
SUBSTITUTE SENATE BILL 6290

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Erwin, Loveland, Snyder, Newhouse, Sellar, Amondson and Bauer)

Read first time 02/02/94.

1 AN ACT Relating to protecting agriculture producers and products
2 from defamation; adding a new chapter to Title 15 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 protect the free flow of agricultural products and producers, as well
7 as enhancing the general public welfare by proscribing the
8 dissemination of false and disparaging information.

9 NEW SECTION. **Sec. 2.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout this
11 chapter.

12 (1) "Agricultural product" means a plant or animal or a product of
13 a plant or animal, grown or raised for a commercial purpose as defined
14 in RCW 15.65.020. The term also includes agricultural practices used
15 in the production of the products.

16 (2) "Agricultural producer" means a person engaged in growing or
17 raising an agricultural product, or manufacturing the product for
18 consumer use.

1 (3) "Defamatory statement" means words disseminated about an
2 agricultural producer that by their nature necessarily must or
3 presumably will as their natural and proximate consequence prejudice
4 him or her in his or her profession, trade, vocation, or office and
5 occasion him or her pecuniary damage.

6 (4) "Disparaging statement" means words disseminated about an
7 agricultural product that reflect negatively upon the quality, safety,
8 or value of the product such that by their nature these words
9 necessarily must or presumably will as their natural and proximate
10 consequence occasion the agricultural producer of the agricultural
11 product of which these words are disseminated pecuniary damage.

12 (5) "Disseminate" means to publish or otherwise convey a statement
13 to a third party but does not include repeating a false and defamatory
14 statement made by another unless the person repeating the statement
15 knew or should have known the statement was false.

16 (6) "False statement" means a statement that either expressly
17 includes a fact or implies a fact as justification for an opinion and
18 the fact is not correct.

19 (7) "Knowing the statement to be false" means the communicator knew
20 or should have known that the statement was false.

21 NEW SECTION. **Sec. 3.** A person who willfully or purposefully
22 disseminates a false and defamatory or disparaging statement, knowing
23 the statement to be false, under circumstances in which the statement
24 may be reasonably expected to be believed is liable to the producer for
25 substantial damages without proving actual damages.

26 NEW SECTION. **Sec. 4.** If a false and defamatory statement is
27 disseminated with reference to an entire group or class of agricultural
28 producers or products, a cause of action arises in favor of each
29 producer of the group or class, regardless of the size of the class.

30 NEW SECTION. **Sec. 5.** In a suit filed under section 4 of this act,
31 complainant may also request an appropriate court order prohibiting the
32 defendant from disseminating false and defamatory statements about the
33 agricultural producer or its agricultural products in the future.

1 NEW SECTION. **Sec. 6.** In a suit brought under section 4 of this
2 act, the prevailing party is entitled to an award of attorneys' fees in
3 connection with the costs of the litigation.

4 NEW SECTION. **Sec. 7.** The statutory cause of action set out in
5 this chapter is not intended to abrogate the common law action for
6 product disparagement or any other cause of action otherwise available.

7 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act shall
8 constitute a new chapter in Title 15 RCW.

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