

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1151

Chapter 291, Laws of 1999

56th Legislature
1999 Regular Session

DAIRY AND FOOD LAWS

EFFECTIVE DATE: 7/25/99

Passed by the House April 19, 1999
Yeas 95 Nays 2

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 14, 1999
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved May 13, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1151** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 13, 1999 - 3:41 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1151

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Linville, G. Chandler, Cooper and Koster; by request of Department of Agriculture

Read first time 01/15/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to updating or repealing dairy and food laws;
2 amending RCW 15.36.012, 15.36.021, 15.36.051, 15.36.081, 15.36.111,
3 15.36.151, 15.36.161, 15.36.171, 15.36.181, 15.36.191, 15.36.231,
4 15.36.401, 15.36.421, 15.36.451, 15.36.471, 15.36.481, 15.36.491,
5 15.36.511, 15.36.551, 15.36.561, 16.49.435, 16.49.670, 16.67.030,
6 35A.69.010, and 69.04.930; reenacting and amending RCW 15.36.201;
7 adding new sections to chapter 15.36 RCW; repealing RCW 15.36.031,
8 15.36.061, 15.36.121, 15.36.211, 15.36.251, 15.36.291, 15.36.301,
9 15.36.311, 15.36.411, 15.36.431, 15.36.441, 15.36.461, 15.36.501,
10 15.36.521, 15.38.001, 15.38.010, 15.38.020, 15.38.030, 15.38.040,
11 15.38.050, 15.40.010, 15.40.030, 15.40.040, 15.40.050, 15.40.900,
12 15.41.010, 15.41.020, 16.48.120, 16.48.280, 16.48.310, 16.48.311,
13 16.48.312, 16.48.320, 16.48.325, 16.49A.010, 16.49A.020, 16.49A.030,
14 16.49A.040, 16.49A.050, 16.49A.060, 16.49A.070, 16.49A.080, 16.49A.090,
15 16.49A.100, 16.49A.110, 16.49A.120, 16.49A.130, 16.49A.140, 16.49A.150,
16 16.49A.160, 16.49A.170, 16.49A.180, 16.49A.190, 16.49A.200, 16.49A.210,
17 16.49A.220, 16.49A.230, 16.49A.240, 16.49A.250, 16.49A.255, 16.49A.260,
18 16.49A.270, 16.49A.280, 16.49A.290, 16.49A.300, 16.49A.310, 16.49A.320,
19 16.49A.330, 16.49A.340, 16.49A.350, 16.49A.360, 16.49A.370, 16.49A.380,
20 16.49A.390, 16.49A.400, 16.49A.410, 16.49A.420, 16.49A.430, 16.49A.440,
21 16.49A.450, 16.49A.460, 16.49A.470, 16.49A.480, 16.49A.520, 16.49A.530,

1 16.49A.540, 16.49A.550, 16.49A.560, 16.49A.570, 16.49A.580, 16.49A.590,
2 16.49A.600, 16.49A.610, 16.49A.620, 16.49A.630, 16.49A.640, 16.49A.650,
3 16.49A.900, 16.49A.910, 16.49A.920, 16.74.010, 16.74.020, 16.74.030,
4 16.74.040, 16.74.050, 16.74.060, 16.74.070, 16.74.080, 16.74.090,
5 16.74.100, 16.74.110, 16.74.120, 16.74.130, 16.74.140, 16.74.150,
6 16.74.160, 16.74.170, 16.74.180, 16.74.190, 16.74.200, 16.74.210,
7 16.74.220, 16.74.230, 16.74.240, 16.74.250, 16.74.260, 16.74.270,
8 16.74.280, 16.74.290, 16.74.300, 16.74.310, 16.74.320, 16.74.330,
9 16.74.340, 16.74.350, 16.74.360, 16.74.370, 16.74.380, 16.74.390,
10 16.74.400, 16.74.410, 16.74.420, 16.74.430, 16.74.440, 16.74.450,
11 16.74.460, 16.74.470, 16.74.480, 16.74.490, 16.74.500, 16.74.510,
12 16.74.520, 16.74.530, 16.74.540, 16.74.550, 16.74.560, 16.74.570,
13 16.74.580, 16.74.590, 16.74.600, 16.74.610, 16.74.615, 16.74.620,
14 16.74.630, 16.74.640, 16.74.650, 16.74.900, 16.74.910, 16.74.920,
15 19.92.100, 19.92.110, 19.92.120, and 19.92.240; prescribing penalties;
16 and providing an expiration date.

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

18 **Sec. 1.** RCW 15.36.012 and 1995 c 374 s 1 are each amended to read
19 as follows:

20 For the purpose of this chapter:

21 "Adulterated milk" means milk that is deemed adulterated under
22 appendix L of the PMO.

23 (~~"Aseptic processing" means the process by which milk or milk~~
24 ~~products have been subjected to sufficient heat processing and packaged~~
25 ~~in a hermetically sealed container so as to meet the standards of the~~
26 ~~PMO.~~)

27 "Colostrum milk" means milk produced within ten days before or
28 until practically colostrum free after parturition.

29 "DMO" means supplement I, the recommended sanitation ordinance for
30 grade A condensed and dry milk products and condensed and dry whey, to
31 the PMO published by the United States public health service, food and
32 drug administration.

33 "Dairy farm" means a place or premises where one or more cows,
34 goats, or other mammals are kept, a part or all of the milk or milk
35 products from which is sold or offered for sale to a milk processing
36 plant, transfer station, or receiving station.

1 "Dairy technician" means any person who takes samples of milk or
2 cream or fluid derivatives thereof, on which sample tests are to be
3 made as a basis of payment, or who grades, weighs, or measures milk or
4 cream or the fluid derivatives thereof, the grade, weight, or measure
5 to be used as a basis of payment, or who operates equipment wherein
6 milk or products thereof are pasteurized.

7 "Degrade" means the lowering in grade from grade A to grade C.

8 "Department" means the state department of agriculture.

9 "Director" means the director of agriculture of the state of
10 Washington or the director's duly authorized representative.

11 (~~("Distributor" means a person other than a producer who offers for
12 sale or sells to another, milk or milk products.)~~)

13 "Grade A milk processing plant" means any milk processing plant
14 that meets all of the standards of the PMO to process grade A
15 pasteurized milk or milk products.

16 "Grade A pasteurized milk" means grade A raw milk that has been
17 pasteurized.

18 "Grade A raw milk" means raw milk produced upon dairy farms
19 conforming with all of the items of sanitation contained in the PMO, in
20 which the bacterial plate count does not exceed twenty thousand per
21 milliliter and the coliform count does not exceed ten per milliliter as
22 determined in accordance with RCW 15.36.201.

23 "Grade A raw milk for pasteurization" means raw milk produced upon
24 dairy farms conforming with all of the same items of sanitation
25 contained in the PMO of grade A raw milk, and the bacterial plate
26 count, as delivered from the farm, does not exceed eighty thousand per
27 milliliter as determined in accordance with RCW 15.36.201.

28 "Grade C milk" is milk that violates any of the requirements for
29 grade A milk but that is not deemed to be adulterated.

30 (~~("Homogenized" means milk or milk products which have been treated
31 to ensure breakup of the fat globules to an extent consistent with the
32 requirements outlined in the PMO.)~~)

33 "Milk" means the lacteal secretion, practically free of colostrum,
34 obtained by the complete milking of one or more healthy cows, goats, or
35 other mammals.

36 "Milk hauler" means a person who transports milk or milk products
37 in bulk to or from a milk processing plant, receiving station, or
38 transfer station.

1 "Milk processing" means the handling, preparing, packaging, or
2 processing of milk in any manner in preparation for sale as food, as
3 defined in chapter 69.04 RCW. Milk processing does not include milking
4 or producing milk on a dairy farm that is shipped to a milk processing
5 plant for further processing.

6 "Milk processing plant" means a place, premises, or establishment
7 where milk or milk products are collected, handled, processed, stored,
8 bottled, pasteurized, aseptically processed, bottled, or prepared for
9 distribution, except an establishment that merely receives the
10 processed milk products and serves them or sells them at retail.

11 "Milk products" means the product of a milk manufacturing process.

12 "Misbranded milk" means milk or milk products that carries a grade
13 label unless such grade label has been awarded by the director and not
14 revoked, or that fails to conform in any other respect with the
15 statements on the label.

16 (~~("Official brucellosis adult vaccinated cattle" means those
17 cattle, officially vaccinated over the age of official calthood
18 vaccinated cattle, that the director has determined have been
19 commingled with, or kept in close proximity to, cattle identified as
20 brucellosis reactors, and have been vaccinated against brucellosis in
21 a manner and under the conditions prescribed by the director after a
22 hearing and under rules adopted under chapter 34.05 RCW, the
23 administrative procedure act.))~~)

24 "Official laboratory" means a biological, chemical, or physical
25 laboratory that is under the direct supervision of the state or a local
26 regulatory agency.

27 "Officially designated laboratory" means a commercial laboratory
28 authorized to do official work by the department, or a milk industry
29 laboratory officially designated by the department for the examination
30 of grade A raw milk for pasteurization and commingled milk tank truck
31 samples of raw milk for antibiotic residues and bacterial limits.

32 "PMO" means the grade "A" pasteurized milk ordinance published by
33 the United States public health service, food and drug administration.

34 "Pasteurized" means the process of heating every particle of milk
35 or milk product in properly designed and operated equipment to the
36 temperature and time standards specified in the PMO.

37 "Person" means an individual, partnership, firm, corporation,
38 company, trustee, or association.

1 "Producer" means a person or organization who operates a dairy farm
2 and provides, sells, or offers milk for sale to a milk processing
3 plant, receiving station, or transfer station.

4 "Receiving station" means a place, premises, or establishment where
5 raw milk is received, collected, handled, stored, or cooled and
6 prepared for further transporting.

7 "Sale" means selling, offering for sale, holding for sale,
8 preparing for sale, trading, bartering, offering a gift as an
9 inducement for sale of, and advertising for sale in any media.

10 "Transfer station" means any place, premises, or establishment
11 where milk or milk products are transferred directly from one milk tank
12 truck to another.

13 ~~(("Ultrapasteurized" means the process by which milk or milk
14 products have been thermally processed in accordance with the time and
15 temperature standards of the PMO, so as to produce a product which has
16 an extended shelf life under refrigerated conditions.~~

17 ~~"Ungraded processing plant" means a milk processing plant that
18 meets all of the standards of the PMO to produce milk products other
19 than grade A milk or milk products.))~~

20 "Wash station" means a place, facility, or establishment where milk
21 tanker trucks are cleaned in accordance with the standards of the PMO.

22 ~~((All dairy products mentioned in this chapter mean those fit or
23 used for human consumption.))~~

24 **Sec. 2.** RCW 15.36.021 and 1996 c 188 s 3 are each amended to read
25 as follows:

26 The director of agriculture is authorized to:

27 (1) Adopt rules necessary to carry out the purposes of chapter ~~((§))~~
28 15.36 ~~((and 15.38))~~ RCW, which includes rules governing the farm
29 storage tank and bulk milk tanker requirements, however the rules may
30 not restrict the display or promotion of products covered under this
31 section.

32 (2) By rule, establish, amend, or both, definitions and standards
33 for milk and milk products. Such definitions and standards established
34 by the director shall conform, insofar as practicable, with the
35 definitions and standards for milk and milk products adopted by the
36 federal food and drug administration. ~~((The director of agriculture,
37 by rule, may likewise establish, amend, or both, definitions and
38 standards for products whether fluid, powdered or frozen, compounded or~~

1 manufactured to resemble or in semblance or imitation of genuine dairy
2 products as defined under the provisions of this chapter. — Such
3 products made to resemble or in semblance or imitation of genuine dairy
4 products shall conform with all the provisions of chapter 15.38 RCW and
5 be made wholly of nondairy products.

6 All such products compounded or manufactured to resemble or in
7 semblance or imitation of a genuine dairy product shall set forth on
8 the container or labels the specific generic name of each ingredient
9 used.

10 In the event any product compounded or manufactured to resemble or
11 in semblance or imitation of a genuine dairy product contains vegetable
12 fat or oil, the generic name of such fat or oil shall be set forth on
13 the label. — If a blend or variety of oils is used, the ingredient
14 statement shall contain the term "vegetable oil" in the appropriate
15 place in the ingredient statement, with the qualifying phrase following
16 the ingredient statement, such as "vegetable oils are soybean,
17 cottonseed and coconut oils" or "vegetable oil, may be cottonseed,
18 coconut or soybean oil."

19 The labels or containers of such products compounded or
20 manufactured to resemble or in semblance or imitation of genuine dairy
21 products shall not use dairy terms or words or designs commonly
22 associated with dairying or genuine dairy products, except as to the
23 extent that such words or terms are necessary to meet legal
24 requirements for labeling. — The term "nondairy" may be used as an
25 informative statement.))

26 (3) By rule, adopt the PMO, DMO, and supplemental documents by
27 reference to establish requirements for grade A pasteurized and grade
28 A raw milk.

29 (4) Adopt rules establishing standards for grade A pasteurized and
30 grade A raw milk that are more stringent than the PMO based upon
31 current industry or public health information for the enforcement of
32 this chapter whenever he or she determines that any such rules are
33 necessary to carry out the purposes of this section and RCW 15.36.481.
34 ((The adoption of rules under this chapter, or the holding of a hearing
35 in regard to a license issued or that may be issued under this chapter
36 are subject to the applicable provisions of chapter 34.05 RCW, the
37 administrative procedure act.))

1 (5) By rule, certify an officially designated laboratory to analyze
2 milk for standard of quality, adulteration, contamination, and
3 unwholesomeness.

4 (6) Adopt rules setting standards and requirements for the
5 production of grade C milk and milk products.

6 NEW SECTION. Sec. 3. A new section is added to chapter 15.36 RCW
7 to read as follows:

8 Chapter 34.05 RCW governs the rights, remedies, and procedures
9 respecting the administration of this chapter, including rule making,
10 assessment of civil penalties, emergency actions, and license
11 suspension, revocation, or denial.

12 **Sec. 4.** RCW 15.36.051 and 1994 c 143 s 203 are each amended to
13 read as follows:

14 A milk processing plant must obtain an annual milk processing plant
15 license from the department, which shall expire on ~~((a date set by rule~~
16 ~~by the director))~~ June 30 of each year. A milk processing plant may
17 choose to process (1) grade A milk and milk products, or (2) other milk
18 products that are not classified grade A.

19 Only one license may be required to process milk; however, milk
20 processing plants must obtain the necessary endorsements from the
21 department in order to process products as defined for each type of
22 milk or milk product processing. ~~((License fees shall be prorated if~~
23 ~~necessary to accommodate staggering of expiration dates.))~~ Application
24 for a license shall be on a form prescribed by the director and
25 accompanied by a twenty-five dollar annual license fee. The applicant
26 shall include on the application the full name of the applicant for the
27 license and the location of the milk processing plant he or she intends
28 to operate and any other necessary information. Upon the approval of
29 the application by the director and compliance with the provisions of
30 this chapter, including the applicable rules adopted under this chapter
31 by the department, the applicant shall be issued a license or a renewal
32 of a license.

33 Licenses shall be issued to cover only those products, processes,
34 and operations specified in the license application and approved for
35 licensing. If a license holder wishes to engage in processing a type
36 of milk product that is different than the type specified on the
37 application supporting the licensee's existing license and processing
38 that type of food product would require a major addition to or

1 modification of the licensee's processing facilities, the licensee
2 shall submit an amendment to the current license application. In such
3 a case, the licensee may engage in processing the new type of milk
4 product only after the amendment has been approved by the department.

5 A licensee under this section shall not be required to obtain ((a
6 ~~milk distributor's license under this chapter or~~) a food processing
7 plant license under chapter 69.07 RCW.

8 **Sec. 5.** RCW 15.36.081 and 1994 c 143 s 206 are each amended to
9 read as follows:

10 A dairy technician must obtain a dairy technician's license to
11 conduct operations under this chapter. Such license shall be limited
12 to those functions which the licensee has been found qualified ((by
13 ~~examination~~)) to perform. Before issuing the license the director
14 shall ((~~examine~~)) assess the ((~~applicant as to his or her~~)) applicant's
15 qualifications and may test the applicant for the functions for which
16 application has been made.

17 Application for a license as a dairy technician shall be made upon
18 forms provided by the director, and shall be filed with the department.
19 The director may issue a temporary license to the applicant for such
20 period as may be prescribed and stated in the license, not to exceed
21 sixty days, but the license may not be renewed to extend the period
22 beyond sixty days.

23 The initial application for a dairy technician's license must be
24 accompanied by a license fee of ten dollars. ((~~If it is not necessary~~
25 ~~that an examination be given,~~)) The fee for renewal of the license is
26 five dollars. ((~~For circumstance[s] that require an examination the~~
27 ~~renewal fee is ten dollars.~~)) All dairy technicians' licenses shall
28 expire ((~~biennially on a date set by rule by the director. License~~
29 ~~fees shall be prorated where necessary to accommodate staggering of~~
30 ~~expiration dates of a license or licenses~~)) on December 31 of odd-
31 numbered years.

32 **Sec. 6.** RCW 15.36.111 and 1996 c 189 s 1 are each amended to read
33 as follows:

34 (1) The director shall inspect all dairy farms and all milk
35 processing plants prior to issuance of a license under this chapter and
36 at a frequency determined by the director by rule: PROVIDED, That the
37 director may accept the results of periodic industry inspections of

1 producer dairies if such inspections have been officially checked
2 periodically and found satisfactory. In case the director discovers
3 the violation of any item of grade requirement, he or she shall make a
4 second inspection after a lapse of such time as he or she deems
5 necessary for the defect to be remedied, but not before the lapse of
6 three days, and the second inspection shall be used in determining
7 compliance with the grade requirements of this chapter. Whenever there
8 is any violation of the same requirement of this chapter on ((such
9 reinspection shall call for degrading or summary suspension of the
10 license in accordance with the requirements of chapter 34.05 RCW)) the
11 second inspection, the director may initiate proceedings to degrade,
12 suspend the license, or assess a civil penalty.

13 (2) One copy of the inspection report detailing the grade
14 requirement violations shall be posted by the director in a conspicuous
15 place upon an inside wall of ((one of)) the ((dairy farm or)) milk tank
16 room or a mutually agreed upon location on a dairy farm or given to an
17 operator of the milk processing plant ((buildings)), and said
18 inspection report shall not be defaced or removed by any person except
19 the director. Another copy of the inspection report shall be filed
20 with the records of the director.

21 (3) Every milk producer and ((distributor)) milk processing plant
22 shall permit the director access to all parts of the establishment
23 during the working hours of the producer or ((distributor)) milk
24 processing plant, which shall at a minimum include the hours from 8
25 a.m. to 5 p.m., and every ((distributor)) milk processing plant shall
26 furnish the director, upon his or her request, for official use only,
27 samples of any milk product for laboratory analysis, a true statement
28 of the actual quantities of milk and milk products of each grade
29 purchased and sold, together with a list of all sources, records of
30 inspections and tests, and recording thermometer charts.

31 **Sec. 7.** RCW 15.36.151 and 1994 c 143 s 303 are each amended to
32 read as follows:

33 It is unlawful to sell, offer for sale, or deliver:

34 (1) Milk or products produced from milk from cows, goats, or other
35 mammals affected with disease or of which the owner thereof has refused
36 official examination and tests for disease; or

37 (2) Colostrum milk for consumption by humans, except that colostrum
38 milk from cows that have been tested for brucellosis within sixty days

1 of parturition may be made available to persons having multiple
2 sclerosis, or other persons acting on their behalf, who, at the time of
3 the initial sale, present a form, signed by a licensed physician,
4 certifying that the intended user has multiple sclerosis and that the
5 user releases the provider of the milk from liability resulting from
6 the consumption of the milk. Colostrum milk provided under this
7 section is exempt from meeting the standards for grade A raw milk
8 required by this chapter.

9 ~~((3) The department of agriculture shall adopt rules to carry out
10 this section. The rules shall include but not be limited to
11 establishing standards requiring hyper-immunization.))~~

12 **Sec. 8.** RCW 15.36.161 and 1982 c 131 s 2 are each amended to read
13 as follows:

14 ~~((Except as provided hereinafter, tuberculin test of all herds and
15 additions thereto shall be made before any milk therefrom is sold, and
16 at least once every twelve months thereafter, by an accredited and
17 licensed veterinarian approved by the state department of agriculture
18 or veterinarian employed by the bureau of animal industry, United
19 States department of agriculture. Said tests shall be made and the
20 reactors disposed of in accordance with the requirements approved by
21 the director for accredited herds. A certificate signed by the
22 veterinarian or attested to by the director and filed with the director
23 shall be evidence of the above test: PROVIDED, That in modified
24 accredited counties in which the modified accredited area plan is
25 applied to the dairy herds, the modified accredited area system
26 approved by the director shall be accepted in lieu of annual testing.~~

27 ~~No fluid milk or cream designated or represented to be "grade A"
28 fluid milk or cream shall be sold, offered or exposed for sale which
29 has been produced from a herd of cows, one or more of which are
30 infected with brucellosis at the time such milk is produced, or from
31 animals in such herd which have not been blood tested for brucellosis
32 at least once during the preceding calendar year, or milk ring tested
33 for brucellosis at least semiannually during the preceding year. The
34 results of a test for brucellosis by the state or federal laboratory of
35 a blood sample drawn by an official veterinarian, shall be prima facie
36 evidence of the infection or noninfection of the animal or herds:
37 PROVIDED, That in lieu thereof, two official negative milk ring tests
38 for brucellosis not less than six months apart may be accepted as such~~

1 evidence. All herds of cows, the fluid milk or cream from which is
2 designated or represented to be "grade A" fluid milk or cream shall be
3 blood tested for brucellosis annually or milk ring tested for
4 brucellosis semiannually. Such herds showing any reaction to the milk
5 ring test shall be blood tested and all reactors to the blood test
6 removed from the herd and disposed of within fifteen days from the date
7 they are tagged and branded. The remaining animals in the infected
8 herd shall be retested at not less than thirty day nor more than sixty-
9 day intervals from the date of the first test: PROVIDED, That herds
10 that have been officially brucellosis adult vaccinated shall be
11 retested not less than sixty days nor more than one hundred fifty days
12 after being so vaccinated and such herds shall be retested and released
13 from quarantine at intervals and under conditions prescribed by the
14 director. A series of retests, with removal and disposition of
15 reacting animals, shall be continued until the herd shall have passed
16 two successive tests in which no reactors are found. If upon a final
17 test, not less than six months nor more than seven months from the date
18 of the last negative test, no reactors are found in the herd, it shall
19 be deemed a disease free herd. Results of official blood or milk ring
20 tests shall be conspicuously displayed in the milk house.

21 All milk and milk products consumed raw shall be from herds or
22 additions thereto which have been found free from brucellosis, as shown
23 by blood serum tests or other approved tests for agglutinins against
24 brucella organisms made in a laboratory approved by the director. All
25 such herds shall be retested at least every twelve months and all
26 reactors removed from the herd. If a herd is found to have one or more
27 animals positive to the brucellosis test, all milk from that herd is to
28 be pasteurized until the three consecutive brucellosis tests obtained
29 at thirty day intervals between each test are found to be negative. A
30 certificate identifying each animal by number and signed by the
31 laboratory making the test shall be evidence of the above test.))

32 (1) All milking cows, goats, and other mammals must meet the animal
33 health requirements established by the state veterinarian under the
34 authority of chapter 16.36 RCW.

35 (2) Milk or milk products from cows, goats, and other mammals
36 intended for consumption in the raw state must be from a herd which is
37 tested negative within the previous twelve months for brucellosis,
38 tuberculosis, and any other disease the director may designate by rule.
39 Additions to the herd must be tested negative for the diseases within

1 the previous thirty days before introduction into the herd. The state
2 veterinarian shall direct all testing procedures in accordance with
3 state and national standards for animal disease eradication.

4 ~~(3) Cows ((which show an extensive or entire induration of one or~~
5 ~~more quarters of the udder upon physical examination)), goats, and~~
6 other mammals showing chronic mastitis, whether ((secreting)) producing
7 abnormal milk or not, shall be permanently excluded from the milking
8 herd. Cows ((giving)), goats, and other mammals producing bloody,
9 ((or)) stringy, or otherwise abnormal milk, but with only slight
10 ((induration)) inflammation of the udder shall be excluded from the
11 herd until reexamination shows that the milk has become normal.

12 ~~((For other diseases such tests and examinations as the director~~
13 ~~may require after consultation with state livestock sanitary officials~~
14 ~~shall be made at intervals and by methods prescribed by him.))~~

15 **Sec. 9.** RCW 15.36.171 and 1995 c 374 s 3 are each amended to read
16 as follows:

17 ~~((No milk or milk products shall be sold to the final consumer or~~
18 ~~to restaurants, soda fountains, grocery stores, or similar~~
19 ~~establishments except grade A pasteurized milk, or grade A raw milk.))~~
20 The director may revoke the license of any ~~((milk distributor,))~~ milk
21 processing plant~~((,))~~ or producer whose product fails to qualify as
22 grade A pasteurized or grade A raw, or in lieu thereof may degrade
23 ~~((his or her))~~ the product to grade C and permit its sale as other than
24 fluid milk or grade A milk products during a period not exceeding
25 thirty days. In the event of an emergency, the director may permit the
26 sale of grade C milk for more than thirty days.

27 **Sec. 10.** RCW 15.36.181 and 1994 c 143 s 302 are each amended to
28 read as follows:

29 No person shall produce, sell, offer, or expose for sale, or have
30 in possession with intent to sell, any milk or milk product which is
31 adulterated~~((,))~~ or misbranded~~((, or ungraded))~~. It ~~((shall be))~~ is
32 unlawful for any person, elsewhere than in a private home, to have in
33 possession any adulterated~~((,))~~ or misbranded~~((, or ungraded))~~ milk or
34 milk products~~((: PROVIDED, That in an emergency the sale of ungraded~~
35 ~~milk or milk products may be authorized by the director, in which case~~
36 ~~they shall be labeled "ungraded."))~~.

1 Adulterated(~~(7)~~) or misbranded(~~(7 and/or ungraded)~~) milk or milk
2 products may be impounded and disposed of by the director.

3 **Sec. 11.** RCW 15.36.191 and 1994 c 143 s 304 are each amended to
4 read as follows:

5 (~~The department,~~) After obtaining a sample of milk or milk
6 product for analysis, the department shall, within ten days (~~after~~)
7 of obtaining the result of the analysis, send (~~the~~) any violative
8 results to the person from whom the sample was taken or to the person
9 responsible for the condition of the milk.

10 **Sec. 12.** RCW 15.36.201 and 1994 c 143 s 401 and 1994 c 46 s 11 are
11 each reenacted and amended to read as follows:

12 (1) During any consecutive six months at least four samples of raw
13 milk, raw milk for pasteurization, or both, from each dairy farm and
14 raw milk for pasteurization, after receipt by the milk processing plant
15 and prior to pasteurization, heat-treated milk products, and
16 pasteurized milk and milk products from each grade A milk processing
17 plant, for purposes of compliance with the PMO, shall be collected in
18 at least four separate months and examined in (~~a~~) an official
19 laboratory (~~approved by the director~~): PROVIDED, That in the case of
20 raw milk for pasteurization the director may accept the results of an
21 officially designated laboratory. (~~Samples of other milk products may~~
22 ~~be taken and examined in a laboratory approved by the director as often~~
23 ~~as he or she deems necessary. Samples of milk and milk products from~~
24 ~~stores, cafes, soda fountains, restaurants, and other places where milk~~
25 ~~or milk products are sold shall be examined as often as the director~~
26 ~~may require. Bacterial plate counts, direct microscopic counts,~~
27 ~~coliform determinations, phosphatase tests and other laboratory tests~~
28 ~~shall conform to the requirements of the PMO. Examinations may include~~
29 ~~such other chemical and physical determinations as the director may~~
30 ~~deem necessary for the detection of adulteration or for purposes of~~
31 ~~compliance. Samples may be taken by the director at any time prior to~~
32 ~~the final delivery of the milk or milk products. All proprietors of~~
33 ~~cafes, stores, restaurants, soda fountains, and other similar places~~
34 ~~shall furnish the director, upon his or her request, with the name of~~
35 ~~all distributors from whom their milk and milk products are obtained.))~~

36 (2) If two of the last four consecutive bacterial counts, somatic
37 cell counts, coliform determinations, or cooling temperatures, taken on

1 separate days, exceed the standard for milk or milk products
2 established in this chapter and rules adopted under this chapter, the
3 director shall send written notice thereof to the person concerned.
4 This notice shall remain in effect so long as two of the last four
5 consecutive samples exceed the limit of the same standard. An
6 additional sample shall be taken (~~within twenty-one days of the~~)
7 after sending of the notice, but not before the lapse of three days.
8 The director (~~shall~~) may initiate proceedings to degrade or
9 (~~summarily~~) suspend the milk producer's license or milk processing
10 plant license or assess a civil penalty whenever the standard is again
11 violated so that three of the last five consecutive samples exceed the
12 limit of the same standard. (~~A milk producer's license or milk~~
13 ~~processing plant license shall subsequently be reinstated in notice~~
14 ~~status upon receipt of sample results that are within the standard for~~
15 ~~which the suspension occurred.~~

16 ~~In case of violation of the phosphatase test requirements, the~~
17 ~~cause of underpasteurization shall be determined and removed before~~
18 ~~milk or milk products from this milk processing plant can again be sold~~
19 ~~as pasteurized milk or milk products.)~~

20 NEW SECTION. Sec. 13. A new section is added to chapter 15.36 RCW
21 to read as follows:

22 Any person selling milk or milk products shall furnish the
23 director, upon request, with the name of all milk processing plants or
24 distributors from whom their milk and milk products are obtained.

25 **Sec. 14.** RCW 15.36.231 and 1961 c 11 s 15.36.265 are each amended
26 to read as follows:

27 (1) Milk and milk products for consumption in the raw state shall
28 be bottled or packaged on the farm where produced. Bottling and
29 capping shall be done in a sanitary manner by means of approved
30 equipment and these operations shall be integral in one machine. Caps
31 or cap stock shall be purchased in sanitary containers and kept therein
32 in a clean dry place until used.

33 (2) All containers enclosing raw milk or any raw milk product shall
34 be plainly labeled or marked with the word "raw" and the name of the
35 producer or packager. The label or mark shall be in letters of a size,
36 kind, and color approved by the director and shall contain no marks or
37 words which are misleading.

1 **Sec. 15.** RCW 15.36.401 and 1994 c 143 s 501 are each amended to
2 read as follows:

3 (1) A license issued under this chapter may be denied ((or)),
4 suspended, or revoked by the director ((upon violation by the holder of
5 any of the terms of this chapter, for interference with the director in
6 the performance of his or her duties, or if the holder has exhibited in
7 the discharge of his or her functions negligence, misconduct, or lack
8 of qualification.)) when a person:

9 (a) Fails to comply with the provisions of this chapter or the
10 rules adopted under this chapter;

11 (b) Refuses the department access to a portion or area of a
12 facility regulated under this chapter, for the purpose of carrying out
13 the provisions of this chapter;

14 (c) Fails to comply with an order of the director;

15 (d) Refuses to make available to the department records required to
16 be kept under the provisions of this chapter;

17 (e) Fails to comply with the applicable provisions of chapter 69.04
18 RCW, Washington intrastate commerce in food, drugs, and cosmetics act,
19 or rules adopted under that chapter;

20 (f) Interferes with the director in the performance of his or her
21 duties; or

22 (g) Exhibits negligence, misconduct, or lack of qualification in
23 the discharge of his or her functions.

24 Upon notice by the director to deny, revoke, or suspend a license,
25 a person may request a hearing under chapter 34.05 RCW.

26 (2) Whenever a milk transport vehicle is found in violation of this
27 chapter or rules adopted under this chapter, the endorsement for that
28 milk transport vehicle contained on a milk hauler's license may be
29 suspended or revoked. The suspension or revocation does not apply to
30 any other milk transport vehicle operated by the milk hauler.

31 (3) A license may be revoked ((after an opportunity for a hearing))
32 by the director upon serious or repeated violations or after ((the)) a
33 license ((has been suspended)) suspension or degrade for thirty
34 continuous days without correction of the items causing the suspension
35 or degrade.

36 **Sec. 16.** RCW 15.36.421 and 1994 c 143 s 503 are each amended to
37 read as follows:

1 (1) If the director finds a milk processing plant or producer
2 operating under conditions that constitute an immediate danger to
3 public health, safety, or welfare or if the licensee or an employee of
4 the licensee actively prevents the director or the director's
5 representative, during an on-site inspection, from determining whether
6 such a ~~((conditions [condition]))~~ condition exists, the director may
7 summarily suspend~~((, pending a hearing,))~~ a license provided for in
8 this chapter.

9 (2) If a license is summarily suspended, the holder of the license
10 shall be notified in writing that the license is, upon service of the
11 notice, immediately suspended and that prompt opportunity for a hearing
12 will be provided.

13 (3) If a license is summarily suspended, processing and shipping
14 operations shall immediately cease. However, the director may
15 reinstate the license if the condition that caused the suspension has
16 been abated to the director's satisfaction.

17 **Sec. 17.** RCW 15.36.451 and 1996 c 189 s 2 are each amended to read
18 as follows:

19 Any producer or ~~((distributor of milk or milk products the grade of
20 which has been lowered))~~ milk processing plant whose milk has been
21 degraded by the director, or whose ~~((permit))~~ license has been
22 suspended may at any time make application for the regrading of his or
23 her products or the reinstatement of his or her ~~((permit))~~ license.

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

32 In case the lowered grade of the applicant's product or the
33 ~~((permit))~~ license suspension was due to a violation of an item other
34 than bacteriological standard or cooling temperature, the said
35 application must be accompanied by a statement signed by the applicant
36 to the effect that the violated item of the specifications had been
37 conformed with. Within one week of the receipt of such an application
38 and statement the director shall make a reinspection of the applicant's

1 establishment and thereafter as many additional reinspections as he or
2 she may deem necessary to assure himself or herself that the applicant
3 is again complying with the higher grade requirements(~~(, and in case~~
4 ~~the findings justify, shall regrade the milk or milk products upward or~~
5 ~~reinstate the permit)). The higher grade or license shall be
6 reinstated upon confirmation that all violated items are corrected and
7 any period for reduction in grade or license suspensions as ordered by
8 the director has been completed.~~

9 NEW SECTION. Sec. 18. A new section is added to chapter 15.36 RCW
10 to read as follows:

11 (1) Except as provided in RCW 15.36.471 or subsection (2) or (3) of
12 this section, any person who fails to comply with this chapter or the
13 rules adopted under this chapter may be subject to a civil penalty in
14 an amount of not more than one thousand dollars per violation per day.

15 (2) The director shall adopt rules establishing civil penalties
16 assessed under RCW 15.36.111(1) and 15.36.201(2). The penalties shall
17 be equitably based on the volume of milk or milk product handled by the
18 producer or milk processor subject to the penalty.

19 (3) Whenever the results of an antibiotic, pesticide, or other drug
20 residue test on a producer's milk are above the actionable level
21 established in the PMO, the producer is subject to a civil penalty in
22 an amount equal to one-half the value of the sum of the volumes of milk
23 produced on the day prior to and the day of the adulteration. The
24 value of the milk shall be computed using the weighted average price
25 for the federal market order under which the milk is delivered.

26 (4) Each violation is a separate and distinct offense. The
27 director shall impose the civil penalty in accordance with chapter
28 34.05 RCW. Moneys collected under this section and RCW 15.36.471 shall
29 be remitted to the department and deposited into the revolving fund of
30 the Washington state dairy products commission.

31 NEW SECTION. Sec. 19. A new section is added to chapter 15.36 RCW
32 to read as follows:

33 The authority to assess a civil penalty under RCW 15.36.111(1) and
34 15.36.201(2) shall be used only as consistent with the 1995 grade A
35 pasteurized milk ordinance published by the United States public health
36 service, food and drug administration and adopted by department in WAC

1 16-101-700, or any subsequent version as adopted by the department
2 under the authority of RCW 15.36.021(3).

3 **Sec. 20.** RCW 15.36.471 and 1994 c 143 s 511 are each amended to
4 read as follows:

5 (1) The director (~~(of agriculture)~~) shall adopt rules imposing a
6 civil penalty of not more than ten thousand dollars for violations of
7 the standards for component parts of fluid dairy products which are
8 established under this chapter or adopted pursuant to RCW 69.04.398.
9 (~~The penalty shall not exceed ten thousand dollars and shall be such~~
10 ~~as is necessary to achieve proper enforcement of the standards. The~~
11 ~~rules shall be adopted before January 1, 1987, and shall become~~
12 ~~effective on July 1, 1987.~~

13 (2) ~~The penalty is imposed by the department giving a written~~
14 ~~notice which is either personally served upon or transmitted by~~
15 ~~certified mail, return receipt requested, to the person incurring the~~
16 ~~penalty. The notice of the civil penalty shall be a final order of the~~
17 ~~department unless, within fifteen days after the notice is received,~~
18 ~~the person incurring the penalty appeals the penalty by filing a notice~~
19 ~~of appeal with the department. If a notice of appeal is filed in a~~
20 ~~timely manner, a hearing shall be conducted on behalf of the department~~
21 ~~by the office of administrative hearings in accordance with chapters~~
22 ~~34.05 and 34.12 RCW. At the conclusion of the hearing, the department~~
23 ~~shall determine whether the penalty should be affirmed, reduced, or not~~
24 ~~imposed and shall issue a final order setting forth the civil penalty~~
25 ~~assessed, if any. The order may be appealed to superior court in~~
26 ~~accordance with chapter 34.05 RCW. Tests performed for the component~~
27 ~~parts of milk products by a state laboratory of a milk sample collected~~
28 ~~by a department official shall be admitted as prima facie evidence of~~
29 ~~the amounts of milk components in the product.~~

30 (3) ~~Any penalty imposed under this section is due and payable upon~~
31 ~~the issuance of the final order by the department.~~

32 (4) ~~All penalties received or recovered from violations of this~~
33 ~~section shall be remitted by the violator to the department and~~
34 ~~deposited in the revolving fund of the Washington state dairy products~~
35 ~~commission. One half of the funds received shall be used for purposes~~
36 ~~of education with the remainder one half to be used for dairy~~
37 ~~processing or marketing research, or both. No appropriation is~~
38 ~~required for disbursements from this fund.~~

1 ~~(5))~~ (2) In case of a violation of the standards for the
2 composition of milk products, an investigation shall be made to
3 determine the cause of the violation which shall be corrected.
4 Additional samples shall be taken as soon as possible and tested by the
5 department.

6 NEW SECTION. Sec. 21. A new section is added to chapter 15.36 RCW
7 to read as follows:

8 Tests performed by an official laboratory or an officially
9 designated laboratory of a milk sample drawn by a department official
10 or a licensed dairy technician shall be admitted as prima facie
11 evidence of a violation in any proceeding to enforce this chapter.

12 **Sec. 22.** RCW 15.36.481 and 1969 ex.s. c 102 s 4 are each amended
13 to read as follows:

14 The director may bring an action to enjoin the violation of any
15 provision of this chapter~~((s 15.36 and 15.38 RCW))~~ or any rule adopted
16 ~~((thereunder))~~ under this chapter in the superior court of the county
17 in which the defendant resides or maintains his or her principal place
18 of business~~((, notwithstanding any other remedy at law))~~ or Thurston
19 county.

20 **Sec. 23.** RCW 15.36.491 and 1961 c 11 s 15.32.710 are each amended
21 to read as follows:

22 All moneys received for licenses ~~((or from the sale of articles~~
23 ~~confiscated))~~ under this chapter shall be ~~((paid on the first of each~~
24 ~~month to the state treasurer to be placed))~~ deposited in the general
25 fund.

26 **Sec. 24.** RCW 15.36.511 and 1961 c 11 s 15.32.730 are each amended
27 to read as follows:

28 It ~~((shall be))~~ is unlawful for any person to:

29 (1) Interfere with or obstruct any person in the performance of
30 ~~((his))~~ official duties under this chapter;

31 (2) Employ a tester, sampler, weigher, grader, or pasteurizer who
32 is not licensed as a dairy technician;

33 (3) Alter or tamper with a seal placed by the director; or

34 (4) Alter or tamper with a sample of milk or milk products taken or
35 sealed by the director.

1 Except as provided under RCW 15.35.131, it is unlawful for a milk
2 processing plant to accept milk from a person not licensed as a
3 producer or milk processor.

4 NEW SECTION. Sec. 25. A new section is added to chapter 15.36 RCW
5 to read as follows:

6 The department may issue sanitary certificates to milk processing
7 plants under this chapter subject to such requirements as it may
8 establish by rule. The fee for issuance is fifty dollars per
9 certificate. Fees collected under this section shall be deposited in
10 the agricultural local fund.

11 **Sec. 26.** RCW 15.36.551 and 1995 c 15 s 1 are each amended to read
12 as follows:

13 There is levied on all milk processed in this state an assessment
14 not to exceed fifty-four one-hundredths of one cent per hundredweight.
15 The director shall determine, by rule, an assessment, that with
16 contribution from the general fund, will support an inspection program
17 to maintain compliance with the provisions of the pasteurized milk
18 ordinance of the national conference on interstate milk shipment. All
19 assessments shall be levied on the operator of the first milk
20 processing plant receiving the milk for processing. This shall include
21 milk processing plants that produce their own milk for processing and
22 milk processing plants that receive milk from other sources. Milk
23 processing plants whose monthly assessment for receipt of milk totals
24 less than twenty dollars in any given month are exempted from paying
25 this assessment for that month. All moneys collected under this
26 section shall be paid to the director by the twentieth day of the
27 succeeding month for the previous month's assessments. The director
28 shall deposit the funds into the dairy inspection account hereby
29 created within the agricultural local fund established in RCW
30 43.23.230. The funds shall be used only to provide inspection services
31 to the dairy industry. If the operator of a milk processing plant
32 fails to remit any assessments, that sum shall be a lien on any
33 property owned by him or her, and shall be reported by the director and
34 collected in the manner and with the same priority over other creditors
35 as prescribed for the collection of delinquent taxes under chapters
36 84.60 and 84.64 RCW.

37 This section (~~shall~~) expires June 30, ((2000)) 2005.

1 **Sec. 27.** RCW 15.36.561 and 1994 c 143 s 507 are each amended to
2 read as follows:

3 (1) There is created a dairy inspection program advisory committee.
4 The committee shall consist of ~~((nine))~~ eleven members~~((.~~~~—The~~
5 ~~committee shall be))~~ appointed by the director. The director shall
6 solicit nominations for members of the committee from ~~((names submitted~~
7 ~~by))~~ Washington dairy producer organizations ~~((or from handlers of milk~~
8 ~~products))~~ and milk processors. The committee shall consist of four
9 members who are producers ~~((of milk))~~ or their representatives, ~~((and))~~
10 four members who are ~~((handlers))~~ milk processors or their
11 representatives, ~~((and))~~ one member who ~~((must be))~~ is a ~~((producer-~~
12 ~~handler))~~ producer processor, one member who is a milk hauler, and one
13 member who is a milk equipment dealer.

14 (2) The purpose of this advisory committee is to ~~((assist the~~
15 ~~director by providing recommendations regarding the dairy inspection~~
16 ~~program, that are consistent with the pasteurized milk ordinance. The~~
17 ~~advisory committee shall (a) review and evaluate the program including~~
18 ~~the efficiency of the administration of the program, the adequacy of~~
19 ~~the level of inspection staff, the ratio of inspectors to number of~~
20 ~~dairy farm inspections per year, and the ratio of inspectors to~~
21 ~~management employees; and (b) consider alternatives to the state~~
22 ~~program, which may include privatization of various elements of the~~
23 ~~inspection program.~~

24 ~~((3) The committee shall meet as necessary to complete its work.~~
25 ~~Meetings of the committee are subject to the open public meetings act))~~
26 advise the director in the administration of the dairy inspection
27 program and regarding policy issues related to this chapter.

28 (3) The terms of the members of the committee shall be staggered
29 and the members shall serve a term of three years until their successor
30 has been appointed and qualified. In the event a committee member
31 resigns, is disqualified, or vacates a position on the committee for
32 any reason the vacancy may be filled by the director under the
33 provisions of this section governing appointments. The director may
34 remove a member for cause.

35 (4) The committee shall elect one of its members as chair. The
36 committee shall meet by the call of the director, chair, or a majority
37 of the committee. Members of the committee shall serve without
38 compensation.

1 **Sec. 28.** RCW 16.49.435 and 1987 c 77 s 4 are each amended to read
2 as follows:

3 For the purposes of this chapter:

4 (1) "Department" means the department of agriculture of the state
5 of Washington.

6 (2) "Director" means the director of the department or the
7 director's designee.

8 (3) "Custom farm slaughterer" means any person licensed under this
9 chapter who may under such license engage in the business of
10 slaughtering meat food animals only for the consumption of the owner
11 thereof through the use of an approved mobile unit under such
12 conditions as may be prescribed by the director.

13 (4) "Custom slaughtering establishment" means the facility operated
14 by any person licensed under this chapter who may under such license
15 engage in the business of slaughtering meat food animals only for the
16 consumption of the owner thereof at a fixed location under such
17 conditions as may be prescribed by the director.

18 (5) "Custom meat facility" means the facility operated by any
19 person licensed under this chapter who may under such license engage in
20 the business of preparing uninspected meat for the sole consumption of
21 the owner of the uninspected meat being prepared. Operators of custom
22 meat facilities may also prepare inspected meat for household users
23 only under such conditions as may be prescribed by the director and may
24 sell such prepared inspected meat to household users only. Operators
25 of custom meat facilities may also sell prepackaged inspected meat to
26 any person, provided the prepackaged inspected meat is not prepared in
27 any manner by the operator and the operator does not open or alter the
28 original package that the inspected meat was placed in.

29 (6) "Inspected meat" means the carcasses or parts thereof of meat
30 food animals which have been slaughtered and inspected at
31 establishments subject to inspection under (~~chapter 16.49A RCW or~~) a
32 federal meat inspection act.

33 (7) "Uninspected meat" means the carcasses or parts thereof of meat
34 food animals which have been slaughtered by the owner thereof, or which
35 have been slaughtered by a custom farm slaughterer.

36 (8) "Household user" means the ultimate consumer, the members of
37 the consumer's household, and his or her nonpaying guests and
38 employees.

1 (9) "Person" means any natural person, firm, partnership, exchange,
2 association, trustee, receiver, corporation, and any member, officer,
3 or employee thereof or assignee for the benefit of creditors.

4 (10) "Meat food animal" means cattle, swine, sheep, or goats.

5 (11) "Official establishment" means an establishment operated for
6 the purpose of slaughtering meat food animals for sale or use as human
7 food in compliance with the federal meat inspection act (21 U.S.C. Sec.
8 71 et seq.).

9 (12) "Prepared" means canned, salted, rendered, boned, cut up or
10 otherwise manufactured, or processed.

11 **Sec. 29.** RCW 16.49.670 and 1987 c 77 s 11 are each amended to read
12 as follows:

13 The provisions of this chapter relating to custom meat facilities
14 ((and RCW 16.49A.370)) shall in no way supersede or restrict the
15 authority of any county or any city to adopt ordinances which are more
16 restrictive for the handling of meat than those provided for herein.

17 **Sec. 30.** RCW 16.67.030 and 1969 c 133 s 2 are each amended to read
18 as follows:

19 For the purpose of this chapter:

20 (1) "Commission" means the Washington state beef commission.

21 (2) "Director" means the director of agriculture of the state of
22 Washington or his duly appointed representative.

23 (3) "Ex officio members" means those advisory members of the
24 commission who do not have a vote.

25 (4) "Department" means the department of agriculture of the state
26 of Washington.

27 (5) "Person" includes any individual, firm, corporation, trust,
28 association, partnership, society, or any other organization of
29 individuals.

30 (6) "Beef producer" means any person who raises, breeds, grows, or
31 purchases cattle or calves for beef production.

32 (7) "Dairy (beef) producer" means any person who raises, breeds,
33 grows, or purchases cattle for dairy production and who is actively
34 engaged in the production of fluid milk.

35 (8) "Feeder" means any person actively engaged in the business of
36 feeding cattle and usually operating a feed lot.

1 (9) "Producer" means any person actively engaged in the cattle
2 industry including beef producers and dairy (beef) producers.

3 (10) "Washington cattle" shall mean all cattle owned or controlled
4 by affected producers and located in the state of Washington.

5 (11) "Meat packer" means any person (~~((licensed to operate))~~)
6 operating a slaughtering establishment (~~((under the provisions of~~
7 ~~chapter 16.49A RCW as enacted or hereafter amended))~~) subject to
8 inspection under a federal meat inspection act.

9 (12) "Livestock salesyard operator" means any person licensed to
10 operate a cattle auction market or salesyard under the provisions of
11 chapter 16.65 RCW as enacted or hereafter amended.

12 **Sec. 31.** RCW 35A.69.010 and 1994 c 143 s 512 are each amended to
13 read as follows:

14 Every code city shall have the powers, perform the functions and
15 duties and enforce the regulations prescribed by general laws relating
16 to food and drugs for any class of city as provided by Title 69 RCW;
17 (~~((relating to inspection of foods, meat, dairies, and milk as provided~~
18 ~~by chapter 16.49A RCW;))~~) relating to water pollution control as
19 provided by chapter 90.48 RCW; and relating to food fish and shellfish
20 as provided by Title 75 RCW.

21 **Sec. 32.** RCW 69.04.930 and 1988 c 254 s 8 are each amended to read
22 as follows:

23 It shall be unlawful for any person to sell at retail or display
24 for sale at retail any food fish or shellfish as defined in RCW
25 75.08.011, any meat (~~((capable of use as human food as defined in RCW~~
26 ~~16.49A.150 as now or hereafter amended))~~), or any meat food product (~~((as~~
27 ~~defined in RCW 16.49A.130 as now or hereafter amended))~~) which has been
28 frozen at any time, without having the package or container in which
29 the same is sold bear a label clearly discernible to a customer that
30 such product has been frozen and whether or not the same has since been
31 thawed. No such food fish or shellfish, meat or meat food product
32 shall be sold unless in such a package or container bearing said label:
33 PROVIDED, That this section shall not include any of the aforementioned
34 food or food products that have been frozen prior to being smoked,
35 cured, cooked or subjected to the heat of commercial sterilization.

1 NEW SECTION. **Sec. 33.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 15.36.031 and 1994 c 143 s 201, 1989 c 354 s 16, & 1961 c
4 11 s 15.36.080;

5 (2) RCW 15.36.061 and 1994 c 143 s 204, 1991 c 109 s 1, 1989 c 354
6 s 4, 1983 c 3 s 20, 1963 c 58 s 3, & 1961 c 11 s 15.32.100;

7 (3) RCW 15.36.121 and 1995 c 225 s 2, 1994 c 143 s 210, & 1961 c 11
8 s 15.36.490;

9 (4) RCW 15.36.211 and 1994 c 143 s 402 & 1961 c 11 s 15.36.090;

10 (5) RCW 15.36.251 and 1994 c 143 s 403, 1989 c 354 s 19, & 1961 c
11 11 s 15.36.300;

12 (6) RCW 15.36.291 and 1961 c 11 s 15.32.460;

13 (7) RCW 15.36.301 and 1994 c 143 s 404, 1989 c 354 s 23, & 1961 c
14 11 s 15.36.520;

15 (8) RCW 15.36.311 and 1961 c 11 s 15.36.530;

16 (9) RCW 15.36.411 and 1995 c 374 s 5 & 1994 c 143 s 502;

17 (10) RCW 15.36.431 and 1995 c 374 s 6, 1994 c 143 s 504, 1963 c 58
18 s 11, & 1961 c 11 s 15.32.610;

19 (11) RCW 15.36.441 and 1995 c 374 s 7, 1994 c 143 s 505, & 1993 c
20 212 s 1;

21 (12) RCW 15.36.461 and 1961 c 11 s 15.32.550;

22 (13) RCW 15.36.501 and 1987 c 202 s 173, 1969 ex.s. c 199 s 12, &
23 1961 c 11 s 15.32.720;

24 (14) RCW 15.36.521 and 1989 1st ex.s. c 9 s 236;

25 (15) RCW 15.38.001 and 1961 c 11 s 15.38.001;

26 (16) RCW 15.38.010 and 1979 c 154 s 21 & 1961 c 11 s 15.38.010;

27 (17) RCW 15.38.020 and 1961 c 11 s 15.38.020;

28 (18) RCW 15.38.030 and 1961 c 11 s 15.38.030;

29 (19) RCW 15.38.040 and 1961 c 11 s 15.38.040;

30 (20) RCW 15.38.050 and 1961 c 11 s 15.38.050;

31 (21) RCW 15.40.010 and 1961 c 11 s 15.40.010;

32 (22) RCW 15.40.030 and 1961 c 11 s 15.40.030;

33 (23) RCW 15.40.040 and 1961 c 11 s 15.40.040;

34 (24) RCW 15.40.050 and 1961 c 11 s 15.40.050;

35 (25) RCW 15.40.900 and 1961 c 11 s 15.40.900;

36 (26) RCW 15.41.010 and 1961 c 11 s 15.41.010;

37 (27) RCW 15.41.020 and 1961 c 11 s 15.41.020;

38 (28) RCW 16.48.120 and 1945 c 161 s 6;

39 (29) RCW 16.48.280 and 1949 c 98 s 13;

- 1 (30) RCW 16.48.310 and 1937 c 75 s 16;
- 2 (31) RCW 16.48.311 and 1945 c 161 s 14;
- 3 (32) RCW 16.48.312 and 1949 c 98 s 17;
- 4 (33) RCW 16.48.320 and 1939 c 198 s 6 & 1937 c 75 s 15;
- 5 (34) RCW 16.48.325 and 1949 c 98 s 18;
- 6 (35) RCW 16.49A.010 and 1969 ex.s. c 145 s 1;
- 7 (36) RCW 16.49A.020 and 1969 ex.s. c 145 s 2;
- 8 (37) RCW 16.49A.030 and 1969 ex.s. c 145 s 3;
- 9 (38) RCW 16.49A.040 and 1969 ex.s. c 145 s 4;
- 10 (39) RCW 16.49A.050 and 1969 ex.s. c 145 s 5;
- 11 (40) RCW 16.49A.060 and 1969 ex.s. c 145 s 6;
- 12 (41) RCW 16.49A.070 and 1969 ex.s. c 145 s 7;
- 13 (42) RCW 16.49A.080 and 1969 ex.s. c 145 s 8;
- 14 (43) RCW 16.49A.090 and 1969 ex.s. c 145 s 9;
- 15 (44) RCW 16.49A.100 and 1969 ex.s. c 145 s 10;
- 16 (45) RCW 16.49A.110 and 1969 ex.s. c 145 s 11;
- 17 (46) RCW 16.49A.120 and 1969 ex.s. c 145 s 12;
- 18 (47) RCW 16.49A.130 and 1969 ex.s. c 145 s 13;
- 19 (48) RCW 16.49A.140 and 1969 ex.s. c 145 s 14;
- 20 (49) RCW 16.49A.150 and 1969 ex.s. c 145 s 15;
- 21 (50) RCW 16.49A.160 and 1969 ex.s. c 145 s 16;
- 22 (51) RCW 16.49A.170 and 1969 ex.s. c 145 s 17;
- 23 (52) RCW 16.49A.180 and 1969 ex.s. c 145 s 18;
- 24 (53) RCW 16.49A.190 and 1969 ex.s. c 145 s 19;
- 25 (54) RCW 16.49A.200 and 1969 ex.s. c 145 s 20;
- 26 (55) RCW 16.49A.210 and 1969 ex.s. c 145 s 21;
- 27 (56) RCW 16.49A.220 and 1969 ex.s. c 145 s 22;
- 28 (57) RCW 16.49A.230 and 1969 ex.s. c 145 s 23;
- 29 (58) RCW 16.49A.240 and 1969 ex.s. c 145 s 24;
- 30 (59) RCW 16.49A.250 and 1969 ex.s. c 145 s 25;
- 31 (60) RCW 16.49A.255 and 1969 ex.s. c 145 s 67;
- 32 (61) RCW 16.49A.260 and 1969 ex.s. c 145 s 26;
- 33 (62) RCW 16.49A.270 and 1969 ex.s. c 145 s 27;
- 34 (63) RCW 16.49A.280 and 1969 ex.s. c 145 s 28;
- 35 (64) RCW 16.49A.290 and 1969 ex.s. c 145 s 29;
- 36 (65) RCW 16.49A.300 and 1969 ex.s. c 145 s 30;
- 37 (66) RCW 16.49A.310 and 1969 ex.s. c 145 s 31;
- 38 (67) RCW 16.49A.320 and 1969 ex.s. c 145 s 32;
- 39 (68) RCW 16.49A.330 and 1969 ex.s. c 145 s 33;

1 (69) RCW 16.49A.340 and 1969 ex.s. c 145 s 34;
2 (70) RCW 16.49A.350 and 1969 ex.s. c 145 s 35;
3 (71) RCW 16.49A.360 and 1969 ex.s. c 145 s 36;
4 (72) RCW 16.49A.370 and 1971 ex.s. c 98 s 1 & 1969 ex.s. c 145 s
5 37;
6 (73) RCW 16.49A.380 and 1969 ex.s. c 145 s 38;
7 (74) RCW 16.49A.390 and 1969 ex.s. c 145 s 39;
8 (75) RCW 16.49A.400 and 1969 ex.s. c 145 s 40;
9 (76) RCW 16.49A.410 and 1969 ex.s. c 145 s 41;
10 (77) RCW 16.49A.420 and 1969 ex.s. c 145 s 42;
11 (78) RCW 16.49A.430 and 1969 ex.s. c 145 s 43;
12 (79) RCW 16.49A.440 and 1969 ex.s. c 145 s 44;
13 (80) RCW 16.49A.450 and 1969 ex.s. c 145 s 45;
14 (81) RCW 16.49A.460 and 1969 ex.s. c 145 s 46;
15 (82) RCW 16.49A.470 and 1969 ex.s. c 145 s 47;
16 (83) RCW 16.49A.480 and 1969 ex.s. c 145 s 48;
17 (84) RCW 16.49A.520 and 1969 ex.s. c 145 s 55;
18 (85) RCW 16.49A.530 and 1969 ex.s. c 145 s 52;
19 (86) RCW 16.49A.540 and 1969 ex.s. c 145 s 57;
20 (87) RCW 16.49A.550 and 1969 ex.s. c 145 s 59;
21 (88) RCW 16.49A.560 and 1971 ex.s. c 108 s 1 & 1969 ex.s. c 145 s
22 54;
23 (89) RCW 16.49A.570 and 1971 ex.s. c 108 s 2 & 1969 ex.s. c 145 s
24 60;
25 (90) RCW 16.49A.580 and 1969 ex.s. c 145 s 58;
26 (91) RCW 16.49A.590 and 1969 ex.s. c 145 s 61;
27 (92) RCW 16.49A.600 and 1993 c 166 s 1, 1971 ex.s. c 108 s 3, &
28 1969 ex.s. c 145 s 68;
29 (93) RCW 16.49A.610 and 1969 ex.s. c 145 s 69;
30 (94) RCW 16.49A.620 and 1969 ex.s. c 145 s 62;
31 (95) RCW 16.49A.630 and 1969 ex.s. c 145 s 63;
32 (96) RCW 16.49A.640 and 1969 ex.s. c 145 s 53;
33 (97) RCW 16.49A.650 and 1969 ex.s. c 145 s 56;
34 (98) RCW 16.49A.900 and 1969 ex.s. c 145 s 70;
35 (99) RCW 16.49A.910 and 1969 ex.s. c 145 s 66;
36 (100) RCW 16.49A.920 and 1969 ex.s. c 145 s 65;
37 (101) RCW 16.74.010 and 1969 ex.s. c 146 s 1;
38 (102) RCW 16.74.020 and 1969 ex.s. c 146 s 2;
39 (103) RCW 16.74.030 and 1969 ex.s. c 146 s 3;

1 (104) RCW 16.74.040 and 1969 ex.s. c 146 s 4;
2 (105) RCW 16.74.050 and 1969 ex.s. c 146 s 5;
3 (106) RCW 16.74.060 and 1969 ex.s. c 146 s 6;
4 (107) RCW 16.74.070 and 1969 ex.s. c 146 s 7;
5 (108) RCW 16.74.080 and 1969 ex.s. c 146 s 8;
6 (109) RCW 16.74.090 and 1969 ex.s. c 146 s 9;
7 (110) RCW 16.74.100 and 1969 ex.s. c 146 s 10;
8 (111) RCW 16.74.110 and 1969 ex.s. c 146 s 11;
9 (112) RCW 16.74.120 and 1969 ex.s. c 146 s 12;
10 (113) RCW 16.74.130 and 1969 ex.s. c 146 s 13;
11 (114) RCW 16.74.140 and 1969 ex.s. c 146 s 14;
12 (115) RCW 16.74.150 and 1969 ex.s. c 146 s 15;
13 (116) RCW 16.74.160 and 1969 ex.s. c 146 s 16;
14 (117) RCW 16.74.170 and 1969 ex.s. c 146 s 17;
15 (118) RCW 16.74.180 and 1969 ex.s. c 146 s 18;
16 (119) RCW 16.74.190 and 1969 ex.s. c 146 s 19;
17 (120) RCW 16.74.200 and 1969 ex.s. c 146 s 20;
18 (121) RCW 16.74.210 and 1969 ex.s. c 146 s 21;
19 (122) RCW 16.74.220 and 1969 ex.s. c 146 s 22;
20 (123) RCW 16.74.230 and 1969 ex.s. c 146 s 23;
21 (124) RCW 16.74.240 and 1969 ex.s. c 146 s 24;
22 (125) RCW 16.74.250 and 1969 ex.s. c 146 s 25;
23 (126) RCW 16.74.260 and 1969 ex.s. c 146 s 26;
24 (127) RCW 16.74.270 and 1969 ex.s. c 146 s 27;
25 (128) RCW 16.74.280 and 1969 ex.s. c 146 s 28;
26 (129) RCW 16.74.290 and 1969 ex.s. c 146 s 64;
27 (130) RCW 16.74.300 and 1969 ex.s. c 146 s 29;
28 (131) RCW 16.74.310 and 1969 ex.s. c 146 s 30;
29 (132) RCW 16.74.320 and 1969 ex.s. c 146 s 31;
30 (133) RCW 16.74.330 and 1969 ex.s. c 146 s 32;
31 (134) RCW 16.74.340 and 1969 ex.s. c 146 s 33;
32 (135) RCW 16.74.350 and 1969 ex.s. c 146 s 34;
33 (136) RCW 16.74.360 and 1969 ex.s. c 146 s 35;
34 (137) RCW 16.74.370 and 1989 c 175 s 56 & 1969 ex.s. c 146 s 36;
35 (138) RCW 16.74.380 and 1969 ex.s. c 146 s 37;
36 (139) RCW 16.74.390 and 1969 ex.s. c 146 s 38;
37 (140) RCW 16.74.400 and 1969 ex.s. c 146 s 39;
38 (141) RCW 16.74.410 and 1969 ex.s. c 146 s 41;
39 (142) RCW 16.74.420 and 1969 ex.s. c 146 s 42;

- 1 (143) RCW 16.74.430 and 1969 ex.s. c 146 s 40;
2 (144) RCW 16.74.440 and 1969 ex.s. c 146 s 43;
3 (145) RCW 16.74.450 and 1969 ex.s. c 146 s 44;
4 (146) RCW 16.74.460 and 1969 ex.s. c 146 s 45;
5 (147) RCW 16.74.470 and 1969 ex.s. c 146 s 46;
6 (148) RCW 16.74.480 and 1969 ex.s. c 146 s 47;
7 (149) RCW 16.74.490 and 1969 ex.s. c 146 s 48;
8 (150) RCW 16.74.500 and 1969 ex.s. c 146 s 49;
9 (151) RCW 16.74.510 and 1969 ex.s. c 146 s 50;
10 (152) RCW 16.74.520 and 1969 ex.s. c 146 s 51;
11 (153) RCW 16.74.530 and 1969 ex.s. c 146 s 52;
12 (154) RCW 16.74.540 and 1969 ex.s. c 146 s 53;
13 (155) RCW 16.74.550 and 1969 ex.s. c 146 s 54;
14 (156) RCW 16.74.560 and 1969 ex.s. c 146 s 55;
15 (157) RCW 16.74.570 and 1993 c 166 s 2 & 1969 ex.s. c 146 s 65;
16 (158) RCW 16.74.580 and 1969 ex.s. c 146 s 66;
17 (159) RCW 16.74.590 and 1969 ex.s. c 146 s 56;
18 (160) RCW 16.74.600 and 1969 ex.s. c 146 s 57;
19 (161) RCW 16.74.610 and 1971 ex.s. c 108 s 4 & 1969 ex.s. c 146 s
20 58;
21 (162) RCW 16.74.615 and 1971 ex.s. c 108 s 5;
22 (163) RCW 16.74.620 and 1969 ex.s. c 146 s 59;
23 (164) RCW 16.74.630 and 1969 ex.s. c 146 s 60;
24 (165) RCW 16.74.640 and 1969 ex.s. c 146 s 67;
25 (166) RCW 16.74.650 and 1994 c 128 s 3 & 1969 ex.s. c 146 s 61;
26 (167) RCW 16.74.900 and 1969 ex.s. c 146 s 68;
27 (168) RCW 16.74.910 and 1969 ex.s. c 146 s 63;
28 (169) RCW 16.74.920 and 1969 ex.s. c 146 s 62;
29 (170) RCW 19.92.100 and 1983 c 89 s 1, 1955 c 61 s 1, 1937 c 214 s
30 1, & 1927 c 194 s 10;
31 (171) RCW 19.92.110 and 1983 c 89 s 2 & 1955 c 61 s 3;
32 (172) RCW 19.92.120 and 1955 c 61 s 4; and
33 (173) RCW 19.92.240 and 1890 p 522 s 1.

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