

SSB 5487 - H AMD 518

By Representative Blake

ADOPTED AND ENGROSSED 4/11/11

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 69.25.020 and 1995 c 374 s 25 are each amended to  
4 read as follows:

5 When used in this chapter the following terms shall have the  
6 indicated meanings, unless the context otherwise requires:

7 (1) "Department" means the department of agriculture of the state  
8 of Washington.

9 (2) "Director" means the director of the department or his duly  
10 authorized representative.

11 (3) "Person" means any natural person, firm, partnership, exchange,  
12 association, trustee, receiver, corporation, and any member, officer,  
13 or employee thereof, or assignee for the benefit of creditors.

14 (4) "Adulterated" applies to any egg or egg product under one or  
15 more of the following circumstances:

16 (a) If it bears or contains any poisonous or deleterious substance  
17 which may render it injurious to health; but in case the substance is  
18 not an added substance, such article shall not be considered  
19 adulterated under this clause if the quantity of such substance in or  
20 on such article does not ordinarily render it injurious to health;

21 (b) If it bears or contains any added poisonous or added  
22 deleterious substance (other than one which is: (i) A pesticide  
23 chemical in or on a raw agricultural commodity; (ii) a food additive;  
24 or (iii) a color additive) which may, in the judgment of the director,  
25 make such article unfit for human food;

26 (c) If it is, in whole or in part, a raw agricultural commodity and  
27 such commodity bears or contains a pesticide chemical which is unsafe  
28 within the meaning of RCW 69.04.392, as enacted or hereafter amended;

29 (d) If it bears or contains any food additive which is unsafe  
30 within the meaning of RCW 69.04.394, as enacted or hereafter amended;

1 (e) If it bears or contains any color additive which is unsafe  
2 within the meaning of RCW 69.04.396(~~(, as enacted or hereafter amended;~~  
3 ~~PROVIDED, That~~)); however, an article which is not otherwise deemed  
4 adulterated under subsection (4)(c), (d), or (e) of this section shall  
5 nevertheless be deemed adulterated if use of the pesticide chemical,  
6 food additive, or color additive, in or on such article, is prohibited  
7 by regulations of the director in official plants;

8 (f) If it consists in whole or in part of any filthy, putrid, or  
9 decomposed substance, or if it is otherwise unfit for human food;

10 (g) If it consists in whole or in part of any damaged egg or eggs  
11 to the extent that the egg meat or white is leaking, or it has been  
12 contacted by egg meat or white leaking from other eggs;

13 (h) If it has been prepared, packaged, or held under insanitary  
14 conditions whereby it may have become contaminated with filth, or  
15 whereby it may have been rendered injurious to health;

16 (i) If it is an egg which has been subjected to incubation or the  
17 product of any egg which has been subjected to incubation;

18 (j) If its container is composed, in whole or in part, of any  
19 poisonous or deleterious substance which may render the contents  
20 injurious to health;

21 (k) If it has been intentionally subjected to radiation, unless the  
22 use of the radiation was in conformity with a regulation or exemption  
23 in effect pursuant to RCW 69.04.394; or

24 (l) If any valuable constituent has been in whole or in part  
25 omitted or abstracted therefrom; or if any substance has been  
26 substituted, wholly or in part therefor; or if damage or inferiority  
27 has been concealed in any manner; or if any substance has been added  
28 thereto or mixed or packed therewith so as to increase its bulk or  
29 weight, or reduce its quality or strength, or make it appear better or  
30 of greater value than it is.

31 (5) "Capable of use as human food" shall apply to any egg or egg  
32 product unless it is denatured, or otherwise identified, as required by  
33 regulations prescribed by the director, to deter its use as human food.

34 (6) "Intrastate commerce" means any eggs or egg products in  
35 intrastate commerce, whether such eggs or egg products are intended for  
36 sale, held for sale, offered for sale, sold, stored, transported, or  
37 handled in this state in any manner and prepared for eventual  
38 distribution in this state, whether at wholesale or retail.

1 (7) "Container" or "package" includes any box, can, tin, plastic,  
2 or other receptacle, wrapper, or cover.

3 (8) "Immediate container" means any consumer package, or any other  
4 container in which egg products, not consumer-packaged, are packed.

5 (9) "Shipping container" means any container used in packaging a  
6 product packed in an immediate container.

7 (10) "Egg handler" or "dealer" means any person who produces,  
8 contracts for or obtains possession or control of any eggs or egg  
9 products for the purpose of sale to another dealer or retailer, or for  
10 processing and sale to a dealer, retailer or consumer(~~(:—PROVIDED,~~  
11 ~~That)~~). For the purpose of this chapter, "sell" or "sale" includes the  
12 following: Offer for sale, expose for sale, have in possession for  
13 sale, exchange, barter, trade, or as an inducement for the sale of  
14 another product.

15 (11)(a) "Egg product" means any dried, frozen, or liquid eggs, with  
16 or without added ingredients, excepting products which contain eggs  
17 only in a relatively small proportion, or historically have not been,  
18 in the judgment of the director, considered by consumers as products of  
19 the egg food industry, and which may be exempted by the director under  
20 such conditions as ((he)) the director may prescribe to assure that the  
21 egg ingredients are not adulterated and ((such-products)) are not  
22 represented as egg products.

23 (b) The following products are not included in the definition of  
24 "egg product" if they are prepared from eggs or egg products that have  
25 been either inspected by the United States department of agriculture or  
26 by the department under a cooperative agreement with the United States  
27 department of agriculture: Freeze-dried products, imitation egg  
28 products, egg substitutes, dietary foods, dried no-bake custard mixes,  
29 egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes,  
30 French toast, balut and other similar ethnic delicacies, and sandwiches  
31 containing eggs or egg products.

32 (12) "Egg" means the shell egg of the domesticated chicken, turkey,  
33 duck, goose, or guinea, or any other specie of fowl.

34 (13) "Check" means an egg that has a broken shell or crack in the  
35 shell but has its shell membranes intact and contents not leaking.

36 (14) "Clean and sound shell egg" means any egg whose shell is free  
37 of adhering dirt or foreign material and is not cracked or broken.

1 (15) "Dirty egg" means an egg that has a shell that is unbroken and  
2 has adhering dirt or foreign material.

3 (16) "Incubator reject" means an egg that has been subjected to  
4 incubation and has been removed from incubation during the hatching  
5 operations as infertile or otherwise unhatchable.

6 (17) "Inedible" means eggs of the following descriptions: Black  
7 rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs,  
8 eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs,  
9 eggs showing blood rings, and eggs containing embryo chicks (at or  
10 beyond the blood ring stage).

11 (18) "Leaker" means an egg that has a crack or break in the shell  
12 and shell membranes to the extent that the egg contents are exposed or  
13 are exuding or free to exude through the shell.

14 (19) "Loss" means an egg that is unfit for human food because it is  
15 smashed or broken so that its contents are leaking; or overheated,  
16 frozen, or contaminated; or an incubator reject; or because it contains  
17 a bloody white, large meat spots, a large quantity of blood, or other  
18 foreign material.

19 (20) "Restricted egg" means any check, dirty egg, incubator reject,  
20 inedible, leaker, or loss.

21 (21) "Inspection" means the application of such inspection methods  
22 and techniques as are deemed necessary by the director to carry out the  
23 provisions of this chapter.

24 (22) "Inspector" means any employee or official of the department  
25 authorized to inspect eggs or egg products under the authority of this  
26 chapter.

27 (23) "Misbranded" shall apply to egg products which are not labeled  
28 and packaged in accordance with the requirements prescribed by  
29 regulations of the director under RCW 69.25.100.

30 (24) "Official certificate" means any certificate prescribed by  
31 regulations of the director for issuance by an inspector or other  
32 person performing official functions under this chapter.

33 (25) "Official device" means any device prescribed or authorized by  
34 the director for use in applying any official mark.

35 (26) "Official inspection legend" means any symbol prescribed by  
36 regulations of the director showing that egg products were inspected in  
37 accordance with this chapter.

1 (27) "Official mark" means the official inspection legend or any  
2 other symbol prescribed by regulations of the director to identify the  
3 status of any article under this chapter.

4 (28) "Official plant" means any plant which is licensed under the  
5 provisions of this chapter, at which inspection of the processing of  
6 egg products is maintained by the United States department of  
7 agriculture or by the state under cooperative agreements with the  
8 United States department of agriculture or by the state.

9 (29) "Official standards" means the standards of quality, grades,  
10 and weight classes for eggs, adopted under the provisions of this  
11 chapter.

12 (30) "Pasteurize" means the subjecting of each particle of egg  
13 products to heat or other treatments to destroy harmful, viable micro-  
14 organisms by such processes as may be prescribed by regulations of the  
15 director.

16 (31) "Pesticide chemical", "food additive", "color additive", and  
17 "raw agricultural commodity" shall have the same meaning for purposes  
18 of this chapter as prescribed in chapter 69.04 RCW.

19 (32) "Plant" means any place of business where egg products are  
20 processed.

21 (33) "Processing" means manufacturing egg products, including  
22 breaking eggs or filtering, mixing, blending, pasteurizing,  
23 stabilizing, cooling, freezing, drying, or packaging egg products.

24 (34) "Retailer" means any person in intrastate commerce who sells  
25 eggs to a consumer.

26 (35) "At retail" means any transaction in intrastate commerce  
27 between a retailer and a consumer.

28 (36) "Consumer" means any person who purchases eggs for his or her  
29 own family use or consumption; or any restaurant, hotel, boarding  
30 house, bakery, or other institution or concern which purchases eggs for  
31 serving to guests or patrons thereof, or for its own use in cooking or  
32 baking.

33 (37) "Candling" means the examination of the interior of eggs by  
34 the use of transmitted light used in a partially dark room or place.

35 (38) "Master license system" means the mechanism established by  
36 chapter 19.02 RCW by which master licenses, endorsed for individual  
37 state-issued licenses, are issued and renewed utilizing a master

1 application and a master license expiration date common to each  
2 renewable license endorsement.

3 (39) "Ambient temperature" means the atmospheric temperature  
4 surrounding or encircling shell eggs.

5 **Sec. 2.** RCW 69.25.050 and 1995 c 374 s 26 are each amended to read  
6 as follows:

7 (1)(a) No person shall act as an egg handler or dealer without  
8 first obtaining an annual license and permanent dealer's number from  
9 the department(~~(, such license shall expire on the master license~~  
10 ~~expiration date)~~).

11 (b) Application for an egg dealer license or egg dealer branch  
12 license(~~, shall~~) must be made through the master license system as  
13 provided under chapter 19.02 RCW and expires on the master license  
14 expiration date. The annual egg dealer license fee (~~shall be~~) is  
15 thirty dollars and the annual egg dealer branch license fee (~~shall~~  
16 ~~be~~) is fifteen dollars. A copy of the master license (~~shall~~) must  
17 be posted at each location where (~~such~~) the licensee operates.  
18 (~~Such~~) The application (~~shall~~) must include the full name of the  
19 applicant for the license (~~and~~), the location of each facility (~~he~~)  
20 the applicant intends to operate, and, if applicable, documentation of  
21 compliance with section 3 or 4 of this act.

22 (2) If (~~such~~) an applicant is an individual, receiver, trustee,  
23 firm, partnership, association or corporation, the full name of each  
24 member of the firm or partnership or the names of the officers of the  
25 association or corporation shall be given on the application. (~~Such~~)  
26 The application (~~shall~~) must further state the principal business  
27 address of the applicant in the state and elsewhere and the name of a  
28 person domiciled in this state authorized to receive and accept service  
29 of summons of legal notices of all kinds for the applicant and any  
30 other necessary information prescribed by the director.

31 (3) The applicant must be issued a license or renewal under this  
32 section upon the approval of the application and compliance with the  
33 provisions of this chapter, including the applicable (~~regulations~~)  
34 rules adopted (~~hereunder~~) by the department(~~(, the applicant shall be~~  
35 ~~issued a license or renewal thereof)~~).

36 (~~Such~~) (4) The license and permanent egg handler or dealer's  
37 number (~~shall be~~) is nontransferable.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 69.25 RCW  
2 to read as follows:

3        (1) All new and renewal applications submitted under RCW 69.25.050  
4 before January 1, 2026, must include proof that all eggs and egg  
5 products provided in intrastate commerce by the applicant are produced  
6 by commercial egg layer operations:

7        (a) With a current certification under the 2010 version of the  
8 united egg producers animal husbandry guidelines for United States egg  
9 laying flocks for conventional cage systems or cage-free systems or a  
10 subsequent version of the guidelines recognized by the department in  
11 rule; or

12        (b) Operated in strict compliance with any standards, adopted by  
13 the department in rule, that are equivalent to or more stringent than  
14 the standards identified in (a) of this subsection.

15        (2) All new and renewal applications submitted under RCW 69.25.050  
16 before January 1, 2017, must, in addition to complying with subsection  
17 (1) of this section, include proof that all eggs and egg products  
18 provided in intrastate commerce by the applicant are produced by  
19 commercial egg layer operations whose housing facilities, if built  
20 between January 1, 2012, and December 31, 2016, are either:

21        (a) Approved under, or convertible to, the American humane  
22 association facility system plan for enriched colony housing in effect  
23 on January 1, 2011, or a subsequent version of the plan recognized by  
24 the department in rule and, in addition, are convertible to the  
25 standards identified in section 5 of this act; or

26        (b) Operated in strict compliance with any standards, adopted by  
27 the department in rule, that are equivalent to or more stringent than  
28 the standards identified in (a) of this subsection.

29        (3) All new and renewal applications submitted under RCW 69.25.050  
30 between January 1, 2017, and December 31, 2025, must, in addition to  
31 complying with subsection (1) of this section, include proof that all  
32 eggs and egg products provided in intrastate commerce by the applicant  
33 are produced by commercial egg layer operations whose housing  
34 facilities, if built on or after January 1, 2012, are either:

35        (a) Approved under the American humane association facility system  
36 plan and audit protocol for enriched colony housing in effect on  
37 January 1, 2011, or a subsequent version of the plan recognized by the

1 department in rule and, in addition, are operated to the standards  
2 identified in section 5 of this act; or

3 (b) Operated in strict compliance with any standards, adopted by  
4 the department in rule, that are equivalent to or more stringent than  
5 the standards identified in (a) of this subsection.

6 (4) All new and renewal applications submitted under RCW 69.25.050  
7 on or after January 1, 2026, must include proof that all eggs and egg  
8 products provided in intrastate commerce by the applicant are produced  
9 by commercial egg layer operations that are either:

10 (a) Approved under the American humane association facility system  
11 plan and audit protocol for enriched colony housing in effect on  
12 January 1, 2011, or a subsequent version of the plan recognized by the  
13 department in rule and, in addition, are operated to the standards  
14 identified in section 5 of this act; or

15 (b) Operated in strict compliance with any standards, adopted by  
16 the department in rule, that are equivalent to or more stringent than  
17 the standards identified in (a) of this subsection.

18 (5) The following are exempt from the requirements of subsections  
19 (2) and (3) of this section:

- 20 (a) Applicants with fewer than three thousand laying chickens; and
- 21 (b) Commercial egg layer operations when producing eggs or egg  
22 products from turkeys, ducks, geese, guineas, or other species of fowl  
23 other than domestic chickens.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.25 RCW  
25 to read as follows:

26 Any egg handler or dealer involved with the in-state production of  
27 eggs or egg products only intended for sale outside of the state of  
28 Washington must ensure that the associated commercial egg layer  
29 operation is in compliance with the applicable standards as provided in  
30 section 3 of this act.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.25 RCW  
32 to read as follows:

33 (1) All commercial egg layer operations required under section 3 of  
34 this act to meet the American humane association facility system plan,  
35 or an equivalent to the plan, must also ensure that all hens in the  
36 operation are provided with:



1 (a) No less than one hundred sixteen and three-tenths square inches  
2 of space per hen; and

3 (b) Access to areas for nesting, scratching, and perching.

4 (2) The requirements of this section apply for any commercial egg  
5 layer operation on the same dates that section 3 of this act requires  
6 compliance with the American humane association facility system plan or  
7 an equivalent to the plan.

8 **Sec. 6.** RCW 69.25.250 and 1995 c 374 s 29 are each amended to read  
9 as follows:

10 (1)(a) There is hereby levied an assessment not to exceed three  
11 mills per dozen eggs entering intrastate commerce, as prescribed by  
12 rules ~~((and regulations))~~ issued by the director. ~~((Such))~~ The  
13 assessment ~~((shall be))~~ is applicable to all eggs entering intrastate  
14 commerce, except as provided in RCW 69.25.170 and 69.25.290 ~~((Such~~  
15 ~~assessment shall))~~, and must be paid to the director on a monthly basis  
16 on or before the tenth day following the month ~~((such))~~ the eggs enter  
17 intrastate commerce.

18 (b) The director may require reports by egg handlers or dealers  
19 along with the payment of the assessment fee. ~~((Such))~~ The reports may  
20 include any and all pertinent information necessary to carry out the  
21 purposes of this chapter.

22 (c) The director may, by ~~((regulations))~~ rule, require egg  
23 container manufacturers to report on a monthly basis all egg containers  
24 sold to any egg handler or dealer and bearing such egg handler or  
25 dealer's permanent number.

26 (2) Egg products in intrastate commerce are exempt from the  
27 assessment in subsection (1) of this section.

28 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2012.

29 NEW SECTION. **Sec. 8.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected."

33 Correct the title.

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