
HOUSE BILL 1135

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson

Read first time 01/15/93. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to alternative livestock; amending RCW 77.08.010,
2 77.32.010, 77.32.211, 77.12.570, 77.12.580, 77.12.590, 77.12.600, and
3 16.57.010; adding a new section to chapter 77.04 RCW; and adding a new
4 chapter to Title 15 RCW.

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

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

10 The legislature finds that many areas of the state of Washington
11 are suitable for alternative livestock farms, and therefore the
12 legislature encourages the promotion of alternative livestock farming
13 activities, programs, and development with the same status as other
14 agricultural activities, programs, and development within the state.

15 The legislature finds that alternative livestock farming should be
16 considered a branch of the agricultural industry of the state for
17 purposes of any laws that apply to or provide for the advancement,
18 benefit, or protection of the agriculture industry within the state.

1 It is therefore the policy of this state to encourage the
2 development and expansion of alternative livestock farming within the
3 state. It is also the policy of this state to protect wildlife by
4 providing an effective disease inspection and control program for
5 alternative livestock farming operations.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Alternative livestock" means all nontraditional vertebrate
10 livestock, including but not limited to ungulates, marsupials, ratites,
11 fowl and psittacines, so long as they are: Confined by humans; raised
12 or used in farm or ranch operations in the private sector; and produced
13 on the farm or ranch or legally acquired for the farm or ranch.
14 "Alternative livestock" does not include: A domestic dog (*canis*
15 *familiaris*) or domestic cat (*felis domestica*); private sector aquatic
16 products as defined in and regulated under chapter 15.85 RCW; an animal
17 raised for release into the wild; an animal raised for the purpose of
18 hunting that takes place in this state; an animal that is required to
19 be identified under section 5 of this act and is not identified as
20 required; or an animal located on, purchased from, or being transported
21 to or from a farm or ranch that is required to be registered under
22 section 7 of this act but that is not registered as required at the
23 time the livestock is located on, purchased from, or being transported
24 to or from the farm or ranch.

25 (2) "Alternative livestock products" means the products of
26 alternative livestock including, but not limited to, meat and meat
27 products, velvet, antlers, horns, leather, hides, feathers, eggs,
28 gametes, and genetic materials. "Alternative livestock products" does
29 not include a product that is required to be identified under section
30 5 of this act and is not identified as required.

31 (3) "Department" means the department of agriculture.

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

1 shall consult the alternative livestock council in developing the
2 program.

3 NEW SECTION. **Sec. 4.** (1) Any authority of the department of
4 wildlife to regulate alternative livestock is limited to the authority
5 granted by this section. The department of agriculture and the
6 department of wildlife may jointly adopt rules that authorize the
7 department of wildlife to regulate the entry and intrastate movement,
8 sale, transfer, possession, exhibition, and release of alternative
9 livestock to:

10 (a) Prevent the introduction or spread of a disease or parasite
11 harmful to humans or animals including but not limited to livestock and
12 poultry, wildlife, or alternative livestock;

13 (b) Ensure the physical safety of humans;

14 (c) Prevent the escape or release of an animal injurious to or
15 competitive with agriculture, forestry, wildlife, or other natural
16 resources;

17 (d) Ensure the humane treatment of alternative livestock;

18 (e) Control the removal and use of wild animals taken from the
19 public domain; or

20 (f) Comply with federal law.

21 (2) Any rules adopted under this section shall specify the
22 emergency enforcement actions that may be taken by the department of
23 wildlife, and the circumstances under which they may be taken, without
24 first providing the affected party with an opportunity for a hearing.

25 (3) Except as provided in subsection (2) of this section, no action
26 may be taken against a person by the department of wildlife to enforce
27 the rules adopted under this section unless the department of wildlife
28 has first provided the person an opportunity for a hearing. In such a
29 case, if the hearing is requested, no enforcement action may be taken
30 before the conclusion of that hearing.

31 (4) The authority granted to the department of wildlife by rules
32 adopted jointly under this section constitutes the only authority of
33 the department of wildlife to regulate alternative livestock. No
34 authority granted under this section or by section 6 of this act may be
35 construed as limiting in any manner the disease control authorities of
36 the department of agriculture that are granted to the department by
37 state law.

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

10 NEW SECTION. **Sec. 6.** The director of agriculture shall develop
11 and administer a program of disease inspection and control for
12 alternative livestock. The purpose of the program is to protect the
13 alternative livestock industry from the loss of animals or productivity
14 to disease and to protect wildlife in this state. As used in this
15 section "disease" means, in addition to its ordinary meaning,
16 infestations of parasites or pests.

17 NEW SECTION. **Sec. 7.** All persons engaged in the farming or
18 ranching of alternative livestock shall register annually with the
19 department of agriculture. The director shall develop and maintain a
20 registration list of all alternative livestock farms and ranches.
21 Registered alternative livestock farms and ranches shall provide the
22 department production statistical data.

23 NEW SECTION. **Sec. 8.** The department of agriculture shall adopt
24 rules for administering this chapter. Rules shall be adopted in
25 accordance with chapter 34.05 RCW.

26 In developing and adopting rules under sections 4 and 6 of this
27 act, the department of agriculture shall consult the alternative
28 livestock council, the department of wildlife, appropriate federal
29 agencies, and Indian tribes to assure the protection of state, federal,
30 and tribal wildlife resources and to protect alternative livestock from
31 disease that could originate from resources regulated or managed by
32 public entities.

33 NEW SECTION. **Sec. 9.** The alternative livestock council of not
34 more than seven persons is hereby created. The council shall be
35 composed of representatives of alternative livestock farming and

1 marketing operations in the state. The members of the council shall be
2 appointed by the director of agriculture to three-year terms. The
3 director 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 the director by appointment. The council
6 shall advise the department on all aspects of alternative livestock
7 farming and the marketing of alternative livestock and alternative
8 livestock products.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.04 RCW
10 to read as follows:

11 This title does not apply to alternative livestock or alternative
12 livestock products, as defined in section 2 of this act or in rules
13 adopted under section 8 of this act. The sole authority of the
14 department of wildlife to regulate such alternative livestock and
15 alternative livestock products is the authority granted by joint rules
16 adopted under section 4 of this act.

17 **Sec. 11.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
18 as follows:

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

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

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

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

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

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

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

1 service officers, while the agents and officers are within their
2 respective jurisdictions.

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

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

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

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

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

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

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

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

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

25 (16) "Wildlife" means all species of the animal kingdom whose
26 members exist in Washington in a wild state. This includes but is not
27 limited to mammals, birds, reptiles, amphibians, fish, and
28 invertebrates. The term "wildlife" does not include feral domestic
29 mammals, alternative livestock as defined in section 2 of this act or
30 in rules adopted under section 8 of this act, the family Muridae of the
31 order Rodentia (old world rats and mice), or those fish, shellfish, and
32 marine invertebrates classified by the director of fisheries. The term
33 "wildlife" includes all stages of development and the bodily parts of
34 wildlife members.

35 (17) "Wild animals" means those species of the class Mammalia whose
36 members exist in Washington in a wild state and the species *Rana*
37 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
38 domestic mammals, alternative livestock as defined in section 2 of this

1 act or in rules adopted under section 8 of this act, or the family
2 Muridae of the order Rodentia (old world rats and mice).

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

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

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

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

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

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

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

17 (25) "Deleterious exotic wildlife" means species of the animal
18 kingdom not native to Washington and designated as dangerous to the
19 environment or wildlife of the state but excluding alternative
20 livestock as defined in section 2 of this act or in rules adopted under
21 section 8 of this act.

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

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

28 **Sec. 12.** RCW 77.32.010 and 1987 c 506 s 76 are each amended to
29 read as follows:

30 (1) Except as otherwise provided in this chapter, a license issued
31 by the director is required to:

32 (a) Hunt for wild animals or wild birds or fish for game fish;

33 (b) Practice taxidermy for profit;

34 (c) Deal in raw furs for profit;

35 (d) Act as a fishing guide;

36 (e) Operate a game farm;

37 (f) Purchase or sell anadromous game fish; or

1 (g) Use department-managed lands or facilities as provided by rules
2 adopted pursuant to this title.

3 (2) A permit issued by the director is required to:

4 (a) Conduct, hold, or sponsor hunting or fishing contests or
5 competitive field trials using live wildlife;

6 (b) Collect wild animals, wild birds, game fish, or protected
7 wildlife for research or display; or

8 (c) Stock game fish.

9 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
10 requirements of this section, except when being stocked in public
11 waters under contract with the department.

12 (4) A license or permit is not required for farming or ranching
13 operations for alternative livestock as such livestock are defined in
14 section 2 of this act or in rules adopted under section 8 of this act.

15 **Sec. 13.** RCW 77.32.211 and 1991 sp.s. c 7 s 4 are each amended to
16 read as follows:

17 (1) A taxidermy license allows the holder to practice taxidermy for
18 profit. The fee for this license is one hundred eighty dollars.

19 (2) A fur dealer's license allows the holder to purchase, receive,
20 or resell raw furs for profit. The fee for this license is one hundred
21 eighty dollars.

22 (3) A fishing guide license allows the holder to offer or perform
23 the services of a professional guide in the taking of game fish. The
24 fee for this license is one hundred eighty dollars for a resident and
25 six hundred dollars for a nonresident.

26 (4) A game farm license allows the holder to operate a game farm
27 (~~(to acquire, breed, grow, keep, and sell wildlife)~~) under conditions
28 prescribed by the rules adopted pursuant to this title. The fee for
29 this license is seventy-two dollars for the first year and forty-eight
30 dollars for each following year.

31 (5) A game fish stocking permit allows the holder to release game
32 fish into the waters of the state as prescribed by rule of the
33 commission. The fee for this permit is twenty-four dollars.

34 (6) A fishing or field trial permit allows the holder to promote,
35 conduct, hold, or sponsor a fishing or field trial contest in
36 accordance with rules of the commission. The fee for a fishing contest
37 permit is twenty-four dollars. The fee for a field trial contest
38 permit is twenty-four dollars.

1 (7) An anadromous game fish buyer's license allows the holder to
2 purchase or sell steelhead trout and other anadromous game fish
3 harvested by Indian fishermen lawfully exercising fishing rights
4 reserved by federal statute, treaty, or executive order, under
5 conditions prescribed by rule of the director. The fee for this
6 license is one hundred eighty dollars.

7 **Sec. 14.** RCW 77.12.570 and 1987 c 506 s 49 are each amended to
8 read as follows:

9 The commission shall establish the qualifications and conditions
10 for issuing a game farm license. The director shall adopt rules
11 governing the operation of game farms. Private sector cultured aquatic
12 products as defined in RCW 15.85.020 and alternative livestock as
13 defined in section 2 of this act or in rules adopted under section 8 of
14 this act are exempt from regulation under this section.

15 **Sec. 15.** RCW 77.12.580 and 1987 c 506 s 50 are each amended to
16 read as follows:

17 A licensed game farmer may purchase, sell, give away, or dispose of
18 the eggs of game birds or game fish lawfully possessed as provided by
19 rule of the director. The eggs of alternative livestock as defined in
20 section 2 of this act or in rules adopted under section 8 of this act
21 are exempt from regulation under this section.

22 **Sec. 16.** RCW 77.12.590 and 1987 c 506 s 51 are each amended to
23 read as follows:

24 Wildlife given away, sold, or transferred by a licensed game farmer
25 shall have attached to each wildlife member, package, or container, a
26 tag, seal, or invoice as required by rule of the director. Private
27 sector cultured aquatic products as defined in RCW 15.85.020 and
28 alternative livestock and alternative livestock products as defined in
29 section 2 of this act or in rules adopted under section 8 of this act
30 are exempt from regulation under this section.

31 **Sec. 17.** RCW 77.12.600 and 1985 c 457 s 24 are each amended to
32 read as follows:

33 (1) A common carrier may transport wildlife shipped by a licensed
34 game farmer if the wildlife is tagged, sealed, or invoiced as provided

1 in RCW 77.12.590. Packages containing wildlife shall have affixed to
2 them tags or labels showing the name of the licensee and the consignee.

3 (2) For purposes of this section, wildlife does not include private
4 sector cultured aquatic products as defined in RCW 15.85.020 or
5 alternative livestock or alternative livestock products as defined in
6 section 2 of this act or in rules adopted under section 8 of this act.
7 However, if a means of identifying such livestock or products is
8 required by rules adopted under RCW 15.85.060 or section 5 of this act,
9 this exemption from the definition of wildlife applies only if the
10 ((aquatic)) livestock or products are identified in conformance with
11 those rules.

12 **Sec. 18.** RCW 16.57.010 and 1989 c 286 s 22 are each amended to
13 read as follows:

14 For the purpose of this chapter:

15 (1) "Department" means the department of agriculture of the state
16 of Washington.

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

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

23 (4) "Livestock" includes, but is not limited to, horses, mules,
24 cattle, sheep, swine, goats, poultry ((and)), rabbits, and alternative
25 livestock as defined in section 2 of this act or in rules adopted under
26 section 8 of this act.

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

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

32 (7) "Brand inspection" means the examination of livestock or
33 livestock hides for brands or any means of identifying livestock or
34 livestock hides and/or the application of any artificial identification
35 such as back tags or ear clips necessary to preserve the identity of
36 the livestock or livestock hides examined.

37 (8) "Individual identification symbol" means a permanent mark
38 placed on a horse for the purpose of individually identifying and

1 registering the horse and which has been approved for use as such by
2 the director.

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

6 NEW SECTION. **Sec. 19.** Sections 1 through 9 of this act shall
7 constitute a new chapter in Title 15 RCW.

--- END ---