

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2134**

Chapter 189, Laws of 1996

54th Legislature  
1996 Regular Session

DAIRY FARM OR MILK PROCESSING PLANT LICENSES--DEGRADING

EFFECTIVE DATE: 3/28/96

Passed by the House March 2, 1996  
Yeas 90 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate February 27, 1996  
Yeas 48 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved March 28, 1996

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2134** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 28, 1996 - 3:59 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2134

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AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Robertson, Chappell, Koster, Mastin, Regala, Chandler, Honeyford, Campbell, L. Thomas, Johnson, Stevens, Boldt and Goldsmith; by request of Department of Agriculture

Read first time 01/08/96. Referred to Committee on Agriculture & Ecology.

1            AN ACT Relating to the degrade of dairy farm or milk processing  
2 plant licenses; amending RCW 15.36.111 and 15.36.451; and declaring an  
3 emergency.

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

5            **Sec. 1.** RCW 15.36.111 and 1994 c 143 s 209 are each amended to  
6 read as follows:

7            The director shall inspect all dairy farms and all milk processing  
8 plants prior to issuance of a license under this chapter and at a  
9 frequency determined by the director by rule: PROVIDED, That the  
10 director may accept the results of periodic industry inspections of  
11 producer dairies if such inspections have been officially checked  
12 periodically and found satisfactory. In case the director discovers  
13 the violation of any item of grade requirement, he or she shall make a  
14 second inspection after a lapse of such time as he or she deems  
15 necessary for the defect to be remedied, but not before the lapse of  
16 three days, and the second inspection shall be used in determining  
17 compliance with the grade requirements of this chapter. Any violation  
18 of the same requirement of this chapter on such reinspection shall call

1 for ((immediate)) degrading or summary suspension of the license in  
2 accordance with the requirements of chapter 34.05 RCW.

3 One copy of the inspection report detailing the grade requirement  
4 violations shall be posted by the director in a conspicuous place upon  
5 an inside wall of one of the dairy farm or milk processing plant  
6 buildings, and said inspection report shall not be defaced or removed  
7 by any person except the director. Another copy of the inspection  
8 report shall be filed with the records of the director.

9 Every milk producer and distributor shall permit the director  
10 access to all parts of the establishment during the working hours of  
11 the producer or distributor, which shall at a minimum include the hours  
12 from 8 a.m. to 5 p.m., and every distributor shall furnish the  
13 director, upon his or her request, for official use only, samples of  
14 any milk product for laboratory analysis, a true statement of the  
15 actual quantities of milk and milk products of each grade purchased and  
16 sold, together with a list of all sources, records of inspections and  
17 tests, and recording thermometer charts.

18 **Sec. 2.** RCW 15.36.451 and 1994 c 143 s 506 are each amended to  
19 read as follows:

20 ~~((If at any time between the regular announcements of the grades of  
21 milk or milk products, a lower grade shall become justified, in  
22 accordance with the provisions of this chapter, the director shall  
23 immediately lower the grade of such milk or milk products, and shall  
24 enforce proper labeling thereof.))~~

25 Any producer or distributor of milk or milk products the grade of  
26 which has been lowered by the director, or whose permit has been  
27 suspended may at any time make application for the regrading of his or  
28 her products or the reinstatement of his or her permit.

29 Upon receipt of a satisfactory application, in case the lowered  
30 grade or the permit suspension was the result of violation of the  
31 bacteriological or cooling temperature standards, the director shall  
32 take further samples of the applicant's output, at a rate of not more  
33 than two samples per week. The director shall regrade the milk or milk  
34 products upward or reinstate the permit on compliance with grade  
35 requirements as determined in accordance with the provisions of RCW  
36 15.36.201.

37 In case the lowered grade of the applicant's product or the permit  
38 suspension was due to a violation of an item other than bacteriological

1 standard or cooling temperature, the said application must be  
2 accompanied by a statement signed by the applicant to the effect that  
3 the violated item of the specifications had been conformed with.  
4 Within one week of the receipt of such an application and statement the  
5 director shall make a reinspection of the applicant's establishment and  
6 thereafter as many additional reinspections as he or she may deem  
7 necessary to assure himself or herself that the applicant is again  
8 complying with the higher grade requirements, and in case the findings  
9 justify, shall regrade the milk or milk products upward or reinstate  
10 the permit.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and shall take  
14 effect immediately.

Passed the House March 2, 1996.

Passed the Senate February 27, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.