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**SUBSTITUTE HOUSE BILL 2167**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Select Committee on Environmental Health  
(originally sponsored by Representatives Chase, Campbell, Hunt,  
Hudgins, Morrell, Goodman, Springer, Hasegawa and Conway)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to food labeling requirements; adding a new chapter  
2 to Title 69 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that  
5 Washington consumers have a right to accurate, accessible information  
6 that will assist them in making educated food purchases. The  
7 legislature finds that consumers have an interest in knowing the  
8 benefits and potential risks to their health from the products they  
9 consume. The legislature finds that consumers value knowing when and  
10 where food has been packaged and when technologies such as irradiation  
11 and modified atmosphere packaging have been applied to the foods that  
12 are offered for retail sale. The legislature therefore intends to  
13 increase the disclosure of food information to consumers by enhancing  
14 existing requirements governing the labeling of certain perishable food  
15 products.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
17 section apply throughout this chapter unless the context clearly  
18 requires otherwise.

1 (1) "Food irradiation" means the process of exposing food to  
2 ionizing radiation in order to disinfect, sanitize, sterilize, or  
3 preserve it.

4 (2) "Labeling" means all labels and other written, printed, or  
5 graphic matter (a) upon any article or any of its containers or  
6 wrappers, or (b) accompanying such an article.

7 (3) "Modified atmosphere packaging," "reduced-oxygen packaging,"  
8 "low oxygen packaging," "gas flushing packaging," or "vacuum packaging"  
9 means controlling the oxygen content in a package to a level below that  
10 normally found in the surrounding atmosphere in order to prolong the  
11 shelf life of the food within the package.

12 (4) "Package" means the immediate container or wrapping in which  
13 any food is contained for consumption, use, or storage by consumers,  
14 and also means any outer container or wrapping used in the retail  
15 display of such a product to consumers.

16 (5) "Perishable food product" means meats, poultry, or fish  
17 intended for human consumption that are packaged other than at the time  
18 and point of retail sale, which have a high risk of spoilage within a  
19 period of thirty days and are determined by the director of the  
20 department of agriculture by rule to be perishable. For purposes of  
21 this chapter, "perishable food product" does not include dairy  
22 products, fruits, or vegetables.

23 (6) "Retail" means selling, offering for sale, or distributing food  
24 for dispensing or sale directly to the consumer.

25 (7) "Shelf life" means the length of time during which a packaged  
26 food product will retain its safe consumption quality if stored under  
27 proper temperature conditions.

28 NEW SECTION. **Sec. 3.** IRRADIATED FOOD DISCLOSURE. No person may  
29 sell at retail any perishable food product that has been irradiated  
30 without having the package in which it is sold include a label clearly  
31 discernible to a consumer at the point of sale disclosing that the  
32 product has been treated with radiation.

33 NEW SECTION. **Sec. 4.** MODIFIED ATMOSPHERE PACKAGING WITH CARBON  
34 MONOXIDE DISCLOSURE. No person may sell at retail any perishable food  
35 product that was packed in modified atmosphere packaging with carbon

1 monoxide without having the package in which it is sold include a label  
2 clearly discernible to a consumer at the point of sale disclosing  
3 carbon monoxide was used.

4 NEW SECTION. **Sec. 5.** CIVIL PENALTY. Whenever the director of the  
5 department of agriculture finds that a person has committed a violation  
6 of this chapter, the director may impose upon and collect from the  
7 violator a civil penalty not exceeding one thousand dollars per  
8 violation per day. Each violation is a separate and distinct offense.  
9 Imposition of the civil penalty is subject to a hearing under chapter  
10 34.05 RCW.

11 NEW SECTION. **Sec. 6.** RULE-MAKING AUTHORITY. The director of the  
12 department of agriculture shall, in consultation with the secretary of  
13 the department of health, establish by rule uniform standards for the  
14 perishable food product labeling required under this chapter, and may  
15 establish other rules as may be necessary to carry out the purposes of  
16 this chapter.

17 NEW SECTION. **Sec. 7.** CAPTIONS. Captions used in this act are not  
18 any part of the law.

19 NEW SECTION. **Sec. 8.** CODIFICATION. Sections 1 through 7 of this  
20 act constitute a new chapter in Title 69 RCW.

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