

# SENATE BILL REPORT

## SHB 2802

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As Reported By Senate Committee On:  
Agriculture, February 26, 2004

**Title:** An act relating to penalties for trading in nonambulatory livestock.

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

**Sponsors:** 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).

**Brief History:**

**Committee Activity:** Agriculture: 2/24/04, 2/26/04 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE

**Majority Report:** Do pass as amended.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

**Staff:** Bob Lee (786-7404)

**Background:** 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.

**Summary of Amended Bill:** 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. "Nonambulatory livestock" is defined for purposes of the criminal violation as cattle, sheep, swine, and goats and 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, fractured vertebral column, or metabolic conditions.

Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

Nonambulatory livestock must be humanely euthanized before transport to, from, or between any livestock market feedlot, slaughtering facility or similar facility that trades in livestock.

**Amended Bill Compared to Substitute Bill:** A provision is added that clarifies if livestock is injured in transport to a feedlot and becomes nonambulatory, that it can be unloaded and placed in a separate pen for rehabilitation. Clarification is provided that euthanizing a nonambulatory livestock is required before transport to, from or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill represents long hours of discussion and agreement by representatives of the livestock industry and animal welfare advocates.

**Testimony Against:** None.

**Testified:** PRO: Susan Michaels, Pasado's Safe Haven; Heather Hansen, WA Cattle Feeders; Chris Cheney, WA Dairy Federation.