
SUBSTITUTE SENATE BILL 5235

State of Washington

62nd Legislature

2011 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield, Delvin, Honeyford, Hobbs, and Conway)

READ FIRST TIME 02/01/11.

1 AN ACT Relating to animal health inspections; amending RCW
2 16.36.040, 16.36.050, 16.36.060, 16.36.113, 16.36.140, 16.57.160, and
3 16.57.360; adding a new section to chapter 16.57 RCW; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 16.36.040 and 1998 c 8 s 4 are each amended to read as
7 follows:

8 (1) The director may adopt and enforce rules necessary to carry out
9 the purpose and provisions of this chapter, and including:

10 (a) Preventing the introduction or spreading of infectious,
11 contagious, communicable, or dangerous diseases affecting animals in
12 this state;

13 (b) Governing the inspection and testing of all animals within or
14 about to be imported into this state; (~~and~~)

15 (c) Designating any disease as a reportable disease; and

16 (d) Designating when a certificate of veterinary inspection, import
17 health papers, permits, or other transportation documents required by
18 law or rule must designate a destination with a physical address for

1 animals entering Washington state and when those animals must be
2 delivered or transported directly to the physical address of that
3 destination.

4 (2) Rules to prevent the introduction or spread of infectious,
5 contagious, communicable, or dangerous diseases affecting animals in
6 this state may differ from federal regulations by being more
7 restrictive.

8 **Sec. 2.** RCW 16.36.050 and 2010 c 66 s 2 are each amended to read
9 as follows:

10 (1) It is unlawful for a person to bring an animal into Washington
11 state without first securing a certificate of veterinary inspection,
12 reviewed by the state veterinarian of the state of origin, verifying
13 that the animal meets the Washington state animal health requirements.
14 This subsection does not apply to:

15 (a) ~~((Livestock, which are governed by))~~ Those animals that qualify
16 for an exemption in RCW 16.36.140; or

17 (b) Other animals exempted by the director by rule.

18 (2) For animals imported into Washington state it is unlawful for
19 a person to transport or deliver an animal to any physical address
20 other than the physical address of the destination designated by a
21 certificate of veterinary inspection, import health papers, permits, or
22 other transportation documents required by law or rule. The director
23 may exempt animals from this requirement by rule.

24 (3) It is unlawful for a person to intentionally falsely make,
25 complete, alter, use, or sign a certificate of veterinary inspection or
26 official animal health document of the department.

27 ~~((+3))~~ (4) It is unlawful for a person to intentionally falsely
28 apply, alter, or remove an official animal health or official animal
29 identification tag, permanent mark, or other device.

30 ~~((+4))~~ (5) It is unlawful for a person to willfully hinder,
31 obstruct, or resist the director, or any peace officer or deputized
32 state veterinarian acting under him or her, when engaged in the
33 performance of their duties.

34 ~~((+5))~~ (6) It is unlawful for a person to willfully fail to comply
35 with or to violate any rule or order adopted by the director under this
36 chapter.

1 **Sec. 3.** RCW 16.36.060 and 2010 c 66 s 4 are each amended to read
2 as follows:

3 (1) The director has the authority to enter a property at any
4 reasonable time to:

5 (a) Conduct tests, examinations, or inspections to take samples,
6 and to examine and copy records when there is reasonable cause to
7 investigate whether animals on the property or that have been on the
8 property are infected with or have been exposed to disease; and

9 (b) Determine, when there is reasonable cause to investigate,
10 whether ((livestock)) animals on the property have been imported into
11 Washington state in violation of requirements of this chapter, and to
12 conduct tests, examinations, and inspections, take samples, and examine
13 and copy records during such investigations.

14 (2) It is unlawful for any person to interfere with investigations,
15 tests, inspections, or examinations, or to alter any segregation or
16 identification systems made in connection with tests, inspections, or
17 examinations conducted pursuant to subsection (1) of this section.

18 (3) If the director is denied access to a property or animals for
19 purposes of this chapter, or a person fails to comply with an order of
20 the director, the director may apply to a court of competent
21 jurisdiction for a search warrant. To show that access is denied, the
22 director shall file with the court an affidavit or declaration
23 containing a description of all attempts to notify and locate the owner
24 or owner's agent and secure consent. The court may issue a search
25 warrant authorizing access to any animal or property at reasonable
26 times to conduct investigations, tests, inspections, or examinations of
27 any animal or property, or to take samples, and examine and copy
28 records, and may authorize seizure or destruction of property.

29 **Sec. 4.** RCW 16.36.113 and 2007 c 71 s 4 are each amended to read
30 as follows:

31 (1) Any person in violation of this chapter or its rules may be
32 subject to a civil penalty in an amount of not more than one thousand
33 dollars for each violation. Each violation is a separate and distinct
34 offense. Every person who, through an act of commission or omission,
35 procures, aids, or abets in the violation is in violation of this
36 chapter or its rules and may be subject to the civil penalty provided

1 in this section. Moneys collected under this section must be deposited
2 in the state general fund.

3 (2) The department may charge a time and mileage fee for the cost
4 of an investigation including inspecting animals and related records
5 during an investigation of a proven violation of this chapter. The fee
6 may be up to eighty-five dollars per hour and the current mileage rate
7 set by the office of financial management. The director may increase
8 the hourly fee by rule as necessary to cover costs of investigations.
9 All fees collected pursuant to this subsection shall be deposited in an
10 account in the agricultural local fund and used to carry out the
11 purposes of this chapter.

12 **Sec. 5.** RCW 16.36.140 and 2010 c 66 s 3 are each amended to read
13 as follows:

14 (1) It is unlawful for a person to bring ~~((livestock))~~ an animal
15 into Washington state without first securing a certificate of
16 veterinary inspection, reviewed by the state veterinarian of the state
17 of origin, verifying that the ~~((livestock))~~ animal meets Washington
18 state animal health requirements. This subsection does not apply to
19 ~~((livestock))~~ animals that:

20 (a) Have been exempted by the director by rule; or

21 (b) Will be delivered within twelve hours after entry into
22 Washington state to:

23 (i) An approved, inspected feed lot for slaughter;

24 (ii) A federally inspected slaughter plant; or

25 (iii) A licensed public livestock market for sale and subsequent
26 delivery within twelve hours to:

27 (A) An approved, inspected feed lot for slaughter; or

28 (B) A federally inspected slaughter plant.

29 (2) The director may monitor ~~((livestock))~~ animals entering
30 Washington state. Persons importing, transporting, receiving, feeding,
31 or housing imported ~~((livestock))~~ animals shall:

32 (a) Comply with the requirement and any exemptions specified in
33 subsection (1) of this section; and

34 (b) Make the ~~((livestock))~~ animal and related records available for
35 inspection by the director.

36 ~~(3) ((The department may charge a time and mileage fee for~~
37 ~~inspecting livestock and related records during an investigation of a~~

1 ~~proven violation of this section. The fee is eighty five dollars per~~
2 ~~hour and the current mileage rate set by the office of financial~~
3 ~~management. The director may increase the hourly fee by rule as~~
4 ~~necessary to cover costs of investigations. All fees collected~~
5 ~~pursuant to this subsection shall be deposited in an account in the~~
6 ~~agricultural local fund and used to carry out the purposes of this~~
7 ~~chapter.~~

8 (4)) The director may adopt and enforce rules necessary to carry
9 out the purpose and provisions of this section.

10 **Sec. 6.** RCW 16.57.160 and 2010 c 66 s 6 are each amended to read
11 as follows:

12 (1) The director may adopt rules:

13 (a) Designating any point for mandatory inspection of cattle or
14 horses or the furnishing of proof that cattle or horses passing or
15 being transported through the point have been inspected or identified
16 and are lawfully being transported;

17 (b) Providing for issuance of individual horse and cattle
18 identification certificates or other means of horse and cattle
19 identification; (~~and~~)

20 (c) Designating the documents that constitute other satisfactory
21 proof of ownership for cattle and horses. A bill of sale may not be
22 designated as documenting satisfactory proof of ownership for cattle;
23 and

24 (d) Designating when inspection certificates, certificates of
25 permit, or other transportation documents required by law or rule must
26 designate a physical address of a destination. Cattle and horses must
27 be delivered or transported directly to the physical address of that
28 destination.

29 (2) A self-inspection certificate may be accepted as satisfactory
30 proof of ownership for cattle if the director determines that the self-
31 inspection certificate, together with other available documentation,
32 sufficiently establishes ownership. Self-inspection certificates
33 completed after June 10, 2010, are not satisfactory proof of ownership
34 for cattle.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 16.57 RCW
36 to read as follows:

1 It is unlawful for a person to transport or deliver cattle or
2 horses to any destination other than the physical address of the
3 destination designated on an inspection certificate, certificate of
4 permit, or other transportation document when required by law or rule.
5 The director may exempt cattle and horses from this requirement by
6 rule.

7 **Sec. 8.** RCW 16.57.360 and 2003 c 326 s 42 are each amended to read
8 as follows:

9 (1)(a) The department is authorized to issue notices of and enforce
10 civil infractions in the manner prescribed under chapter 7.80 RCW.

11 (b) The violation of any provision of this chapter and/or rules
12 adopted under this chapter shall constitute a class I civil infraction
13 as provided under chapter 7.80 RCW unless otherwise specified herein.

14 (2) The department may charge a time and mileage fee for the cost
15 of an investigation including inspecting animals and related records
16 during an investigation of a proven violation of this chapter. The fee
17 may be up to eighty-five dollars per hour and the current mileage rate
18 set by the office of financial management. The director may increase
19 the hourly fee by rule as necessary to cover costs of investigations.
20 All fees collected pursuant to this subsection shall be deposited in an
21 account in the agricultural local fund and used to carry out the
22 purposes of this chapter.

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