

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5204

60th Legislature
2007 Regular Session

Passed by the Senate March 8, 2007
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5204** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5204

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture

Read first time 01/12/2007. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to the enforcement of animal health laws; amending
2 RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections
3 to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.36 RCW
7 to read as follows:

8 The director may establish points of inspection for vehicles
9 transporting animals on the public roads of this state to determine if
10 the animals being transported are accompanied by valid health
11 certificates, permits, or other documents as required by this chapter
12 or its rules. Vehicles transporting animals on the public roads of
13 this state are subject to inspection and must stop at any posted
14 inspection point established by the director, with emphasis on
15 livestock being brought in from outside the state. The director or
16 appointed officers are authorized to stop a vehicle transporting
17 animals upon the public roads of this state at a place other than an
18 inspection point if there is reasonable cause to believe the animals
19 are being transported in violation of this chapter or its rules.

1 **Sec. 2.** RCW 16.36.050 and 1998 c 8 s 5 are each amended to read as
2 follows:

3 It is unlawful for any person to:

4 (1) Bring into this state for any purpose any animals without first
5 having secured an official health certificate or certificate of
6 veterinary inspection, reviewed by the state veterinarian of the state
7 of origin that the animals meet the health requirements of the state of
8 Washington. This subsection does not apply to livestock (~~((imported~~
9 ~~into this state for immediate slaughter))~~ destined for immediate
10 slaughter at a federally inspected slaughter facility where federal
11 disease control standards are applied, or other animals exempted by
12 rule;

13 (2)(a) Divert en route to other than an approved, inspected feedlot
14 for subsequent slaughter or (~~((to))~~) (b) sell for other than immediate
15 slaughter or (~~((to))~~) (c) fail to slaughter or deliver to a slaughter
16 establishment within (~~((seven))~~) three calendar days after (~~((arrival))~~)
17 entry, any animal imported into this state for immediate slaughter;

18 (3) Intentionally falsely make, complete, alter, use, or sign an
19 animal health certificate, certificate of veterinary inspection, or
20 official written animal health document of the department;

21 (4) Intentionally falsely apply, alter, or remove an official
22 animal health or official animal identification tag, permanent mark, or
23 other device;

24 (5) Willfully hinder, obstruct, or resist the director, or any
25 peace officer or deputized state veterinarian acting under him or her,
26 when engaged in the performance of their duties; or

27 (~~((5))~~) (6) Willfully fail to comply with or to violate any rule or
28 order adopted by the director under this chapter.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 16.36 RCW
30 to read as follows:

31 Any person found transporting animals on the public roads of this
32 state that are not accompanied by valid health certificates, permits,
33 or other documents as required by this chapter or its rules has
34 committed a class 1 civil infraction. The director is authorized to
35 issue notices of and enforce civil infractions in the manner prescribed
36 under chapter 7.80 RCW.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 16.36 RCW
2 to read as follows:

3 Any person in violation of this chapter or its rules may be subject
4 to a civil penalty in an amount of not more than one thousand dollars
5 for each violation. Each violation is a separate and distinct offense.
6 Every person who, through an act of commission or omission, procures,
7 aids, or abets in the violation is in violation of this chapter or its
8 rules and may be subject to the civil penalty provided in this section.
9 Moneys collected under this section must be deposited in the state
10 general fund.

11 **Sec. 5.** RCW 16.36.010 and 2004 c 251 s 1 are each amended to read
12 as follows:

13 (1) The director shall supervise the prevention of the spread and
14 the suppression of infectious, contagious, communicable, and dangerous
15 diseases affecting animals within, in transit through, and imported
16 into the state.

17 (2) The director may issue a quarantine order and enforce the
18 quarantine of any animal or its reproductive products when any animal
19 or its reproductive products are affected with or have been exposed to
20 disease or when there is reasonable cause to investigate whether any
21 animal or its reproductive products are affected with or have been
22 exposed to disease, either within or outside the state. Overt disease
23 or exposure to disease in any animal or its reproductive products need
24 not be immediately obvious for a quarantine order to be issued or
25 enforced. The quarantine shall remain in effect as long as the
26 director deems necessary.

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

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

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

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

36 A hold order is in effect for (~~seven~~) fourteen days and expires
37 (~~at~~) when released by the director or no later than midnight on the

1 ((seventh)) fourteenth day from the date of the hold order. A hold
2 order may be replaced with a quarantine order for the purpose of animal
3 disease control.

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

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

11 (6) The director has authority over the quarantine or hold area
12 until the quarantine or hold order is released or the hold order
13 expires.

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

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

21 **Sec. 6.** RCW 20.01.610 and 2003 c 395 s 10 are each amended to read
22 as follows:

23 The director may establish points of inspection for vehicles
24 transporting agricultural products on the public roads of this state.
25 Vehicles transporting agricultural products on the public roads of this
26 state are subject to inspection and must stop at any posted inspection
27 point established by the director. The director or appointed officers
28 may stop a vehicle transporting agricultural products upon the public
29 roads of this state at a place other than an inspection point if there
30 is reasonable cause to believe the carrier, seller, or buyer may be in
31 violation of this chapter. Any operator of a vehicle failing or
32 refusing to stop when directed to do so has committed a civil
33 infraction.

34 The director and appointed officers shall work to ensure that
35 vehicles carrying perishable agricultural products are detained no
36 longer than is absolutely necessary for a prompt assessment of
37 compliance with this chapter. If a vehicle carrying perishable

1 agricultural products is found to be in violation of this chapter, the
2 director or appointed officers shall promptly issue necessary notices
3 of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and
4 shall allow the vehicle to continue toward its destination without
5 further delay.

6 **Sec. 7.** RCW 20.01.380 and 1991 c 109 s 21 are each amended to read
7 as follows:

8 Every dealer or cash buyer purchasing any agricultural products
9 from the consignor thereof shall promptly make and keep for three years
10 a correct record showing in detail the following:

11 (1) The name and address of the consignor.

12 (2) The date received.

13 (3) The terms of the sale.

14 (4) The quality and quantity delivered by the consignor, and where
15 applicable the dockage, tare, grade, size, net weight, or quantity.

16 (5) An itemized statement of any charges paid by the dealer or cash
17 buyer for the account of the consignor.

18 (6) The name and address of the purchaser: PROVIDED, That the name
19 and address of the purchaser may be deleted from the record furnished
20 to the consignor.

21 A copy of such record containing the above matters shall be
22 forwarded to the consignor forthwith.

23 Livestock dealers must also maintain individual animal
24 identification and disposition records as may be required by law, or
25 (~~regulation~~) rule adopted by the director.

26 Livestock dealers must carry animal identification and animal
27 health documents as required by chapters 16.36 and 16.57 RCW and rules
28 adopted by the director under those chapters.

29 NEW SECTION. **Sec. 8.** RCW 16.36.092 is recodified as a new section
30 in chapter 16.36 RCW to be codified between RCW 16.36.100 and
31 16.36.105.

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