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HOUSE BILL 2298

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Linville, Schoesler, Kenney, McDonald, Hunt, Simpson, G., Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture

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1 AN ACT Relating to diseased and quarantined animals; and amending  
2 RCW 16.36.010, 16.36.060, 16.36.090, and 16.36.098.

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

4 **Sec. 1.** RCW 16.36.010 and 1998 c 8 s 2 are each amended to read as  
5 follows:

6 (1) The director shall supervise the prevention of the spread and  
7 the suppression of infectious, contagious, communicable, and dangerous  
8 diseases affecting animals within, in transit through, and imported  
9 into the state.

10 (2) The director may issue a quarantine order and enforce the  
11 quarantine of any animal or its reproductive products (~~that is~~) when  
12 any animal or its reproductive products are affected with or (~~has~~)  
13 have been exposed to disease or when there is reasonable cause to  
14 investigate whether any animal or its reproductive products are  
15 affected with or have been exposed to disease, either within or outside  
16 the state. Overt disease or exposure to disease in any animal or its  
17 reproductive products need not be immediately obvious for a quarantine  
18 order to be issued or enforced. The quarantine shall remain in effect  
19 as long as the director deems necessary.

1 (3) The director may issue a hold order when:

2 (a) Overt disease or exposure to disease in an animal is not  
3 immediately obvious but there is reasonable cause to investigate  
4 whether an animal is diseased or has been exposed to disease;

5 (b) Import health papers, permits, or other transportation  
6 documents required by law or rule are not complete or are suspected to  
7 be fraudulent; or

8 (c) Further transport of an animal would jeopardize the well-being  
9 of the animal or other animals in Washington state.

10 A hold order is in effect for seven days and expires at midnight on  
11 the seventh day from the date of the hold order. A hold order may be  
12 replaced with a quarantine order for the purpose of animal disease  
13 control.

14 (4) Any animal or animal reproductive product placed under a  
15 quarantine or hold order shall be kept separate and apart from other  
16 animals designated in the instructions of the quarantine or hold order,  
17 and shall not be allowed to have anything in common with other animals.

18 (5) The expenses of handling and caring for any animal or animal  
19 reproductive product placed under a quarantine or hold order are the  
20 responsibility of the owner.

21 (6) The director has authority over the quarantine or hold area  
22 until the quarantine or hold order is released or the hold order  
23 expires.

24 (7) Any animal or animal reproductive product placed under a  
25 quarantine or hold order may not be moved, transported, or sold without  
26 written approval from the director or until the quarantine or hold  
27 order is released, or the hold order expires.

28 (8) The director may administer oaths and examine witnesses and  
29 records in the performance of his or her duties to control diseases  
30 affecting animals.

31 **Sec. 2.** RCW 16.36.060 and 1998 c 8 s 6 are each amended to read as  
32 follows:

33 (1) The director has the authority to enter the animal premises of  
34 any animal owner at any reasonable time to ~~((make tests on or  
35 examinations of any animals))~~ conduct tests, examinations, or  
36 inspections for disease conditions when there is reasonable ~~((evidence  
37 that))~~ cause to investigate whether animals on the premises or that

1 have been on the premises are infected with or have been exposed to a  
2 reportable disease. It is unlawful for any person to interfere with  
3 the tests, inspections, or examinations, or to alter any segregation or  
4 identification systems made in connection with the tests, inspections,  
5 or examinations. Where disease or contamination is suspected, the  
6 director may seize those items necessary to conduct the tests,  
7 inspections, or examinations.

8 (2) If the director is denied access to the animal premises or the  
9 animals for purposes of conducting tests, inspections, or examinations  
10 or the animal owner fails to comply with an order of the director, the  
11 director may apply to a court of competent jurisdiction for an  
12 administrative search warrant. The warrant may authorize access to any  
13 animal or animal premises for purposes of conducting tests,  
14 inspections, or examinations of any animal or animal premises, or  
15 taking samples, and may authorize seizure or destruction of property.  
16 The warrant shall be issued upon probable cause. It is sufficient  
17 probable cause to show a potential threat to the agricultural interests  
18 of this state or a potential threat which seriously endangers animals,  
19 human health, the environment, or public welfare. To show that access  
20 is denied, the director shall file with the court an affidavit or  
21 declaration containing a description of all attempts to notify and  
22 locate the owner or the owner's agent and to secure consent.

23 **Sec. 3.** RCW 16.36.090 and 1998 c 8 s 9 are each amended to read as  
24 follows:

25 When public welfare demands, the director may order the slaughter  
26 or destruction of any animal affected with or exposed to any  
27 contagious, infectious, or communicable disease that is affecting or  
28 may affect the health of the state's animal population. The director  
29 may order destruction of any animal held under quarantine when public  
30 welfare demands or the owner of the animal fails or refuses to follow  
31 a herd or flock plan. The director shall give a written order  
32 directing an animal be destroyed by or under the direction of the state  
33 veterinarian.

34 **Sec. 4.** RCW 16.36.098 and 1998 c 8 s 17 are each amended to read  
35 as follows:

36 Any person whose animal or animal reproductive products are placed

1 under a quarantine, a hold order, or destruct order under RCW 16.36.090  
2 may request a hearing. The request for a hearing must be in writing  
3 and filed with the director. Any hearing will be held in conformance  
4 with RCW 34.05.422 and 34.05.479.

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