ~~been declared modified accredited by the United States department of~~  
33 ~~agriculture, animal and plant health inspection service, for~~  
34 ~~tuberculosis and/or certified brucellosis free, unless such animals are~~  
35 ~~accompanied by a negative certificate of tuberculin test made within~~  
36 ~~sixty days and/or a negative brucellosis test made within the forty-~~  
37 ~~five day period prior to the movement of such animal into such county,~~  
38 ~~issued by a duly authorized veterinary inspector of the state~~

1 department of agriculture, or of the United States department of  
2 agriculture, animal and plant health inspection service, or an  
3 accredited veterinarian authorized by permit issued by the director of  
4 agriculture to execute such certificate)).

5 **Sec. 25.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read  
6 as follows:

7 It (~~shall be~~) is unlawful for any person to willfully hinder,  
8 obstruct, or resist the director of agriculture or any duly authorized  
9 representative, or any peace officer acting under him or her or them,  
10 when engaged in the performance of the duties or in the exercise of the  
11 powers conferred by this chapter, and it shall be unlawful for any  
12 person to willfully fail to comply with or violate any rule(~~(~~  
13 ~~regulation)~~) or order (~~(promulgated)~~) adopted by the director of  
14 agriculture or his or her duly authorized representatives under the  
15 provisions of this chapter. The director of agriculture shall have the  
16 authority under such rules (~~(and regulations)~~) as shall be  
17 (~~(promulgated)~~) adopted by (~~(him)~~) the director to enter at any  
18 reasonable time the premises of any (~~(livestock)~~) domestic animals,  
19 exotic wildlife, or alternative livestock owner to make tests on any  
20 animals for diseased conditions, and it (~~shall be~~) is unlawful for  
21 any person to interfere with such tests in any manner, or to violate  
22 any segregation or identification order made in connection with such  
23 tests by the director of agriculture, or his or her duly authorized  
24 representative.

25 **Sec. 26.** RCW 16.36.070 and 1947 c 172 s 6 are each amended to read  
26 as follows:

27 Whenever a majority of any board of health, board of county  
28 commissioners, city council or other governing body of any incorporated  
29 city or town, or trustees of any township, whether in session or not,  
30 shall, in writing or by telegraph, notify the director of agriculture  
31 of the prevalence of or probable danger of infection from any of the  
32 diseases of domestic animals, exotic wildlife, or alternative livestock  
33 the director of agriculture personally, or by the supervisor of dairy  
34 and livestock, or by a duly appointed and deputized veterinarian of the  
35 division of (~~(dairy and livestock)~~) food safety and animal health,  
36 shall at once go to the place designated in said notice and take such  
37 action as the exigencies may in his or her judgment demand, and may in

1 case of an emergency appoint deputies or assistants, with equal power  
2 to act. The compensation to be paid such emergency deputies and  
3 assistants, shall be fixed by the director of agriculture in conformity  
4 with the standards effective in the locality in which the services are  
5 performed.

6 **Sec. 27.** RCW 16.36.080 and 1947 c 172 s 7 are each amended to read  
7 as follows:

8 It (~~shall be~~) is unlawful for any person registered to practice  
9 veterinary medicine, surgery and dentistry in this state not to  
10 immediately report in writing to the director of agriculture the  
11 discovery of the existence or suspected existence among domestic  
12 animals, exotic wildlife, or alternative livestock within the state of  
13 any reportable diseases as published by the director of agriculture.

14 **Sec. 28.** RCW 16.36.100 and 1927 c 165 s 10 are each amended to  
15 read as follows:

16 The governor and the director of agriculture shall have the power  
17 to cooperate with the government of the United States in the prevention  
18 and eradication of diseases of domestic animals, exotic wildlife, or  
19 alternative livestock and the governor shall have the power to receive  
20 and receipt for any moneys receivable by this state under the  
21 provisions of any act of congress and pay the same into the hands of  
22 the state treasurer as custodian for the state to be used and expended  
23 in carrying out the provisions of this act and the act or acts of  
24 congress under which said moneys are paid over to the state.

25 **Sec. 29.** RCW 16.57.010 and 1989 c 286 s 22 are each amended to  
26 read as follows:

27 For the purpose of this chapter:

28 (1) "Department" means the department of agriculture of the state  
29 of Washington.

30 (2) "Director" means the director of the department or a duly  
31 appointed representative.

32 (3) "Person" means a natural person, individual, firm, partnership,  
33 corporation, company, society, and association, and every officer,  
34 agent or employee thereof. This term shall import either the singular  
35 or the plural as the case may be.

1 (4) "Livestock" includes, but is not limited to, horses, mules,  
2 cattle, sheep, swine, goats, poultry (~~and~~), rabbits, and alternative  
3 livestock as defined in section 2 of this act.

4 (5) "Brand" means a permanent fire brand or any artificial mark,  
5 other than an individual identification symbol, approved by the  
6 director to be used in conjunction with a brand or by itself.

7 (6) "Production record brand" means a number brand which shall be  
8 used for production identification purposes only.

9 (7) "Brand inspection" means the examination of livestock or  
10 livestock hides for brands or any means of identifying livestock or  
11 livestock hides and/or the application of any artificial identification  
12 such as back tags or ear clips necessary to preserve the identity of  
13 the livestock or livestock hides examined.

14 (8) "Individual identification symbol" means a permanent mark  
15 placed on a horse for the purpose of individually identifying and  
16 registering the horse and which has been approved for use as such by  
17 the director.

18 (9) "Registering agency" means any person issuing an individual  
19 identification symbol for the purpose of individually identifying and  
20 registering a horse.

21 **Sec. 30.** RCW 16.52.010 and 1901 c 146 s 17 are each amended to  
22 read as follows:

23 In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and  
24 16.52.100 through 16.52.180 the singular shall include the plural; the  
25 word "animal" shall be held to include every living creature, except  
26 man; the words "torture," "torment," and "cruelty," shall be held to  
27 include every act, omission, or neglect whereby unnecessary or  
28 unjustifiable physical pain or suffering is caused or permitted; and  
29 the words "owner" and "person" shall be held to include corporations as  
30 well as individuals; and the knowledge and acts of agents of and  
31 persons employed by corporations in regard to animals transported,  
32 owned, or employed by, or in the custody of such corporations, shall be  
33 held to be the act and knowledge of such corporations as well as of  
34 such agents or employees.

35 "Domestic animal" for the purposes of this chapter shall include  
36 alternative livestock as defined in section 2 of this act.



1        NEW SECTION.    **Sec. 31.**    Sections 1 through 13, 15, and 16 of this  
2 act shall constitute a new chapter in Title 15 RCW."

3    **ESHB 1135** - S COMM AMD  
4        By Committee on Agriculture

5  
6        On page 1, line 1 of the title, after "livestock;" strike the  
7 remainder of the title and insert "amending RCW 19.85.020, 77.08.010,  
8 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060,  
9 16.36.070, 16.36.080, 16.36.100, 16.57.010, and 16.52.010; adding a new  
10 section to chapter 16.49A RCW; adding a new chapter to Title 15 RCW;  
11 and creating a new section."

--- END ---