

# FINAL BILL REPORT

## SHB 2802

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C 234 L 04

Synopsis as Enacted

**Brief Description:** Establishing penalties for trading in nonambulatory livestock.

**Sponsors:** By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darneille, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, G. Simpson, Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta).

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Agriculture**

### **Background:**

#### Federal Law

Interstate commerce in food and consumer products is subject to a variety of federal laws. Under federal law, the import, export, transport, treatment, and slaughter of livestock are regulated. In addition, food standards, food labeling, animal feed, and consumer products that include animal byproducts are regulated under federal law.

#### State Law

Washington's animal health laws authorize the Director of the Washington State Department of Agriculture (WSDA) to take actions to control animal disease. Among other powers, the WSDA Director may issue "hold orders" for up to seven days for disease control and other purposes, require permits for import of animals with or exposed to reportable diseases, and require immediate report of livestock infected with or exposed to certain diseases. Washington law also includes provisions for inspection and testing, health certification for animal importation, destruction of diseased animals, and disposal of animal carcasses. State law makes violation of the state animal health laws a gross misdemeanor and also authorizes civil enforcement actions for violations.

Further, state law includes standards for treatment of livestock and other animals. State law requires humane slaughter of livestock and imposes sanctions for violations. State animal cruelty statutes prohibit certain practices and activities involving animals, including transporting or confining animals in an unsafe manner. In addition, the animal cruelty statutes establish two classes of criminal violations. Animal cruelty in the first degree, a class C felony, involves intentionally inflicting substantial pain on, causing physical injury to, or

killing an animal by a means that causes undue suffering. Animal cruelty in the second degree (a misdemeanor) is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. The state animal cruelty laws do not apply to accepted husbandry practices that are used in the commercial raising or slaughtering of livestock.

### Bovine Spongiform Encephalopathy

The December 2003 detection of Bovine Spongiform Encephalopathy (BSE) in a holstein cow in Washington became the first confirmed BSE case in the United States. BSE is a fatal neurological disorder affecting the brain and central nervous system of cattle and is part of a family of transmittable spongiform encephalopathies affecting humans and other animals. According to the federal Centers for Disease Control and Prevention (CDC), evidence suggests a causal relationship between outbreaks of BSE in European cattle and a human disease known as new variant Creutzfeldt-Jakob disease (vCJD). Both BSE and vCJD are invariably fatal brain diseases with long incubation periods caused by an unconventional transmissible agent. There is no known cure or treatment for either BSE or vCJD.

### **Summary:**

Transport or accepting delivery of live nonambulatory livestock is a criminal violation of the state's animal cruelty laws under certain circumstances. Any person who knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock is guilty of a gross misdemeanor. The transport of each nonambulatory livestock animal is a separate and distinct violation. However, livestock that was ambulatory before transport to a feedlot and became nonambulatory through injury during transport may be unloaded and placed in a separate pen at the feedlot for rehabilitation.

"Nonambulatory livestock" is defined for purposes of the criminal violation as cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk. The definition includes those livestock with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions.

Nonambulatory livestock must be humanely euthanized before transport to, from, or between livestock markets, feedlots, slaughtering facilities, or similar facilities trading in livestock.

### **Votes on Final Passage:**

House	96	0	
Senate	49	0	(Senate amended)
House	94	2	(House concurred)

**Effective:** March 31, 2004