

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6318

Chapter 236, Laws of 2018

65th Legislature
2018 Regular Session

FOOD SAFETY AND SECURITY--REORGANIZATION

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 8, 2018
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 2, 2018
Yeas 96 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2018 4:35 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6318** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6318

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Takko, Warnick, and Van De Wege; by request of Department of Agriculture)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to clarifying existing law by creating a new
2 intrastate food safety and security chapter from existing intrastate
3 food safety laws and moving certain provisions in the intrastate
4 commerce food, drugs, and cosmetics act to the titles of the agencies
5 that administer the provisions; amending RCW 69.04.040, 69.04.710,
6 69.04.810, 69.04.820, 69.04.850, 69.04.928, 69.04.932, 69.04.935,
7 69.04.938, 15.28.015, 15.36.012, 15.36.401, 15.36.541, 15.44.015,
8 15.65.033, 15.66.017, 15.88.025, 15.89.025, 16.49.095, 16.67.035,
9 69.07.060, 69.07.110, 69.07.120, 69.07.160, 69.10.005, 69.10.010,
10 69.10.030, 69.10.045, and 69.10.050; reenacting and amending RCW
11 9.94A.515; adding a new chapter to Title 15 RCW; adding a new chapter
12 to Title 77 RCW; recodifying RCW 69.04.928, 69.04.932, 69.04.933,
13 69.04.934, 69.04.935, and 69.04.938; repealing RCW 69.04.021,
14 69.04.022, 69.04.023, 69.04.024, 69.04.025, 69.04.123, 69.04.190,
15 69.04.200, 69.04.205, 69.04.206, 69.04.207, 69.04.210, 69.04.220,
16 69.04.231, 69.04.240, 69.04.245, 69.04.250, 69.04.260, 69.04.270,
17 69.04.280, 69.04.290, 69.04.300, 69.04.310, 69.04.320, 69.04.330,
18 69.04.331, 69.04.333, 69.04.334, 69.04.335, 69.04.340, 69.04.345,
19 69.04.350, 69.04.360, 69.04.380, 69.04.390, 69.04.392, 69.04.394,
20 69.04.396, 69.04.398, 69.04.400, 69.04.870, 69.04.900, 69.04.905,
21 69.04.910, 69.04.915, 69.04.920, 69.04.930, 69.04.940, 69.04.950,
22 69.04.955, 69.04.960, 69.04.965, 69.04.970, 69.04.975, and 69.04.980;
23 and prescribing penalties.

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

2 NEW SECTION. **Sec. 1.** INTENT. The purpose of this chapter is to
3 protect the public from adulteration, misbranding, and false
4 advertisement of food in intrastate commerce. The intent is to
5 promote uniformity with federal law, governmental transparency, and
6 regulatory fairness.

7 **PART I**
8 **GENERAL PROVISIONS**

9 NEW SECTION. **Sec. 101.** FEDERAL LAW REFERENCE. (1) All
10 references to a federal statute in this chapter mean the statute and
11 its implementing regulations existing on the effective date of this
12 section or the date of such subsequent version as the department may
13 adopt by rule.

14 (2) Where the referenced federal statute refers to the
15 "secretary," the meaning for the purpose of this chapter is
16 "secretary" or "director."

17 (3) A reference to a federal statute excludes any matters in the
18 federal statute that are inapplicable to state jurisdiction.

19 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
20 section apply throughout this chapter unless the context clearly
21 requires otherwise.

22 (1) "Advertisement" means all representations, other than by
23 labeling, that directly or indirectly induce, or are likely to
24 induce, the purchase of food.

25 (2) "Carrier" means a person who undertakes the professional
26 conveyance of food.

27 (3) "Color additive" means the same as "color additive" in 21
28 U.S.C. Sec. 321.

29 (4) "Direct seller" means an entity that: (a) Receives
30 prepackaged food from a food processor licensed or inspected, or
31 both, by a state or federal regulatory agency or the department; (b)
32 delivers the food directly to consumers who placed and paid for an
33 order on the entity's web site; (c) delivers food without opening the
34 packaging and without dividing it into smaller packages; (d) provides
35 no interim storage; and (e) delivers the food by means of vehicles

1 equipped with either refrigeration or freezer units, or both. A
2 direct seller is not a "carrier" under this chapter.

3 (5) "Food" means the same as "food" in 21 U.S.C. Sec. 321 and
4 includes any article used for food or drink by humans or other
5 animals.

6 (6) "Food additive" means the same as "food additive" in 21
7 U.S.C. Sec. 321.

8 (7) "Food facility" means any part of an operation, factory,
9 establishment, or vehicle engaged in the sale, processing, storage,
10 transport, or holding of food in intrastate commerce. A food facility
11 includes, but is not limited to, grounds, premises, buildings, room,
12 area, facilities, vehicles, appurtenances, and equipment.

13 (8) "Fish" means fresh or saltwater finfish and other forms of
14 aquatic animal life intended for human consumption other than
15 mollusks, birds, and mammals.

16 (9) "Intrastate commerce" means all commerce, including but not
17 limited to the operation of any business or service establishment;
18 and the manufacturing or processing of articles intended for sale,
19 held for sale, sold, stored, transported, handled, or distributed in
20 Washington state.

21 (10) "Label," "labeling" means the same as "label" and "labeling"
22 in 21 U.S.C. Sec. 321.

23 (11) "Perishable packaged food" means all food intended for human
24 consumption that is canned, bottled, or packaged at a time other than
25 at the point of retail sale, has a risk of spoilage within thirty
26 days, and is determined by the department in rule to be perishable.
27 The term does not include raw agricultural commodities, alcoholic
28 beverages, frozen foods, fresh meat, fresh poultry, fresh fish, and
29 fresh shellfish.

30 (12) "Pesticide chemical" means any substance defined as a
31 pesticide in chapter 15.58 RCW or recognized as a pesticide chemical
32 under 21 U.S.C. Sec. 346.

33 (13) "Process," "processing" means manufacturing, processing,
34 packing, canning, bottling, or any other production, preparation, or
35 putting up.

36 (14) "Pull date" means the latest date a perishable packaged food
37 may be offered for sale to the public.

38 (15) "Raw agricultural commodity" means the same as "raw
39 agricultural commodity" in 21 U.S.C. Sec. 321.

1 (16) "Sale," "sell," "selling" means all parts of transactions
2 concerning food including, but not limited to, advertising, offering,
3 acceptance, dispensing, giving, delivering, serving, bartering,
4 trading, or other supplying, holding for sale, and preparing for
5 sale.

6 (17) "Shelf life" means the length of time a perishable packaged
7 food retains its safe consumption quality if stored under proper
8 temperature conditions.

9 (18) "Shellfish" means all crustaceans and mollusks intended for
10 human consumption.

11 (19) "Storage" and "store" means holding, storing, or any other
12 possessing.

13 NEW SECTION. **Sec. 103.** DEPARTMENT'S GENERAL POWERS. (1) The
14 department must do all acts and things necessary to carry out and
15 enforce the provisions of this chapter.

16 (2) The department must adopt rules as necessary to implement the
17 purpose and provisions of this chapter.

18 (a) To the extent feasible, the rules must promote uniformity
19 with the federal food, drug, and cosmetic act, as amended, 21 U.S.C.
20 Sec. 301 et seq., and regulations adopted under it.

21 (b) To promote such uniformity, the department may conduct
22 expedited rule making under chapter 34.05 RCW to adopt a subsequent
23 version of a federal statute or regulation referenced in this chapter
24 and adopt amendments to federal regulations that the department has
25 previously adopted as rule.

26 (3) In accordance with subsection (2) of this section, the
27 department may establish by rule:

28 (a) Standards for food including, but not limited to, identity,
29 quality, and fill;

30 (b) Tolerance standards for any substance, including pesticides,
31 color additives, and food additives used in or on food, but
32 potentially harmful to humans or animals; and

33 (c) Uniform standards for pull date labeling and storage
34 conditions for perishable packaged foods.

35 (4) The department must investigate violations or possible
36 violations of this chapter or the rules adopted under it.

37 (5) The department may cooperate with and enter into agreements
38 with other state, federal, or local governmental agencies in carrying
39 out the purpose and provisions of this chapter.

1 (6) The department may notify the public about food safety issues
2 and enforcement actions under this chapter.

3 (7) Rules that the department adopted under the authority of
4 chapter 69.04 RCW remain effective until June 30, 2022, or until the
5 department repeals or amends the rules, whichever is first.

6 NEW SECTION. **Sec. 104.** ADMINISTRATIVE PROCEDURE ACT. Chapter
7 34.05 RCW governs the administration of this chapter including but
8 not limited to rule making, assessment of civil penalties, orders,
9 emergency actions, and license suspension, revocation, or denial.

10 NEW SECTION. **Sec. 105.** EXEMPTION UNDER THIS CHAPTER. (1) Food
11 in transit from one processing facility to another processing
12 facility to complete its preparation for sale is exempt from the
13 labeling requirements of this chapter, but is otherwise subject to
14 all applicable provisions of this chapter.

15 (2) This chapter is not applicable to kosher food to the extent
16 necessary to produce kosher food products as defined in RCW
17 69.90.010.

18 **PART II**
19 **GENERAL QUALITY STANDARDS AND REQUIREMENTS**

20 NEW SECTION. **Sec. 201.** ADULTERATED FOOD PROHIBITED. (1) A
21 person may not:

22 (a) Cause or intend to cause adulteration of food in intrastate
23 commerce;

24 (b) Sell, process, or store adulterated food in intrastate
25 commerce; or

26 (c) Receive for the purpose of sale in intrastate commerce food
27 known to be adulterated.

28 (2) Food is adulterated if it is adulterated within the meaning
29 of 21 U.S.C. Sec. 342, or is adulterated in accordance with
30 department rules.

31 NEW SECTION. **Sec. 202.** MISBRANDED FOOD PROHIBITED. (1) A person
32 may not:

33 (a) Cause or intend to cause misbranded food in intrastate
34 commerce;

1 (b) Sell, process, or store misbranded food in intrastate
2 commerce; or

3 (c) Receive for the purpose of sale in intrastate commerce food
4 known to be misbranded.

5 (2) Food is misbranded if it is misbranded within the meaning of
6 21 U.S.C. Sec. 321(n) or 21 U.S.C. Sec. 343, falsely represents its
7 place or origin, or is not labeled and packaged in accordance with
8 department rules.

9 NEW SECTION. **Sec. 203.** FALSE ADVERTISEMENT PROHIBITED. (1) A
10 person may not disseminate false advertising with respect to food
11 within the state, in any manner or by any means or through any
12 medium.

13 (2) An advertisement of a food is false if it is false or
14 misleading in any particular or if it is false or misleading within
15 the meaning of 21 U.S.C. Sec. 321(n).

16 NEW SECTION. **Sec. 204.** ALTERATION PROHIBITED. A person may not
17 change, mutilate, destroy, obliterate, or remove any part of food
18 labeling, or do any other act that results in a food being
19 adulterated or misbranded after shipment in intrastate commerce and
20 while the food is held for sale.

21 NEW SECTION. **Sec. 205.** FALSE WARRANTY OR GUARANTEE PROHIBITED.
22 A person may not knowingly or intentionally give a false guarantee or
23 falsely warrant that food complies with this chapter.

24 **PART III**
25 **SPECIAL QUALITY OR LABELING REQUIREMENTS**

26 NEW SECTION. **Sec. 301.** PERISHABLE PACKAGED FOOD—PULL DATES. (1)
27 All perishable packaged foods in intrastate commerce with a projected
28 shelf life of thirty days or less must state a pull date on the
29 package.

30 (2) The pull date must be stated by month and day and be in a
31 style and format that is readily decipherable by consumers.

32 (3) A person may not offer perishable packaged food for sale
33 after the pull date, except that if clearly identified as past the
34 pull date, packaged perishable food with an expired pull date may be
35 sold if still wholesome and without danger to health.

1 (4) A person may not rewrap or repackage perishable packaged food
2 with the intention of providing a pull date different from the
3 original.

4 (5) The department may exclude the monthly requirement from the
5 pull date for perishable packaged food with a shelf life of seven
6 days or less.

7 (6) The department must consult with the secretary of the
8 department of health when appropriate in adopting rules to establish
9 uniform standards for pull date labeling and optimum storage
10 conditions for perishable packaged food.

11 NEW SECTION. **Sec. 302.** POPCORN SOLD IN THEATERS OR COMMERCIAL
12 FOOD ESTABLISHMENTS. (1) Theaters and other commercial food
13 establishments that prepare and sell popcorn for human consumption
14 must post a sign in a conspicuous location identifying whether butter
15 or butter-like flavoring added to or attributed to the popcorn
16 offered for sale is butter or some other product. If another product,
17 the sign must also disclose the ingredients of the product.

18 (2) Popcorn sold or offered for sale in violation of this section
19 and rules adopted by the department prescribing the size and content
20 of the sign is misbranded for the purposes of this chapter.

21 (3) This provision does not apply to prepackaged popcorn labeled
22 in compliance with applicable law.

23 (4) "Butter," as used in this section, means the food product
24 usually known as butter and made exclusively from milk or cream, or
25 both with or without common salt, and with or without additional
26 coloring matter, and containing not less than eighty percent by
27 weight of milkfat, all tolerance having been allowed for.

28 **PART IV**
29 **LICENSES**

30 NEW SECTION. **Sec. 401.** GENERAL LICENSE ADMINISTRATION. (1)
31 Unless otherwise provided, the provisions in this section apply to a
32 license or certificate issued under this chapter.

33 (2) Applicants for a new or renewal license issued by the
34 department must submit applications on forms prescribed by the
35 department.

36 (3) The license fee must accompany any application submittal.

1 (4) The department must adopt rules for an annual license and
2 renewal fee to defray the costs of administering a licensing program,
3 including inspections.

4 (5) The department must issue a license to the applicant if the
5 application is complete and the applicant's food facility complies
6 with this chapter, including the rules adopted under it.

7 NEW SECTION. **Sec. 402.** DIRECT SELLER LICENSE. (1) A person may
8 not operate as a direct seller without a license issued by the
9 department.

10 (2) A licensed direct seller must transport food under conditions
11 that protect food against physical, chemical, and microbial
12 contamination, as well as against deterioration of the food and its
13 container. This includes, but is not limited to, the separation of
14 raw materials in a manner to avoid cross-contamination of other food
15 and ensure that raw materials that inherently contain pathogenic and
16 spoilage microorganisms, soil, or other foreign material, do not come
17 into direct contact with other food.

18 (3) In the event of a food recall or when required by the
19 department or a federal, state, or local health authority in response
20 to a foodborne illness outbreak, a licensed direct seller must use
21 its client listserv to notify its customers of the recall and other
22 relevant information.

23 (4) A direct seller license must comply with the definition of a
24 direct seller in this chapter and:

25 (a) Provide the department with a list of all leased, rented, or
26 owned vehicles, other than vehicles that are rented for fewer than
27 forty-five days, used by the applicant's business to deliver food;

28 (b) Maintain all records of vehicles rented for fewer than forty-
29 five days for at least twelve months following the termination of the
30 rental period; and

31 (c) Maintain food temperature logs or use a device to monitor the
32 temperature of the packages in real time for all food while in
33 transport.

34 (5) The department shall pay all moneys received under this
35 section into the food processing inspection account created in RCW
36 69.07.120. The department must use such funds solely to carry out the
37 provisions of this section.

38 (6) In the implementation of this section, the department must:

1 (a) Conduct inspections of vehicles, food handling areas,
2 refrigeration equipment, and product packaging used by a licensed
3 direct seller;

4 (b) Conduct audits of temperature logs and other food handling
5 records as appropriate;

6 (c) Investigate complaints against a licensed direct seller for
7 the failure to maintain food safety; and

8 (d) Adopt rules, in consultation with the department of health
9 and local health jurisdictions, necessary to administer and enforce
10 the program consistent with federal regulations.

11 (7) Direct sellers that have a license from the department under
12 this section are exempt from the permitting requirements of food
13 service rules adopted by the state board of health and local health
14 jurisdictions.

15 NEW SECTION. **Sec. 403.** INSPECTIONS. (1) Any person authorized
16 by the department to operate a food facility must provide the
17 department access for inspection to any part, portion, or area of the
18 food facility or its records subject to the authorization.

19 (2) When possible, the department must make any such inspection
20 during regular business hours or during a working shift of the food
21 facility, except that the department may inspect such food facility
22 at any time upon information of conditions that constitute immediate
23 danger to public health.

24 NEW SECTION. **Sec. 404.** LICENSE DENIAL, SUSPENSION, OR
25 REVOCATION—PENALTIES. (1) The department may deny, suspend, or revoke
26 a license issued by the department upon determining that an applicant
27 or licensee has:

28 (a) Refused, neglected, or failed to comply with the provisions
29 of this chapter or the rules adopted under it, or a lawful order of
30 the department;

31 (b) Refused, neglected, or failed to keep and maintain required
32 records or to make such records available when requested; and

33 (c) Refused the department access to a portion or area of the
34 food facility for the purpose of carrying out the purposes of this
35 chapter.

36 (2) In addition to or instead of suspending or revoking a
37 license, the department may impose and collect a civil monetary

1 penalty as provided in section 506 of this act for a licensee's
2 violations of this chapter or the rules adopted under it.

3 **PART V**

4 **INVESTIGATION, ENFORCEMENT, AND EMERGENCY AUTHORITY**

5 NEW SECTION. **Sec. 501.** INVESTIGATION. (1) At reasonable times,
6 the department may enter any food facility to inspect such food
7 facility and all pertinent equipment, finished and unfinished
8 materials, containers, labeling, and advertisements and take samples
9 for compliance with this chapter and the rules adopted under it.

10 (2) The department may take product or ingredient samples of food
11 at food facilities or in intrastate commerce upon payment of the
12 market price, if requested. The department must allow the owner of
13 the food or any person named on the label of the food to conduct
14 independent sampling.

15 (3) To enforce this chapter, the department may inspect the
16 pertinent records of any state agency.

17 (4) When the department presents a written request specifying the
18 food under investigation, carriers engaged in intrastate commerce and
19 persons receiving or holding food in intrastate commerce must permit
20 the department reasonable access to and allow the department to copy
21 all records showing the movement or holding in intrastate commerce of
22 food, its quantity, shipper, and consignee. Evidence obtained under
23 this section may not be used in a criminal prosecution of the person
24 who provides access to records under this section.

25 (5) An owner or other person in control of a food facility or
26 food in intrastate commerce may not refuse to allow the department's
27 investigation under this chapter, if the department has probable
28 cause to conduct the investigation.

29 NEW SECTION. **Sec. 502.** INJUNCTION. (1) Regardless of the
30 existence of other remedies at law, the department may bring an
31 action to enjoin the violation of this chapter or the rules adopted
32 under it in the superior court of Thurston county or in a court of
33 competent jurisdiction.

34 (2) When the injunction concerns dissemination of false
35 advertisement and the court determines that the injunction would
36 delay the regular distribution of a printed issue of a newspaper,

1 magazine, periodical, or other print publication, the court must
2 exclude the issue from the scope of the injunction.

3 NEW SECTION. **Sec. 503.** EMBARGO. (1) If the department has
4 probable cause to believe that a food that violates a provision of
5 this chapter and stopping its movement in intrastate commerce is
6 necessary to protect public health, the department may initiate an
7 embargo prohibiting transportation, distribution, or sale of the
8 food.

9 (2) The department must provide an opportunity for an emergency
10 adjudicative proceeding under chapter 34.05 RCW within twenty days of
11 initiating the embargo action and provide notice to other
12 governmental authorities having jurisdiction.

13 (3) The department must initiate the embargo action by (a)
14 posting or affixing an embargo order on or at the location of the
15 food or (b) delivering an embargo order to the party in control of
16 the food. The order must specify the food under embargo, set forth
17 the department's intent for disposition of the food, give notice of
18 emergency hearing rights, and otherwise comply with the requirements
19 for an emergency adjudicative proceeding under chapter 34.05 RCW.
20 Disposition of the food may include, but is not limited to,
21 destruction or correction or cure of the violation.

22 (4) A person may not transport, distribute, or sell food subject
23 to an embargo order without the department's written approval.

24 (5) A person may not remove, mutilate, or destroy an embargo
25 order without the department's written approval.

26 (6) The department must immediately withdraw or remove an embargo
27 order upon discovery that the food does not violate any provision of
28 this chapter.

29 (7) A court shall not allow recovery of damages in an embargo
30 action if the court finds that there was probable cause for such
31 action.

32 NEW SECTION. **Sec. 504.** CONDEMNATION. Consistent with
33 constitutional requirements, the department may take condemnation
34 action against food, which may include ordering destruction of the
35 food, if the department has probable cause to believe that immediate
36 containment or destruction of the food is necessary to protect public
37 health. A court shall not allow recovery of damages in a condemnation

1 action if the court finds that there was probable cause for such
2 action.

3 NEW SECTION. **Sec. 505.** TEMPORARY EMERGENCY RULES. (1) If a
4 class of food manufactured, processed, or packed in a locality is
5 possibly contaminated with microorganisms injurious to health and the
6 extent of injury cannot be determined once the food has entered into
7 intrastate commerce, the department may adopt emergency rules for the
8 manufacture, processing, or packing of that class of food in that
9 locality. The rules must include the conditions necessary to protect
10 public health and provide for the department to issue temporary
11 permits during the emergency period.

12 (2) A person may not manufacture, process, or pack the class of
13 food subject to the emergency unless holding a temporary permit under
14 the emergency rules and complying with the conditions of the permit.

15 (3) To the extent practicable, such emergency rules must conform
16 to federal emergency regulations, if any, addressing the same
17 subject.

18 (4) A person may not introduce or deliver in intrastate commerce
19 food that violates the requirements of this provision.

20 (5) A person may not falsely represent that food subject to
21 temporary emergency rule complies with those rules through the use of
22 a mark stamp, tag, label, or other counterfeit or false
23 identification device.

24 (6) The department may immediately suspend a temporary emergency
25 permit when its holder violates the conditions of the permit.

26 NEW SECTION. **Sec. 506.** CIVIL MONETARY PENALTY. (1) The
27 department may impose upon and collect a civil penalty from a person
28 violating this chapter or the rules adopted under it.

29 (2) The civil penalty must not exceed one thousand dollars per
30 violation per day, except the civil penalty for a violation of pull
31 date requirements in section 301 of this act must not exceed five
32 hundred dollars.

33 (3) Each violation of this section is a separate and distinct
34 offense.

35 NEW SECTION. **Sec. 507.** CRIMINAL PENALTIES. (1) A person who
36 knowingly violates sections 201 through 205, 501, 503, or 505 of this

1 act is guilty of a misdemeanor subject to a penalty of not more than
2 two hundred dollars.

3 (2) A person who knowingly violates sections 201 through 205,
4 501, 503, or 505 of this act following a first offense under
5 subsection (1) of this section is guilty of a misdemeanor subject to
6 a penalty of imprisonment for not more than thirty days or a fine of
7 not more than five hundred dollars, or both.

8 (3) A person who knowingly violates sections 201 through 205,
9 501, 503, or 505 of this act with intent to defraud or mislead is
10 guilty of a misdemeanor subject to a penalty of imprisonment for not
11 more than ninety days or a fine of not more than one thousand
12 dollars, or both.

13 (4) Before reporting a violation for criminal prosecution, the
14 department must provide the affected person with notice and
15 opportunity to present oral or written comment to the department.

16 NEW SECTION. **Sec. 508.** AVOIDANCE OF PENALTY. (1) A person who
17 receives, holds, or sells adulterated or misbranded food is not
18 subject to civil monetary or criminal penalties under this chapter if
19 the person:

20 (a) Establishes that receipt or sale of the food was in good
21 faith;

22 (b) Furnishes the identity of the entity from whom the food was
23 received; and

24 (c) Provides copies of all documents pertaining to the receipt
25 and distribution of the food.

26 (2) If food is found to be adulterated or misbranded, a person
27 who has given guarantee or warranty that the food complies with this
28 chapter is not subject to civil monetary or criminal penalties under
29 this chapter if the person:

30 (a) Establishes that the guarantee or warranty was in good faith
31 and in reliance on the guarantee or warranty by another entity;

32 (b) Furnishes the identity of the entity providing the guarantee
33 or warranty under (a) of this subsection; and

34 (c) Provides copies of all documents pertaining to the receipt
35 and distribution of the food.

36 (3) No publisher, broadcaster, or other disseminator of
37 advertisement prepared by others is subject to civil or criminal
38 penalties if the person establishes that receipt of the advertisement

1 was in good faith and the person furnishes the identity of the entity
2 that caused or created a false advertisement.

3 NEW SECTION. **Sec. 509.** PROCEEDINGS. (1) The department may
4 refer a violation of this chapter or the rules adopted under it to a
5 state, county, or city attorney, who may initiate proceedings as
6 appropriate and prosecute the matter as prescribed by law.

7 (2) This chapter does not require the department to refer minor
8 violations of this chapter for legal proceedings if public interest
9 is adequately served in the circumstances by written notice or
10 warning.

11 **PART VI**

12 **AMENDMENTS TO CHAPTER 69.04 RCW**

13 **Sec. 601.** RCW 69.04.040 and 1945 c 257 s 22 are each amended to
14 read as follows:

15 The following acts and the causing thereof are hereby prohibited:

16 (1) The sale in intrastate commerce of any (~~food~~) drug,
17 device, or cosmetic that is adulterated or misbranded.

18 (2) The adulteration or misbranding of any (~~food~~) drug,
19 device, or cosmetic in intrastate commerce.

20 (3) The receipt in intrastate commerce of any (~~food~~) drug,
21 device, or cosmetic that is adulterated or misbranded, and the sale
22 thereof in such commerce for pay or otherwise.

23 (4) The introduction or delivery for introduction into intrastate
24 commerce of (~~(a) any food in violation of RCW 69.04.350; or (b)~~)
25 any new drug in violation of RCW 69.04.570.

26 (5) The dissemination within this state, in any manner or by any
27 means or through any medium, of any false advertisement.

28 (6) The refusal to permit (a) entry and the taking of a sample or
29 specimen or the making of any investigation or examination as
30 authorized by RCW 69.04.780; or (b) access to or copying of any
31 record as authorized by RCW 69.04.810.

32 (7) The refusal to permit entry or inspection as authorized by
33 RCW 69.04.820.

34 (8) The removal, mutilation, or violation of an embargo notice as
35 authorized by RCW 69.04.110.

36 (9) The giving of a guaranty or undertaking in intrastate
37 commerce, referred to in RCW 69.04.080, that is false.

1 (10) ~~((The forging, counterfeiting, simulating, or falsely~~
2 ~~representing, or without proper authority, using any mark, stamp,~~
3 ~~tag, label, or other identification device authorized or required by~~
4 ~~regulations promulgated under RCW 69.04.350.~~

5 ~~(11))~~) The alteration, mutilation, destruction, obliteration, or
6 removal of the whole or any part of the labeling of a ~~((food,))~~ drug,
7 device, or cosmetic, or the doing of any other act with respect to a
8 ~~((food,))~~ drug, device, or cosmetic, or the labeling or advertisement
9 thereof, which results in a violation of this chapter.

10 ~~((12))~~) (11) The using in intrastate commerce, in the labeling
11 or advertisement of any drug, of any representation or suggestion
12 that an application with respect to such drug is effective under
13 section 505 of the federal act or under RCW 69.04.570, or that such
14 drug complies with the provisions of either such section.

15 **Sec. 602.** RCW 69.04.710 and 1945 c 257 s 89 are each amended to
16 read as follows:

17 An advertisement of a ~~((food,))~~ drug, device, or cosmetic shall
18 be deemed to be false, if it is false or misleading in any
19 particular.

20 **Sec. 603.** RCW 69.04.810 and 1990 c 202 s 9 are each amended to
21 read as follows:

22 For the purpose of enforcing the provisions of this chapter,
23 carriers engaged in intrastate commerce, and persons receiving
24 ~~((food,))~~ drugs, devices, or cosmetics in intrastate commerce or
25 holding such articles so received, shall, upon the request of the
26 director, permit the director at reasonable times, to have access to
27 and to copy all records showing the movement in intrastate commerce
28 of any ~~((food,))~~ drug, device, or cosmetic, or the holding thereof
29 during or after such movement, and the quantity, shipper, and
30 consignee thereof; and it shall be unlawful for any such carrier or
31 person to fail to permit such access to and the copying of any such
32 records so requested when such request is accompanied by a statement
33 in writing specifying the nature or kind of ~~((food,))~~ drug, device,
34 or cosmetic to which such request relates: PROVIDED, That evidence
35 obtained under this section shall not be used in a criminal
36 prosecution of the person from whom obtained: PROVIDED FURTHER, That
37 ~~((except for violations of RCW 69.04.955, penalties levied under RCW~~
38 ~~69.04.980, the requirements of RCW 69.04.950 through 69.04.980, and~~

1 ~~the requirements of this section,~~) carriers shall not be subject to
2 the other provisions of this chapter by reason of their receipt,
3 carriage, holding, or delivery of (~~food,~~) drugs, devices, or
4 cosmetics in the usual course of business as carriers.

5 **Sec. 604.** RCW 69.04.820 and 1945 c 257 s 100 are each amended to
6 read as follows:

7 For the purpose of enforcing the provisions of this chapter, the
8 director is authorized (1) to enter, at reasonable times, any
9 factory, warehouse, or establishment subject to this chapter, or to
10 enter any vehicle being used to transport or hold (~~food,~~) drugs,
11 devices, or cosmetics in intrastate commerce; and (2) to inspect, at
12 reasonable times, such factory, warehouse, establishment, or vehicle
13 and all pertinent equipment, finished and unfinished materials,
14 containers, labeling, and advertisements therein.

15 **Sec. 605.** RCW 69.04.850 and 1945 c 257 s 104 are each amended to
16 read as follows:

17 This chapter and the (~~regulations promulgated~~) rules adopted
18 hereunder shall be so interpreted and construed as to effectuate its
19 general purpose to secure uniformity with federal acts and
20 regulations relating to adulterating, misbranding and false
21 advertising of (~~food,~~) drugs, devices, and cosmetics.

22 **Sec. 606.** RCW 69.04.928 and 2013 c 290 s 2 are each amended to
23 read as follows:

24 The department of (~~agriculture~~) may:

25 (1) Develop a pamphlet that generally describes the labeling
26 requirements for seafood as set forth in this chapter; and

27 (2) (~~Provide to the department of fish and wildlife a web site~~
28 ~~link to the pamphlet; and~~

29 (~~3~~)) Make the pamphlet available to holders of any license
30 associated with buying and selling fish or shellfish under chapter
31 77.65 RCW.

32 **Sec. 607.** RCW 69.04.932 and 2013 c 290 s 3 are each amended to
33 read as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

1 (1) "Commercially caught" means wild or hatchery-raised salmon
2 harvested in the wild by commercial fishers. The term does not apply
3 to farmed fish raised exclusively by private sector aquaculture.

4 (2) "~~(Food)~~ Fish" means fresh or saltwater finfish and other
5 forms of aquatic animal life other than crustaceans, mollusks, birds,
6 and mammals where the animal life is intended for human consumption.

7 (3) "Salmon" means all species of the genus *Oncorhynchus*, except
8 those classified as game fish in RCW 77.08.020, and includes:

9	SCIENTIFIC NAME	COMMON NAME
10	<i>Oncorhynchus tshawytscha</i>	Chinook salmon or king salmon
11	<i>Oncorhynchus kisutch</i>	Coho salmon or silver salmon
12	<i>Oncorhynchus keta</i>	Chum or "keta" salmon
13	<i>Oncorhynchus gorbuscha</i>	Pink salmon
14	<i>Oncorhynchus nerka</i>	Sockeye or "red" salmon
15	<i>Salmo salar</i> (in other than	Atlantic salmon
16	its landlocked form)	

17 (4) "Shellfish" means crustaceans and all mollusks where the
18 animal life is intended for human consumption.

19 **Sec. 608.** RCW 69.04.933 and 2017 3rd sp.s. c 8 s 6 are each
20 amended to read as follows:

21 (1) It is unlawful to knowingly sell or offer for sale at
22 wholesale or retail any fresh, frozen, or processed fish or shellfish
23 without identifying for the buyer at the point of sale the species of
24 fish or shellfish by its common name, such that the buyer can make an
25 informed purchasing decision for his or her protection, health, and
26 safety.

27 (2) It is unlawful to knowingly label or offer for sale any fish
28 designated as halibut, with or without additional descriptive words,
29 unless the fish product is *Hippoglossus hippoglossus* or *Hippoglossus*
30 *stenolepsis*.

31 (3) This section does not apply to salmon that is minced,
32 pulverized, coated with batter, or breaded.

33 (4) This section does not apply to a commercial fisher properly
34 licensed under chapter 77.65 or 77.70 RCW and engaged in sales of
35 fish to a wholesale fish buyer.

36 (5) A violation of this section constitutes misbranding under RCW
37 69.04.938 (as recodified by this act) and is punishable as a

1 misdemeanor, gross misdemeanor, or felony depending on the fair
2 market value of the fish or shellfish involved in the violation.

3 (6)(a) The common names for salmon species are as listed in RCW
4 69.04.932 (as recodified by this act).

5 (b) The common names for all other fish and shellfish are the
6 common names for fish and shellfish species as defined by rule of the
7 department (~~(of fish and wildlife)~~). If the common name for a species
8 is not defined by rule of the department (~~(of fish and wildlife)~~),
9 then the common name is the acceptable market name or common name as
10 provided in the United States food and drug administration's
11 publication "Seafood list - FDA's guide to acceptable market names
12 for seafood sold in interstate commerce," as the publication existed
13 on July 28, 2013.

14 (7) For the purposes of this section, "processed" means fish or
15 shellfish processed by heat for human consumption, such as fish or
16 shellfish that is kippered, smoked, boiled, canned, cleaned,
17 portioned, or prepared for sale or attempted sale for human
18 consumption.

19 (8) Nothing in this section precludes using additional
20 descriptive language or trade names to describe fish or shellfish as
21 long as the labeling requirements in this section are met.

22 **Sec. 609.** RCW 69.04.934 and 2017 3rd sp.s. c 8 s 7 are each
23 amended to read as follows:

24 (1) It is unlawful to knowingly sell or offer for sale at
25 wholesale or retail any fresh, frozen, or processed salmon without
26 identifying private sector cultured aquatic salmon or salmon products
27 as farm-raised salmon, or identifying commercially caught salmon or
28 salmon products as commercially caught salmon.

29 (2) Identification of the products under subsection (1) of this
30 section must be made to the buyer at the point of sale such that the
31 buyer can make an informed purchasing decision for his or her
32 protection, health, and safety.

33 (3) A violation of this section constitutes misbranding under RCW
34 69.04.938 (as recodified by this act) and is punishable as a
35 misdemeanor, gross misdemeanor, or felony depending on the fair
36 market value of the fish or shellfish involved in the violation.

37 (4) This section does not apply to salmon that is minced,
38 pulverized, coated with batter, or breaded.

1 (5) This section does not apply to a commercial fisher properly
2 licensed under chapter 77.65 or 77.70 RCW and lawfully engaged in the
3 sale of fish to a wholesale fish buyer.

4 (6) Nothing in this section precludes using additional
5 descriptive language or trade names to describe fish or shellfish as
6 long as the labeling requirements of this section are met.

7 **Sec. 610.** RCW 69.04.935 and 2013 c 290 s 6 are each amended to
8 read as follows:

9 To promote honesty and fair dealing for consumers and to protect
10 public health and safety, (~~the director, in consultation with~~) the
11 director (~~of the department of fish and wildlife~~), may adopt rules
12 as necessary to:

13 (1) Establish and implement a reasonable definition and
14 identification standard for species of (~~food~~) fish and shellfish
15 that are sold for human consumption;

16 (2) Provide procedures for enforcing this chapter's (~~food~~) fish
17 and shellfish labeling requirements and misbranding prohibitions.

18 **Sec. 611.** RCW 69.04.938 and 2013 c 290 s 7 are each amended to
19 read as follows:

20 (1) A person is guilty of unlawful misbranding of (~~food~~) fish
21 or shellfish in the third degree if the person commits an act that
22 violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as
23 recodified by this act), and the misbranding involves (~~food~~) fish
24 or shellfish with a fair market value up to five hundred dollars.
25 Unlawful misbranding of (~~food~~) fish or shellfish in the third
26 degree is a misdemeanor.

27 (2) A person is guilty of unlawful misbranding of (~~food~~) fish
28 or shellfish in the second degree if the person commits an act that
29 violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as
30 recodified by this act), and the misbranding involves (~~food~~) fish
31 or shellfish with a fair market value of five hundred dollars or
32 more, up to five thousand dollars. Unlawful misbranding of (~~food~~)
33 fish or shellfish in the second degree is a gross misdemeanor.

34 (3) A person is guilty of unlawful misbranding of (~~food~~) fish
35 or shellfish in the first degree if the person commits an act that
36 violates RCW 69.04.933 (as recodified by this act) or 69.04.934 (as
37 recodified by this act), and the misbranding involves (~~food~~) fish
38 or shellfish with a fair market value of five thousand dollars or

1 more. Unlawful misbranding of (~~food~~) fish or shellfish in the first
2 degree is a class C felony.

3 **PART VII**

4 **AMENDMENTS TO REFERENCING STATUTES**

5 **Sec. 701.** RCW 15.28.015 and 2011 c 103 s 28 are each amended to
6 read as follows:

7 The history, economy, culture, and the future of Washington
8 state's agriculture involves the production of soft tree fruits. In
9 order to develop and promote Washington's soft tree fruits as part of
10 an existing comprehensive regulatory scheme the legislature declares:

11 (1) That the Washington state fruit commission is created;

12 (2) That it is vital to the continued economic well-being of the
13 citizens of this state and their general welfare that its soft tree
14 fruits be properly promoted by (a) enabling the soft tree fruit
15 industry to help themselves in establishing orderly, fair, sound,
16 efficient, and unhampered cooperative marketing, grading, and
17 standardizing of soft tree fruits they produce; and (b) working to
18 stabilize the soft tree fruit industry by increasing consumption of
19 soft tree fruits within the state, the nation, and internationally;

20 (3) That producers of soft tree fruits operate within a
21 regulatory environment that imposes burdens on them for the benefit
22 of society and the citizens of the state and includes restrictions on
23 marketing autonomy. Those restrictions may impair the producers of
24 soft tree fruits in their ability to compete in local, domestic, and
25 foreign markets;

26 (4) That it is in the overriding public interest that support for
27 the soft tree fruit industry be clearly expressed, that adequate
28 protection be given to agricultural commodities, uses, activities,
29 and operations, and that soft tree fruits be promoted individually,
30 and as part of a comprehensive industry to:

31 (a) Enhance the reputation and image of Washington state's
32 agriculture industry;

33 (b) Increase the sale and use of Washington state's soft tree
34 fruits in local, domestic, and foreign markets;

35 (c) Protect the public by educating the public in reference to
36 the quality, care, and methods used in the production of Washington
37 state's soft tree fruits;

1 (d) Increase the knowledge of the health-giving qualities and
2 dietetic value of soft tree fruits;

3 (e) Support and engage in cooperative programs or activities that
4 benefit the production, handling, processing, marketing, and uses of
5 soft tree fruits produced in Washington state;

6 (5) That this chapter is enacted in the exercise of the police
7 powers of this state for the purpose of protecting the health, peace,
8 safety, and general welfare of the people of this state and to
9 stabilize and protect the soft tree fruit industry of the state; and

10 (6) That the production and marketing of soft tree fruit is a
11 highly regulated industry and that the provisions of this chapter and
12 the rules adopted under it are only one aspect of the regulated
13 industry. Other regulations and restraints applicable to the soft
14 tree fruit industry include:

15 (a) The federal marketing order under 7 C.F.R. Part 922
16 (apricots);

17 (b) The federal marketing order under 7 C.F.R. Part 923 (sweet
18 cherries);

19 (c) The federal marketing order under 7 C.F.R. Part 924 (prunes);

20 (d) The federal marketing order under 7 C.F.R. Part 930 (tart
21 cherries);

22 (e) The federal marketing order under 7 C.F.R. Part 931 (Bartlett
23 pears);

24 (f) Tree fruit research act under chapter 15.26 RCW;

25 (g) Controlled atmosphere storage of fruits and vegetables under
26 chapter 15.30 RCW;

27 (h) Organic products act under chapter 15.86 RCW;

28 (i) (~~Intrastate commerce in food, drugs, and cosmetics under~~
29 ~~chapter 69.04 RCW and rules;~~) The food safety and security act under
30 chapter 15.--- RCW (the new chapter created in section 903 of this
31 act);

32 (j) Washington food processing act under chapter 69.07 RCW;

33 (k) Washington food storage warehouses act under chapter 69.10
34 RCW;

35 (l) Weighmasters under chapter 15.80 RCW;

36 (m) Horticultural pests and diseases under chapter 15.08 RCW;

37 (n) Horticultural plants, Christmas trees, and facilities—
38 Inspection and licensing under chapter 15.13 RCW;

39 (o) Planting stock under chapter 15.14 RCW;

40 (p) Standards of grades and packs under chapter 15.17 RCW;

- 1 (q) Washington pesticide control act under chapter 15.58 RCW;
- 2 (r) Farm marketing under chapter 15.64 RCW;
- 3 (s) Insect pests and plant diseases under chapter 17.24 RCW;
- 4 (t) Weights and measures under chapter 19.94 RCW;
- 5 (u) Agricultural products—Commission merchants, dealers, brokers,
- 6 buyers, and agents under chapter 20.01 RCW; and
- 7 (v) Rules under the Washington Administrative Code, Title 16.

8 **Sec. 702.** RCW 15.36.012 and 2006 c 157 s 2 are each amended to
9 read as follows:

10 For the purpose of this chapter:

11 "Adulterated milk" means milk that is deemed adulterated under
12 appendix L of the PMO.

13 "Colostrum milk" means milk produced within ten days before or
14 until practically colostrum free after parturition.

15 "DMO" means supplement I, the recommended sanitation ordinance
16 for grade A condensed and dry milk products and condensed and dry
17 whey, to the PMO published by the United States public health
18 service, food and drug administration.

19 "Dairy farm" means a place or premises where one or more cows,
20 goats, or other mammals are kept, a part or all of the milk or milk
21 products from which is sold or offered for sale.

22 "Dairy technician" means any person who takes samples of milk or
23 cream or fluid derivatives thereof, on which sample tests are to be
24 made as a basis of payment, or who grades, weighs, or measures milk
25 or cream or the fluid derivatives thereof, the grade, weight, or
26 measure to be used as a basis of payment, or who operates equipment
27 wherein milk or products thereof are pasteurized.

28 "Degrade" means the lowering in grade from grade A to grade C.

29 "Department" means the state department of agriculture.

30 "Director" means the director of agriculture of the state of
31 Washington or the director's duly authorized representative.

32 "Grade A milk processing plant" means any milk processing plant
33 that meets all of the standards of the PMO to process grade A
34 pasteurized milk or milk products.

35 "Grade A pasteurized milk" means grade A raw milk that has been
36 pasteurized.

37 "Grade A raw milk" means raw milk produced upon dairy farms
38 conforming with all of the items of sanitation contained in the PMO,
39 in which the bacterial plate count does not exceed twenty thousand

1 per milliliter and the coliform count does not exceed ten per
2 milliliter as determined in accordance with RCW 15.36.201.

3 "Grade A raw milk for pasteurization" means raw milk produced
4 upon dairy farms conforming with all of the same items of sanitation
5 contained in the PMO of grade A raw milk, and the bacterial plate
6 count, as delivered from the farm, does not exceed eighty thousand
7 per milliliter as determined in accordance with RCW 15.36.201.

8 "Grade C milk" is milk that violates any of the requirements for
9 grade A milk but that is not deemed to be adulterated.

10 "Milk" means the lacteal secretion, practically free of
11 colostrum, obtained by the complete milking of one or more healthy
12 cows, goats, or other mammals.

13 "Milk hauler" means a person who transports milk or milk products
14 in bulk to or from a milk processing plant, receiving station, or
15 transfer station.

16 "Milk processing" means the handling, preparing, packaging, or
17 processing of milk in any manner in preparation for sale as food, as
18 defined in chapter ((69.04)) 15.--- RCW (the new chapter created in
19 section 903 of this act). Milk processing does not include milking or
20 producing milk on a dairy farm that is shipped to a milk processing
21 plant for further processing.

22 "Milk processing plant" means a place, premises, or establishment
23 where milk or milk products are collected, handled, processed,
24 stored, bottled, pasteurized, aseptically processed, bottled, or
25 prepared for distribution, except an establishment that merely
26 receives the processed milk products and serves them or sells them at
27 retail.

28 "Milk products" means the product of a milk manufacturing
29 process.

30 "Misbranded milk" means milk or milk products that carries a
31 grade label unless such grade label has been awarded by the director
32 and not revoked, or that fails to conform in any other respect with
33 the statements on the label.

34 "Official laboratory" means a biological, chemical, or physical
35 laboratory that is under the direct supervision of the state or a
36 local regulatory agency.

37 "Officially designated laboratory" means a commercial laboratory
38 authorized to do official work by the department, or a milk industry
39 laboratory officially designated by the department for the
40 examination of grade A raw milk for pasteurization and commingled

1 milk tank truck samples of raw milk for antibiotic residues and
2 bacterial limits.

3 "PMO" means the grade "A" pasteurized milk ordinance published by
4 the United States public health service, food and drug
5 administration.

6 "Pasteurized" means the process of heating every particle of milk
7 or milk product in properly designed and operated equipment to the
8 temperature and time standards specified in the PMO.

9 "Person" means an individual, partnership, firm, corporation,
10 company, trustee, or association.

11 "Producer" means a person or organization who operates a dairy
12 farm and provides, sells, or offers milk for sale.

13 "Receiving station" means a place, premises, or establishment
14 where raw milk is received, collected, handled, stored, or cooled and
15 prepared for further transporting.

16 "Sale" means selling, offering for sale, holding for sale,
17 preparing for sale, distributing, dispensing, delivering, supplying,
18 trading, bartering, offering a gift as an inducement for sale of, and
19 advertising for sale in any media.

20 "Transfer station" means any place, premises, or establishment
21 where milk or milk products are transferred directly from one milk
22 tank truck to another.

23 "Wash station" means a place, facility, or establishment where
24 milk tanker trucks are cleaned in accordance with the standards of
25 the PMO.

26 **Sec. 703.** RCW 15.36.401 and 1999 c 291 s 15 are each amended to
27 read as follows:

28 (1) A license issued under this chapter may be denied, suspended,
29 or revoked by the director when a person:

30 (a) Fails to comply with the provisions of this chapter or the
31 rules adopted under this chapter;

32 (b) Refuses the department access to a portion or area of a
33 facility regulated under this chapter, for the purpose of carrying
34 out the provisions of this chapter;

35 (c) Fails to comply with an order of the director;

36 (d) Refuses to make available to the department records required
37 to be kept under the provisions of this chapter;

38 (e) Fails to comply with the applicable provisions of chapter
39 ((69.04)) 15.--- RCW (the new chapter created in section 903 of this

1 act), Washington intrastate commerce in food, drugs, and cosmetics
2 act, or rules adopted under that chapter;

3 (f) Interferes with the director in the performance of his or her
4 duties; or

5 (g) Exhibits negligence, misconduct, or lack of qualification in
6 the discharge of his or her functions.

7 Upon notice by the director to deny, revoke, or suspend a
8 license, a person may request a hearing under chapter 34.05 RCW.

9 (2) Whenever a milk transport vehicle is found in violation of
10 this chapter or rules adopted under this chapter, the endorsement for
11 that milk transport vehicle contained on a milk hauler's license may
12 be suspended or revoked. The suspension or revocation does not apply
13 to any other milk transport vehicle operated by the milk hauler.

14 (3) A license may be revoked by the director upon serious or
15 repeated violations or after a license suspension or degrade for
16 thirty continuous days without correction of the items causing the
17 suspension or degrade.

18 **Sec. 704.** RCW 15.36.541 and 1961 c 11 s 15.32.910 are each
19 amended to read as follows:

20 Nothing in this chapter shall be construed as affecting or being
21 intended to effect a repeal of chapter ((69.04)) 15.--- RCW (the new
22 chapter created in section 903 of this act) or RCW 69.40.010 through
23 69.40.025, or of any of such sections, or of any part or provision of
24 any such sections, and if any section or part of a section in this
25 chapter shall be found to contain, cover or effect any matter, topic
26 or thing which is also contained in, covered in or effected by said
27 sections, or by any of them, or by any part thereof, the
28 prohibitions, mandates, directions, and regulations hereof, and the
29 penalties, powers and duties herein prescribed shall be construed to
30 be additional to those prescribed in such sections and not in
31 substitution therefor. And nothing in this chapter shall be construed
32 to forbid the importation, transportation, manufacture, sale, or
33 possession of any article of food which is not prohibited from
34 interstate commerce by the laws of the United States or rules or
35 regulations lawfully made thereunder, if there be a standard of
36 quality, purity and strength therefor authorized by any law of this
37 state, and such article comply therewith and be not misbranded.

1 **Sec. 705.** RCW 15.44.015 and 2011 c 103 s 29 are each amended to
2 read as follows:

3 The history, economy, culture, and the future of Washington
4 state's agriculture involves the dairy industry. In order to develop
5 and promote Washington's dairy products as part of an existing
6 comprehensive scheme to regulate those products the legislature
7 declares:

8 (1) That the Washington state dairy products commission is
9 created. The commission may also take actions under the name "the
10 dairy farmers of Washington";

11 (2) That it is vital to the continued economic well-being of the
12 citizens of this state and their general welfare that its dairy
13 products be properly promoted by (a) enabling the dairy industry to
14 help themselves in establishing orderly, fair, sound, efficient, and
15 unhampered marketing, grading, and standardizing of the dairy
16 products they produce; and (b) working to stabilize the dairy
17 industry by increasing consumption of dairy products within the
18 state, the nation, and internationally;

19 (3) That dairy producers operate within a regulatory environment
20 that imposes burdens on them for the benefit of society and the
21 citizens of the state and includes restrictions on marketing
22 autonomy. Those restrictions may impair the dairy producer's ability
23 to compete in local, domestic, and foreign markets;

24 (4) That it is in the overriding public interest that support for
25 the dairy industry be clearly expressed, that adequate protection be
26 given to agricultural commodities, uses, activities, and operations,
27 and that dairy products be promoted individually, and as part of a
28 comprehensive industry to:

29 (a) Enhance the reputation and image of Washington state's
30 agriculture industry;

31 (b) Increase the sale and use of Washington state's dairy
32 products in local, domestic, and foreign markets;

33 (c) Protect the public by educating the public in reference to
34 the quality, care, and methods used in the production of Washington
35 state's dairy products;

36 (d) Increase the knowledge of the health-giving qualities and
37 dietetic value of dairy products; and

38 (e) Support and engage in programs or activities that benefit the
39 production, handling, processing, marketing, and uses of dairy
40 products produced in Washington state;

1 (5) That this chapter is enacted in the exercise of the police
2 powers of this state for the purpose of protecting the health, peace,
3 safety, and general welfare of the people of this state; and

4 (6) That the dairy industry is a highly regulated industry and
5 that this chapter and the rules adopted under it are only one aspect
6 of the regulated industry. Other regulations and restraints
7 applicable to the dairy industry include the:

8 (a) Federal marketing order under 7 C.F.R., Part 1124;

9 (b) Dairy promotion program under the dairy and tobacco
10 adjustment act of 1983, Subtitle B;

11 (c) Milk and milk products act under chapter 15.36 RCW and rules,
12 including:

13 (i) The national conference of interstate milk shippers
14 pasteurized milk ordinance;

15 (ii) The national conference of interstate milk shippers dry milk
16 ordinance;

17 (iii) Standards for the fabrication of single-service containers;

18 (iv) Procedures governing cooperative state-public health
19 service;

20 (v) Methods of making sanitation ratings of milk supplies;

21 (vi) Evaluation and certification of milk laboratories; and

22 (vii) Interstate milk shippers;

23 (d) Milk and milk products for animal food act under chapter
24 15.37 RCW and rules;

25 (e) Organic products act under chapter 15.86 RCW and rules;

26 (f) (~~Intrastate commerce in food, drugs, and cosmetics act under~~
27 ~~chapter 69.04 RCW and rules, including provisions of 21 C.F.R.~~
28 ~~relating to the general manufacturing practices, milk processing,~~
29 ~~food labeling, food standards, and food additives)) The food safety
30 and security act under chapter 15.--- RCW (the new chapter created in
31 section 903 of this act);~~

32 (g) Washington food processing act under chapter 69.07 RCW and
33 rules;

34 (h) Washington food storage warehouses act under chapter 69.10
35 RCW and rules;

36 (i) Animal health under chapter 16.36 RCW and rules;

37 (j) Weighmasters under chapter 15.80 RCW and rules; and

38 (k) Dairy nutrient management act under chapter 90.64 RCW and
39 rules.

1 **Sec. 706.** RCW 15.65.033 and 2011 c 103 s 24 are each amended to
2 read as follows:

3 This chapter and the rules adopted under it are only one aspect
4 of the comprehensively regulated agricultural industry.

5 (1) Other laws applicable to agricultural commodities include the
6 following chapters and the rules adopted thereunder:

7 Chapter 15.08 RCW Horticultural pests and diseases;

8 Chapter 15.13 RCW Horticultural plants, Christmas trees, and
9 facilities—Inspection and licensing;

10 Chapter 15.14 RCW Planting stock;

11 Chapter 15.15 RCW Certified seed potatoes;

12 Chapter 15.17 RCW Standards of grades and packs;

13 Chapter 15.19 RCW Certification and inspection of ginseng;

14 Chapter 15.30 RCW Controlled atmosphere storage of fruits and
15 vegetables;

16 Chapter 15.49 RCW Seeds;

17 Chapter 15.53 RCW Commercial feed;

18 Chapter 15.54 RCW Fertilizers, minerals, and limes;

19 Chapter 15.58 RCW Washington pesticide control act;

20 Chapter 15.60 RCW Apiaries;

21 Chapter 15.64 RCW Farm marketing;

22 Chapter 15.83 RCW Agricultural marketing and fair practices;

23 Chapter 15.85 RCW Aquaculture marketing;

24 Chapter 15.86 RCW Organic products;

25 Chapter 15.92 RCW Center for sustaining agriculture and natural
26 resources;

27 The food safety and security act under chapter 15.--- RCW (the
28 new chapter created in section 903 of this act);

29 Chapter 17.24 RCW Insect pests and plant diseases;

30 Chapter 19.94 RCW Weights and measures;

31 Chapter 20.01 RCW Agricultural products—Commission merchants,
32 dealers, brokers, buyers, agents;

33 Chapter 22.09 RCW Agricultural commodities;

34 (~~Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including~~
35 ~~provisions of 21 C.F.R. relating to the general manufacturing~~
36 ~~practices, food labeling, food standards, food additives, and~~
37 ~~pesticide tolerances;))~~

38 Chapter 69.07 RCW Washington food processing act;

39 Chapter 69.25 RCW Washington wholesome eggs and egg products act;

40 Chapter 69.28 RCW Honey;

1 7 U.S.C., section 136, Federal insecticide, fungicide, and
2 rodenticide act.

3 (2) In addition to the laws and regulations listed in subsection
4 (1) of this section that apply to the agricultural industry as a
5 whole, the dry pea and lentil industry is regulated by or must comply
6 with the additional laws and rules adopted under 7 U.S.C., chapter
7 38, agricultural marketing act.

8 **Sec. 707.** RCW 15.66.017 and 2011 c 103 s 26 are each amended to
9 read as follows:

10 This chapter and the rules adopted under it are only one aspect
11 of the comprehensively regulated agricultural industry.

12 (1) Other laws applicable to agricultural commodities include the
13 following chapters and the rules adopted thereunder:

- 14 Chapter 15.08 RCW Horticultural pests and diseases;
- 15 Chapter 15.13 RCW Horticultural plants, Christmas trees, and
16 facilities—Inspection and licensing;
- 17 Chapter 15.14 RCW Planting stock;
- 18 Chapter 15.15 RCW Certified seed potatoes;
- 19 Chapter 15.17 RCW Standards of grades and packs;
- 20 Chapter 15.19 RCW Certification and inspection of ginseng;
- 21 Chapter 15.30 RCW Controlled atmosphere storage of fruits and
22 vegetables;
- 23 Chapter 15.49 RCW Seeds;
- 24 Chapter 15.53 RCW Commercial feed;
- 25 Chapter 15.54 RCW Fertilizers, minerals, and limes;
- 26 Chapter 15.58 RCW Washington pesticide control act;
- 27 Chapter 15.60 RCW Apiaries;
- 28 Chapter 15.64 RCW Farm marketing;
- 29 Chapter 15.83 RCW Agricultural marketing and fair practices;
- 30 Chapter 15.85 RCW Aquaculture marketing;
- 31 Chapter 15.86 RCW Organic products;
- 32 Chapter 15.92 RCW Center for sustaining agriculture and natural
33 resources;
- 34 Chapter 15.--- RCW (the new chapter created in section 903 of
35 this act) Food safety and security act;
- 36 Chapter 17.24 RCW Insect pests and plant diseases;
- 37 Chapter 19.94 RCW Weights and measures;
- 38 Chapter 20.01 RCW Agricultural products—Commission merchants,
39 dealers, brokers, buyers, agents;

1 Chapter 22.09 RCW Agricultural commodities;

2 (~~Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including~~
3 ~~provisions of 21 C.F.R. relating to the general manufacturing~~
4 ~~practices, food labeling, food standards, food additives, and~~
5 ~~pesticide tolerances;~~)

6 Chapter 69.07 RCW Washington food processing act;

7 Chapter 69.25 RCW Washington wholesome eggs and egg products act;

8 Chapter 69.28 RCW Honey;

9 7 U.S.C., section 136, Federal insecticide, fungicide, and
10 rodenticide act.

11 (2) In addition to the laws and regulations listed in subsection
12 (1) of this section that apply to the agricultural industry as a
13 whole, the potato industry is regulated by or must comply with the
14 following additional laws and the rules or regulations adopted
15 thereunder:

16 (a) 7 C.F.R., Part 51, United States standards for grades of
17 potatoes;

18 (b) 7 C.F.R., Part 946, Federal marketing order for Irish
19 potatoes grown in Washington;

20 (c) 7 C.F.R., Part 1207, Potato research and promotion plan.

21 (3) In addition to the laws and regulations listed in subsection
22 (1) of this section that apply to the agricultural industry as a
23 whole, the wheat and barley industries are regulated by or must
24 comply with the following additional laws and the rules adopted
25 thereunder:

26 (a) 7 U.S.C., section 1621, Agricultural marketing act;

27 (b) Chapter 70.94 RCW, Washington clean air act, agricultural
28 burning.

29 (4) In addition to the laws and regulations listed in subsection
30 (1) of this section that apply to the agricultural industry as a
31 whole, the poultry industry is regulated by or must comply with the
32 following additional laws and the rules adopted thereunder:

33 (a) 21 U.S.C., chapter 10, Poultry and poultry products
34 inspection;

35 (b) 21 U.S.C., chapter 9, Packers and stockyards;

36 (c) 7 U.S.C., section 1621, Agricultural marketing act;

37 (d) Washington fryer commission labeling standards.

38 **Sec. 708.** RCW 15.88.025 and 2011 c 103 s 30 are each amended to
39 read as follows:

1 The history, economy, culture, and future of Washington state's
2 agriculture involves the wine industry. In order to develop and
3 promote wine grapes and wine as part of an existing comprehensive
4 scheme to regulate those products the legislature declares:

5 (1) That it is vital to the continued economic well-being of the
6 citizens of this state and their general welfare that its wine grapes
7 and wine be properly promoted by (a) enabling the wine industry to
8 help themselves in establishing orderly, fair, sound, efficient, and
9 unhampered marketing of wine grapes and wines they produce; and (b)
10 working to stabilize the wine industry by increasing markets for wine
11 grapes and wine within the state, the nation, and internationally;

12 (2) That wine grape growers and wine producers operate within a
13 regulatory environment that imposes burdens on them for the benefit
14 of society and the citizens of the state and includes restrictions on
15 marketing autonomy. Those restrictions may impair the wine grape
16 growers' and wine producers' ability to compete in local, domestic,
17 and foreign markets;

18 (3) That it is in the overriding public interest that support for
19 the wine industry be clearly expressed; that adequate protection be
20 given to agricultural commodities, uses, activities, and operations;
21 and that wine grapes and wine be promoted individually, and as part
22 of a comprehensive industry to:

23 (a) Enhance the reputation and image of Washington state's
24 agriculture industry;

25 (b) Increase the sale and use of wine grapes and wine in local,
26 domestic, and foreign markets;

27 (c) Protect the public by educating the public in reference to
28 the quality, care, and methods used in the production of wine grapes
29 and wine;

30 (d) Increase the knowledge of the qualities and value of
31 Washington's wine grapes and wine; and

32 (e) Support and engage in programs or activities that benefit the
33 production, handling, processing, marketing, and uses of wine grapes
34 and wine;

35 (4) That this chapter is enacted in the exercise of the police
36 powers of this state for the purpose of protecting the health, peace,
37 safety, and general welfare of the people of this state; and

38 (5) That the production and marketing of wine grapes and wine is
39 a highly regulated industry and that the provisions of this chapter
40 and the rules adopted under it are only one aspect of the regulated

1 industry. Other regulations and restraints applicable to the wine
2 grape and wine industry include:

3 (a) Organic products act under chapter 15.86 RCW;

4 (b) Horticultural pests and diseases under chapter 15.08 RCW;

5 (c) Horticultural plants, Christmas trees, and facilities—
6 Inspection and licensing under chapter 15.13 RCW;

7 (d) Planting stock under chapter 15.14 RCW;

8 (e) Washington pesticide control act under chapter 15.58 RCW;

9 (f) Food safety and security act under chapter 15.--- RCW (the
10 new chapter created in section 903 of this act);

11 (g) Insect pests and plant diseases under chapter 17.24 RCW;

12 ~~((g))~~ (h) Wholesale distributors and suppliers of wine and malt
13 beverages under chapter 19.126 RCW;

14 ~~((h))~~ (i) Weights and measures under chapter 19.94 RCW;

15 ~~((i))~~ (j) Title 66 RCW, alcoholic beverage control;

16 ~~((j) Title 69 RCW, food, drugs, cosmetics, and poisons including
17 provisions of 21 C.F.R. relating to the general manufacturing
18 practices, food labeling, food standards, food additives, and
19 pesticide tolerances;))~~

20 (k) Chapter 69.07 RCW, Washington food processing act;

21 (l) 27 U.S.C., Secs. 201 through 211, 213 through 219a, and 122A;

22 (m) 27 C.F.R., Parts 1, 6, 9, 10, 12, 16, 240, 251, 252; and

23 (n) Rules under Titles 16 and 314 WAC, and rules adopted under
24 chapter 15.88 RCW.

25 **Sec. 709.** RCW 15.89.025 and 2011 c 103 s 31 are each amended to
26 read as follows:

27 The history, economy, culture, and future of Washington state's
28 agriculture involve the beer industry. In order to develop and
29 promote beer as part of an existing comprehensive scheme to regulate
30 those products, the legislature declares that:

31 (1) It is vital to the continued economic well-being of the
32 citizens of this state and their general welfare that beer produced
33 in Washington state be properly promoted;

34 (2) It is in the overriding public interest that support for the
35 Washington beer industry be clearly expressed and that beer be
36 promoted individually, and as part of a comprehensive industry to:

37 (a) Enhance the reputation and image of Washington state's
38 agriculture industry;

1 (b) Protect the public by educating the public in reference to
2 the quality, care, and methods used in the production of beer;

3 (c) Increase the knowledge of the qualities and value of
4 Washington's beer; and

5 (d) Support and engage in programs or activities that benefit the
6 production, handling, processing, marketing, and uses of beer;

7 (3) This chapter is enacted in the exercise of the police powers
8 of this state to protect the health, peace, safety, and general
9 welfare of the people of this state; and

10 (4) The production and marketing of beer is a highly regulated
11 industry and this chapter and the rules adopted under it are only one
12 aspect of the regulated industry. Other laws applicable to the beer
13 industry include:

14 (a) The organic products act, chapter 15.86 RCW;

15 (b) The food safety and security act under chapter 15.--- RCW
16 (the new chapter created in section 903 of this act);

17 (c) The wholesale distributors and suppliers of malt beverages,
18 chapter 19.126 RCW;

19 ~~((e))~~ (d) Weights and measures, chapter 19.94 RCW;

20 ~~((d))~~ (e) Title 66 RCW, alcoholic beverage control;

21 ~~((e) Title 69 RCW, food, drugs, cosmetics, and poisons;))~~

22 (f) 21 C.F.R. as it relates to general manufacturing practices,
23 food labeling, food standards, food additives, and pesticide
24 tolerances;

25 (g) Chapter 69.07 RCW, Washington food processing act;

26 (h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

27 (i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

28 (j) Rules under Title 314 WAC.

29 **Sec. 710.** RCW 16.49.095 and 2000 c 99 s 10 are each amended to
30 read as follows:

31 (1) The director may deny, suspend, or revoke any license
32 required under this chapter if the director determines that an
33 applicant or licensee has committed any of the following acts:

34 ~~((1))~~ (a) Refused, neglected, or failed to comply with the
35 provisions of this chapter, the rules adopted under this chapter, or
36 any lawful order of the director;

37 ~~((2))~~ (b) Refused, neglected, or failed to keep and maintain
38 records required under this chapter or rules adopted under this
39 chapter to make the records available to the director on request;

1 (~~(3)~~) (c) Refused the director access to any facilities or
2 parts of the facilities for the purpose of carrying out the
3 provisions of this chapter or rules adopted under this chapter; or

4 (~~(4)~~) (d) Refused, neglected, or failed to comply with any
5 provisions of chapter (~~(69.04)~~) 15.--- RCW (~~(, intrastate commerce in~~
6 ~~food, drugs, and cosmetics,)~~) (the new chapter created in section 903
7 of this act) or rules adopted under that chapter.

8 (2) Upon receipt of notice by the director to deny, suspend, or
9 revoke a license, a person may request a hearing under chapter 34.05
10 RCW.

11 **Sec. 711.** RCW 16.67.035 and 2017 c 256 s 1 are each amended to
12 read as follows:

13 The legislature declares:

14 (1) That the history, economy, culture, and the future of
15 Washington state's agriculture involves the beef industry. It is
16 vital to the economy and to citizens' health that the beef industry
17 continue to progress and thrive. The Washington state beef commission
18 is part of an existing comprehensive system to regulate and promote
19 beef and beef products;

20 (2) That the focus of the beef commission shall include the
21 following responsibilities:

22 (a) The beef industry is to be promoted in a manner that
23 showcases the varied aspects and segments of the industry;

24 (b) Research, education, and programs related to health and
25 safety of beef are to be advanced in cooperation with the Washington
26 state department of agriculture, Washington State University, other
27 institutions of higher learning as appropriate, and other
28 governmental or nongovernmental organizations doing research on trade
29 or health issues;

30 (c) Support is to be provided to the beef industry in
31 establishing orderly, fair, sound, efficient, and unhampered
32 marketing, grading, and standardizing of beef and beef products; and

33 (d) Maintain efforts to increase consumption of beef and beef
34 products within the state, the nation, and internationally;

35 (3) That beef producers operate within a regulatory environment
36 that imposes burdens on them for the benefit of society and the
37 citizens of the state and includes restrictions on marketing
38 autonomy. Those restrictions may impair the beef producer's ability
39 to compete in local, domestic, and foreign markets;

1 (4) That it is in the overriding public interest that support for
2 the beef industry be clearly expressed, that adequate protection be
3 given to agricultural commodities, uses, activities, and operations,
4 and that beef and beef products be promoted individually, and as part
5 of a comprehensive industry to:

6 (a) Enhance the reputation and image of Washington state's
7 agriculture industry;

8 (b) Increase the sale and use of beef products in local,
9 domestic, and foreign markets;

10 (c) Protect the public by educating the public in reference to
11 sustainable stewardship of cattle and the environment, quality, care,
12 and methods used in the production of beef and beef products, and in
13 reference to the various cuts and grades of beef and the uses to
14 which each should be put;

15 (d) Increase the knowledge of the health-giving qualities and
16 dietetic value of beef products; and

17 (e) Support and engage in programs or activities that benefit the
18 care and well-being of the cattle, and the production, handling,
19 processing, marketing, and uses of beef and beef products;

20 (5) That this chapter is enacted in the exercise of the police
21 powers of this state for the purpose of protecting the health, peace,
22 safety, and general welfare of the people of this state; and

23 (6) That the beef industry is a highly regulated industry and
24 that this chapter and the rules adopted under it are only one aspect
25 of the regulated industry. Other regulations and restraints
26 applicable to the beef industry include the:

27 (a) Beef promotion and research act of 1985, U.S.C. Title 7,
28 chapter 62;

29 (b) Beef promotion and research, 7 C.F.R., Part 1260;

30 (c) Agricultural marketing act, 7 U.S.C., section 1621;

31 (d) USDA meat grading, certification, and standards, 7 C.F.R.,
32 Part 54;

33 (e) Mandatory price reporting, 7 C.F.R., Part 57;

34 (f) Grazing permits, 43 C.F.R., Part 2920;

35 (g) Capper-Volstead act, U.S.C. Title 7, chapters 291 and 292;

36 (h) Livestock identification under chapter 16.57 RCW and rules;

37 (i) Organic products act under chapter 15.86 RCW and rules;

38 (j) ~~((Intrastate commerce in food, drugs, and cosmetics act under
39 chapter 69.04 RCW and rules, including provisions of 21 C.F.R.
40 relating to the general manufacturing practices, food labeling, food~~

1 ~~standards, food additives, and pesticide tolerances;~~) The food
2 safety and security act under chapter 15.--- RCW (the new chapter
3 created in section 903 of this act);

4 (k) Washington food processing act under chapter 69.07 RCW and
5 rules;

6 (l) Washington food storage warehouses act under chapter 69.10
7 RCW and rules;

8 (m) Animal health under chapter 16.36 RCW and rules; and

9 (n) Weights and measures under chapter 19.94 RCW and rules.

10 **Sec. 712.** RCW 69.07.060 and 2012 c 117 s 345 are each amended to
11 read as follows:

12 The director may, subsequent to a hearing thereon, deny, suspend,
13 or revoke any license provided for in this chapter if he or she
14 determines that an applicant has committed any of the following acts:

15 (1) Refused, neglected, or failed to comply with the provisions
16 of this chapter, the rules and regulations adopted hereunder, or any
17 lawful order of the director.

18 (2) Refused, neglected, or failed to keep and maintain records
19 required by this chapter, or to make such records available when
20 requested pursuant to the provisions of this chapter.

21 (3) Refused the department access to any portion or area of the
22 food processing plant for the purpose of carrying out the provisions
23 of this chapter.

24 (4) Refused the department access to any records required to be
25 kept under the provisions of this chapter.

26 (5) Refused, neglected, or failed to comply with any provisions
27 of (~~chapter 69.04 RCW, Washington food, drug, and cosmetic act~~) the
28 food safety and security act under chapter 15.--- RCW (the new
29 chapter created in section 903 of this act), or any (~~regulations~~)
30 rules adopted thereunder.

31 The provisions of this section requiring that a hearing be
32 conducted before an action may be taken against a license do not
33 apply to an action taken under RCW 69.07.065.

34 **Sec. 713.** RCW 69.07.110 and 1967 ex.s. c 121 s 11 are each
35 amended to read as follows:

36 The department may use all the civil remedies provided for in
37 (~~chapter 69.04 RCW (The Uniform Washington Food, Drug, and Cosmetic~~
38 ~~Act~~)) the food safety and security act under chapter 15.--- RCW (the

1 new chapter created in section 903 of this act) in carrying out and
2 enforcing the provisions of this chapter.

3 **Sec. 714.** RCW 69.07.120 and 2014 c 98 s 3 are each amended to
4 read as follows:

5 All moneys received by the department under the provisions of
6 this chapter, (~~(RCW 69.04.345)~~) section 402 of this act, and chapter
7 69.22 RCW shall be paid into the food processing inspection account
8 hereby created within the agricultural local fund established in RCW
9 43.23.230 and shall be used solely to carry out the provisions of
10 this chapter, (~~(RCW 69.04.345)~~) section 402 of this act, and chapters
11 69.22 and (~~(69.04)~~) 15.--- RCW (the new chapter created in section
12 903 of this act).

13 **Sec. 715.** RCW 69.07.160 and 1969 c 68 s 4 are each amended to
14 read as follows:

15 The authority granted to the director and to the department under
16 the provisions of the (~~(Uniform Washington Food, Drug, and Cosmetic~~
17 ~~Act (chapter 69.04 RCW), as now or hereafter amended,~~) the food
18 safety and security act under chapter 15.--- RCW (the new chapter
19 created in section 903 of this act) shall not be deemed to be reduced
20 or otherwise impaired as a result of any provision or provisions of
21 the Washington Food Processing Act (chapter 69.07 RCW).

22 **Sec. 716.** RCW 69.10.005 and 1995 c 374 s 8 are each amended to
23 read as follows:

24 For the purpose of this chapter:

25 (1) "Food storage warehouse" means any premises, establishment,
26 building, room area, facility, or place, in whole or in part, where
27 food is stored, kept, or held for wholesale distribution to other
28 wholesalers or to retail outlets, restaurants, and any such other
29 facility selling or distributing to the ultimate consumer. Food
30 storage warehouses include, but are not limited to, facilities where
31 food is kept or held refrigerated or frozen and include facilities
32 where food is stored to the account of another firm and/or is owned
33 by the food storage warehouse. "Food storage warehouse" does not
34 include grain elevators or fruit and vegetable storage and packing
35 houses that store, pack, and ship fresh fruit and vegetables even
36 though they may use refrigerated or controlled atmosphere storage
37 practices in their operation. However, this chapter applies to

1 multiple food storage operations that also distribute or ripen fruits
2 and vegetables.

3 (2) "Department" means the Washington department of agriculture.

4 (3) "Director" means the director of the Washington department of
5 agriculture.

6 (4) "Food" means the same as defined in (~~RCW 69.04.008~~) the
7 food safety and security act under chapter 15.--- RCW (the new
8 chapter created in section 903 of this act).

9 (5) "Independent sanitation consultant" means an individual,
10 partnership, cooperative, or corporation that by reason of education,
11 certification, and experience has satisfactorily demonstrated
12 expertise in food and dairy sanitation and is approved by the
13 director to advise on such areas including, but not limited to:
14 Principles of cleaning and sanitizing food processing plants and
15 equipment; rodent, insect, bird, and other pest control; (~~principals~~
16 ~~[principles]~~) principles of hazard analysis critical control point;
17 basic food product labeling; principles of proper food storage and
18 protection; proper personnel work practices and attire; sanitary
19 design, construction, and installation of food plant facilities,
20 equipment, and utensils; and other pertinent food safety issues.

21 **Sec. 717.** RCW 69.10.010 and 1995 c 374 s 9 are each amended to
22 read as follows:

23 The director or his or her representative may inspect food
24 storage warehouses for compliance with the provisions of chapter
25 (~~69.04~~) 15.--- RCW (the new chapter created in section 903 of this
26 act) and the rules adopted under chapter (~~69.04~~) 15.--- RCW (the
27 new chapter created in section 903 of this act) as deemed necessary
28 by the director. Any food storage warehouse found to not be in
29 substantial compliance with chapter (~~69.04~~) 15.--- RCW (the new
30 chapter created in section 903 of this act) and the rules adopted
31 under chapter (~~69.04~~) 15.--- RCW (the new chapter created in
32 section 903 of this act) will be reinspected as deemed necessary by
33 the director to determine compliance. This does not preclude the
34 director from using any other remedies as provided under chapter
35 (~~69.04~~) 15.--- RCW (the new chapter created in section 903 of this
36 act) to gain compliance or to embargo products as provided under
37 (~~RCW 69.04.110~~) section 503 of this act to protect the public from
38 adulterated foods.

1 **Sec. 718.** RCW 69.10.030 and 1995 c 374 s 13 are each amended to
2 read as follows:

3 The director may, subsequent to a hearing thereon, deny, suspend,
4 or revoke any license provided for in this chapter if he or she
5 determines that an applicant has committed any of the following acts:

6 (1) Refused, neglected, or failed to comply with the provisions
7 of this chapter, the rules adopted under this chapter, or any lawful
8 order of the director;

9 (2) Refused, neglected, or failed to keep and maintain records
10 required by this chapter, or to make such records available if
11 requested pursuant to the provisions of this chapter;

12 (3) Refused the department access to any portion or area of the
13 food storage warehouse for the purpose of carrying out the provisions
14 of this chapter;

15 (4) Refused the department access to any records required to be
16 kept under the provisions of this chapter;

17 (5) Refused, neglected, or failed to comply with any provisions
18 of (~~chapter 69.04 RCW, Washington food, drug, and cosmetic act~~) the
19 food safety and security act under chapter 15.--- RCW (the new
20 chapter created in section 903 of this act), or any rules adopted
21 under chapter (~~69.04~~) 15.--- RCW (the new chapter created in
22 section 903 of this act).

23 The provisions of this section requiring that a hearing be
24 conducted before an action may be taken against a license do not
25 apply to an action taken under RCW 69.10.035.

26 **Sec. 719.** RCW 69.10.045 and 1995 c 374 s 16 are each amended to
27 read as follows:

28 All moneys received by the department under provisions of this
29 chapter, except moneys collected for civil penalties levied under
30 this chapter, shall be paid into an account created in the
31 agricultural local fund established in RCW 43.23.230 and shall be
32 used solely to carry out provisions of this chapter and chapter
33 (~~69.04~~) 15.--- RCW (the new chapter created in section 903 of this
34 act). All moneys collected for civil penalties levied under this
35 chapter shall be deposited in the state general fund.

36 **Sec. 720.** RCW 69.10.050 and 1995 c 374 s 17 are each amended to
37 read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 department may use all the civil remedies provided under chapter
3 ((69.04)) 15.--- RCW (the new chapter created in section 903 of this
4 act) in carrying out and enforcing the provisions of this chapter.

5 (2) Civil penalties are intended to be used to obtain compliance
6 and shall not be collected if a warehouse successfully completes a
7 mutually agreed upon compliance agreement with the department. A
8 warehouse that enters into a compliance agreement with the department
9 shall pay only for inspections conducted by the department and any
10 laboratory analyses as required by the inspections as outlined and
11 agreed to in the compliance agreement. In no event shall the fee for
12 these inspections and analyses exceed four hundred dollars per
13 inspection or one thousand dollars in total.

14 **Sec. 721.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017
15 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read
16 as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN EACH
19 SERIOUSNESS LEVEL

- 20 XVI Aggravated Murder 1 (RCW 10.95.020)
21 XV Homicide by abuse (RCW 9A.32.055)
22 Malicious explosion 1 (RCW
23 70.74.280(1))
24 Murder 1 (RCW 9A.32.030)
25 XIV Murder 2 (RCW 9A.32.050)
26 Trafficking 1 (RCW 9A.40.100(1))
27 XIII Malicious explosion 2 (RCW
28 70.74.280(2))
29 Malicious placement of an explosive 1
30 (RCW 70.74.270(1))
31 XII Assault 1 (RCW 9A.36.011)
32 Assault of a Child 1 (RCW 9A.36.120)
33 Malicious placement of an imitation
34 device 1 (RCW 70.74.272(1)(a))

1 Promoting Commercial Sexual Abuse of
2 a Minor (RCW 9.68A.101)
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(3))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Vehicular Homicide, by being under the
10 influence of intoxicating liquor or
11 any drug (RCW 46.61.520)
12 Vehicular Homicide, by the operation of
13 any vehicle in a reckless manner
14 (RCW 46.61.520)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Criminal Mistreatment 1 (RCW
17 9A.42.020)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape (RCW
27 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run—Death (RCW
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being under
2 the influence of intoxicating liquor
3 or any drug (RCW 79A.60.050)
4 Inciting Criminal Profiteering (RCW
5 9A.82.060(1)(b))
6 Malicious placement of an explosive 2
7 (RCW 70.74.270(2))
8 Robbery 1 (RCW 9A.56.200)
9 Sexual Exploitation (RCW 9.68A.040)
10 VIII Arson 1 (RCW 9A.48.020)
11 Commercial Sexual Abuse of a Minor
12 (RCW 9.68A.100)
13 Homicide by Watercraft, by the
14 operation of any vessel in a reckless
15 manner (RCW 79A.60.050)
16 Manslaughter 2 (RCW 9A.32.070)
17 Promoting Prostitution 1 (RCW
18 9A.88.070)
19 Theft of Ammonia (RCW 69.55.010)
20 VII Air bag diagnostic systems (causing
21 bodily injury or death) (RCW
22 46.37.660(2)(b))
23 Air bag replacement requirements
24 (causing bodily injury or death)
25 (RCW 46.37.660(1)(b))
26 Burglary 1 (RCW 9A.52.020)
27 Child Molestation 2 (RCW 9A.44.086)
28 Civil Disorder Training (RCW
29 9A.48.120)
30 Dealing in depictions of minor engaged
31 in sexually explicit conduct 1
32 (RCW 9.68A.050(1))
33 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sale (~~(of)~~) of, install, or reinstall
20 counterfeit, nonfunctional,
21 damaged, or previously deployed
22 airbag (RCW 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun in Commission
30 of a Felony (RCW 9.41.225)

31 Vehicular Homicide, by disregard for
32 the safety of others (RCW
33 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW
35 9A.76.170(3)(a))

36 Bribery (RCW 9A.68.010)

37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW 9A.72.160)
2 Intimidating a Juror/Witness (RCW
3 9A.72.110, 9A.72.130)
4 Malicious placement of an imitation
5 device 2 (RCW 70.74.272(1)(b))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.070(1))
9 Rape of a Child 3 (RCW 9A.44.079)
10 Theft of a Firearm (RCW 9A.56.300)
11 Theft from a Vulnerable Adult 1 (RCW
12 9A.56.400(1))
13 Unlawful Storage of Ammonia (RCW
14 69.55.020)
15 V Abandonment of Dependent Person 2
16 (RCW 9A.42.070)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Air bag diagnostic systems (RCW
21 46.37.660(2)(c))
22 Air bag replacement requirements
23 (RCW 46.37.660(1)(c))
24 Bail Jumping with class A Felony
25 (RCW 9A.76.170(3)(b))
26 Child Molestation 3 (RCW 9A.44.089)
27 Criminal Mistreatment 2 (RCW
28 9A.42.030)
29 Custodial Sexual Misconduct 1 (RCW
30 9A.44.160)
31 Dealing in Depictions of Minor
32 Engaged in Sexually Explicit
33 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070, or
5 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sale ((~~of~~)) of, install, or reinstall
27 counterfeit, nonfunctional,
28 damaged, or previously deployed
29 airbag (RCW 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hit and Run—Injury (RCW
27 46.52.020(4)(b))
28 Hit and Run with Vessel—Injury
29 Accident (RCW 79A.60.200(3))
30 Identity Theft 1 (RCW 9.35.020(2))
31 Indecent Exposure to Person Under Age
32 Fourteen (subsequent sex offense)
33 (RCW 9A.88.010)
34 Influencing Outcome of Sporting Event
35 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Mortgage Fraud (RCW 19.144.080)
4 Negligently Causing Substantial Bodily
5 Harm By Use of a Signal
6 Preemption Device (RCW
7 46.37.674)
8 Organized Retail Theft 1 (RCW
9 9A.56.350(2))
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-
14 Barreled Shotgun or Rifle (RCW
15 9.41.190)
16 Promoting Prostitution 2 (RCW
17 9A.88.080)
18 Retail Theft with Special Circumstances
19 1 (RCW 9A.56.360(2))
20 Securities Act violation (RCW
21 21.20.400)
22 Tampering with a Witness (RCW
23 9A.72.120)
24 Telephone Harassment (subsequent
25 conviction or threat of death) (RCW
26 9.61.230(2))
27 Theft of Livestock 2 (RCW 9A.56.083)
28 Theft with the Intent to Resell 1 (RCW
29 9A.56.340(2))
30 Trafficking in Stolen Property 2 (RCW
31 9A.82.055)
32 Unlawful Hunting of Big Game 1 (RCW
33 77.15.410(3)(b))
34 Unlawful Imprisonment (RCW
35 9A.40.040)

1 Unlawful Misbranding of Food Fish or
2 Shellfish 1 (RCW 69.04.938(3) (as
3 recodified by this act))
4 Unlawful possession of firearm in the
5 second degree (RCW 9.41.040(2))
6 Unlawful Taking of Endangered Fish or
7 Wildlife 1 (RCW 77.15.120(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 1 (RCW
10 77.15.260(3)(b))
11 Unlawful Use of a Nondesignated
12 Vessel (RCW 77.15.530(4))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Commercial Fishing Without a License
20 1 (RCW 77.15.500(3)(b))
21 Computer Trespass 1 (RCW 9A.90.040)
22 Counterfeiting (RCW 9.16.035(3))
23 Electronic Data Service Interference
24 (RCW 9A.90.060)
25 Electronic Data Tampering 1 (RCW
26 9A.90.080)
27 Electronic Data Theft (RCW 9A.90.100)
28 Engaging in Fish Dealing Activity
29 Unlicensed 1 (RCW 77.15.620(3))
30 Escape from Community Custody
31 (RCW 72.09.310)
32 Failure to Register as a Sex Offender
33 (second or subsequent offense)
34 (RCW 9A.44.130 prior to June 10,
35 2010, and RCW 9A.44.132)

1 Health Care False Claims (RCW
2 48.80.030)
3 Identity Theft 2 (RCW 9.35.020(3))
4 Improperly Obtaining Financial
5 Information (RCW 9.35.010)
6 Malicious Mischief 1 (RCW 9A.48.070)
7 Organized Retail Theft 2 (RCW
8 9A.56.350(3))
9 Possession of Stolen Property 1 (RCW
10 9A.56.150)
11 Possession of a Stolen Vehicle (RCW
12 9A.56.068)
13 Retail Theft with Special Circumstances
14 2 (RCW 9A.56.360(3))
15 Scrap Processing, Recycling, or
16 Supplying Without a License
17 (second or subsequent offense)
18 (RCW 19.290.100)
19 Theft 1 (RCW 9A.56.030)
20 Theft of a Motor Vehicle (RCW
21 9A.56.065)
22 Theft of Rental, Leased, Lease-
23 purchased, or Loaned Property
24 (valued at five thousand dollars or
25 more) (RCW 9A.56.096(5)(a))
26 Theft with the Intent to Resell 2 (RCW
27 9A.56.340(3))
28 Trafficking in Insurance Claims (RCW
29 48.30A.015)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(a))
33 Unlawful Participation of Non-Indians
34 in Indian Fishery (RCW
35 77.15.570(2))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlawful Purchase or Use of a License
4 (RCW 77.15.650(3)(b))
5 Unlawful Trafficking in Fish, Shellfish,
6 or Wildlife 2 (RCW
7 77.15.260(3)(a))
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Voyeurism 1 (RCW 9A.44.115)
11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 False Verification for Welfare (RCW
14 74.08.055)
15 Forgery (RCW 9A.60.020)
16 Fraudulent Creation or Revocation of a
17 Mental Health Advance Directive
18 (RCW 9A.60.060)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Spotlighting Big Game 1 (RCW
25 77.15.450(3)(b))
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft from a Vulnerable Adult 2 (RCW
32 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

1 Vehicle Prowl 1 (RCW 9A.52.095)
2 Violating Commercial Fishing Area or
3 Time 1 (RCW 77.15.550(3)(b))

4 **PART VIII**
5 **REPEALERS**

6 NEW SECTION. **Sec. 801.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 69.04.021 ("Package") and 1963 c 198 s 8;

9 (2) RCW 69.04.022 ("Pesticide chemical") and 1963 c 198 s 9;

10 (3) RCW 69.04.023 ("Raw agricultural commodity") and 1963 c 198 s
11 10;

12 (4) RCW 69.04.024 ("Food additive," "safe") and 2009 c 549 s 1020
13 & 1963 c 198 s 11;

14 (5) RCW 69.04.025 ("Color additive," "color") and 1963 c 198 s
15 12;

16 (6) RCW 69.04.123 (Exception to petition requirement under RCW
17 69.04.120) and 1995 c 374 s 20;

18 (7) RCW 69.04.190 (Standards may be prescribed by regulations)
19 and 2012 c 117 s 333 & 1945 c 257 s 37;

20 (8) RCW 69.04.200 (Conformance with federal standards) and 1945 c
21 257 s 38;

22 (9) RCW 69.04.205 (Bacon—Packaging at retail to reveal quality
23 and leanness) and 1971 c 49 s 1;

24 (10) RCW 69.04.206 (Bacon—Rules, regulations, and standards—
25 Withholding packaging use—Hearing—Final determination—Appeal) and
26 2012 c 117 s 334 & 1971 c 49 s 2;

27 (11) RCW 69.04.207 (Bacon—Effective date) and 1971 c 49 s 3;

28 (12) RCW 69.04.210 (Food—Adulteration by poisonous or deleterious
29 substance) and 1963 c 198 s 1 & 1945 c 257 s 39;

30 (13) RCW 69.04.220 (Food—Adulteration by abstraction, addition,
31 substitution, etc.) and 1945 c 257 s 40;

32 (14) RCW 69.04.231 (Food—Adulteration by color additive) and 1963
33 c 198 s 5;

34 (15) RCW 69.04.240 (Confectionery—Adulteration) and 2007 c 226 s
35 3, 1984 c 78 s 2, & 1945 c 257 s 42;

36 (16) RCW 69.04.245 (Poultry—Improper use of state's geographic
37 outline) and 1989 c 257 s 2;

1 (17) RCW 69.04.250 (Food—Misbranding by false label, etc.) and
2 1945 c 257 s 43;

3 (18) RCW 69.04.260 (Packaged food—Misbranding) and 1945 c 257 s
4 44;

5 (19) RCW 69.04.270 (Food—Misbranding by lack of prominent label)
6 and 1945 c 257 s 45;

7 (20) RCW 69.04.280 (Food—Misbranding for nonconformity with
8 standard of identity) and 1945 c 257 s 46;

9 (21) RCW 69.04.290 (Food—Misbranding for nonconformity with
10 standard of quality) and 1945 c 257 s 47;

11 (22) RCW 69.04.300 (Food—Misbranding for nonconformity with
12 standard of fill) and 1945 c 257 s 48;

13 (23) RCW 69.04.310 (Food—Misbranding by failure to show usual
14 name and ingredients) and 1945 c 257 s 49;

15 (24) RCW 69.04.320 (Food—Misbranding by failure to show dietary
16 properties) and 1945 c 257 s 50;

17 (25) RCW 69.04.330 (Food—Misbranding by failure to show
18 artificial flavoring, coloring, etc.) and 1945 c 257 s 51;

19 (26) RCW 69.04.331 (Popcorn sold by theaters or commercial food
20 service establishments—Misbranded if the use of butter or ingredients
21 of butter-like flavoring not disclosed) and 2012 c 25 s 1 & 1986 c
22 203 s 17;

23 (27) RCW 69.04.333 (Poultry and poultry products—Label to
24 indicate if product frozen) and 1969 ex.s. c 194 s 1;

25 (28) RCW 69.04.334 (Turkeys—Label requirement as to grading) and
26 1969 ex.s. c 194 s 2;

27 (29) RCW 69.04.335 (RCW 69.04.333 and 69.04.334 subject to
28 enforcement and penalty provisions of chapter) and 1969 ex.s. c 194 s
29 3;

30 (30) RCW 69.04.340 (Natural vitamin, mineral, or dietary
31 properties need not be shown) and 1945 c 257 s 52;

32 (31) RCW 69.04.345 (Direct seller license) and 2014 c 98 s 2;

33 (32) RCW 69.04.350 (Permits to manufacture or process certain
34 foods) and 2012 c 117 s 335 & 1945 c 257 s 53;

35 (33) RCW 69.04.360 (Suspension of permit) and 1945 c 257 s 54;

36 (34) RCW 69.04.380 (Food exempt if in transit for completion
37 purposes) and 1945 c 257 s 56;

38 (35) RCW 69.04.390 (Regulations permitting tolerance of harmful
39 matter) and 2012 c 117 s 336, 1963 c 198 s 2, & 1945 c 257 s 57;

1 (36) RCW 69.04.392 (Regulations permitting tolerance of harmful
2 matter—Pesticide chemicals in or on raw agricultural commodities) and
3 2012 c 117 s 337, 1975 1st ex.s. c 7 s 26, & 1963 c 198 s 3;
4 (37) RCW 69.04.394 (Regulations permitting tolerance of harmful
5 matter—Food additives) and 2009 c 549 s 1021, 1975 1st ex.s. c 7 s
6 27, & 1963 c 198 s 4;
7 (38) RCW 69.04.396 (Regulations permitting tolerance of harmful
8 matter—Color additives) and 2009 c 549 s 1022, 1975 1st ex.s. c 7 s
9 28, & 1963 c 198 s 6;
10 (39) RCW 69.04.398 (Purpose of RCW 69.04.110, 69.04.392,
11 69.04.394, 69.04.396—Uniformity with federal laws and regulations—
12 Application to production of kosher food products—Adoption of rules)
13 and 1991 c 162 s 5, 1986 c 203 s 18, & 1975 1st ex.s. c 7 s 36;
14 (40) RCW 69.04.400 (Conformance with federal regulations) and
15 1963 c 198 s 7 & 1945 c 257 s 58;
16 (41) RCW 69.04.870 (Short title) and 1945 c 257 s 1;
17 (42) RCW 69.04.900 (Perishable packaged food—Pull date labeling—
18 Definitions) and 1974 ex.s. c 57 s 1 & 1973 1st ex.s. c 112 s 1;
19 (43) RCW 69.04.905 (Perishable packaged food—Pull date labeling—
20 Required) and 1974 ex.s. c 57 s 2 & 1973 1st ex.s. c 112 s 2;
21 (44) RCW 69.04.910 (Perishable packaged food—Pull date labeling—
22 Selling or trading goods beyond pull date—Repackaging to substitute
23 for original date—Exception) and 1973 1st ex.s. c 112 s 3;
24 (45) RCW 69.04.915 (Perishable packaged food—Pull date labeling—
25 Storage—Rules and regulations) and 2012 c 117 s 344, 1989 1st ex.s. c
26 9 s 225, & 1973 1st ex.s. c 112 s 4;
27 (46) RCW 69.04.920 (Perishable packaged food—Pull date labeling—
28 Penalties) and 1973 1st ex.s. c 112 s 5;
29 (47) RCW 69.04.930 (Frozen fish and meat—Labeling requirements—
30 Exceptions) and 2003 c 39 s 28, 1999 c 291 s 32, 1988 c 254 s 8, 1983
31 1st ex.s. c 46 s 179, & 1975 c 39 s 1;
32 (48) RCW 69.04.940 (Imported lamb products—Labeling requirements)
33 and 1987 c 393 s 25;
34 (49) RCW 69.04.950 (Transport of bulk foods—Definitions) and 1990
35 c 202 s 1;
36 (50) RCW 69.04.955 (Transport of bulk foods—Prohibitions—
37 Exemption) and 1990 c 202 s 2;

1 (51) RCW 69.04.960 (Transport of bulk foods—Compatible substances
2 —Cleaning vehicle or vessel—Vehicle or vessel marking) and 1990 c
3 202 s 3;

4 (52) RCW 69.04.965 (Transport of bulk foods—Transports not
5 constituting violations) and 1990 c 202 s 4;

6 (53) RCW 69.04.970 (Transport of bulk foods—Substances rendering
7 vehicle or vessel permanently unsuitable for bulk food transport—
8 Procedures to rehabilitate vehicles and vessels) and 1990 c 202 s 5;

9 (54) RCW 69.04.975 (Transport of bulk foods—Rehabilitation of
10 vehicles and vessels—Inspection—Certification—Marking—Costs) and
11 1990 c 202 s 6; and

12 (55) RCW 69.04.980 (Transport of bulk foods—Penalties) and 1990 c
13 202 s 7.

14 **PART IX**
15 **MISCELLANEOUS PROVISIONS**

16 NEW SECTION. **Sec. 901.** SHORT TITLE. This chapter may be known
17 and cited as the food safety and security act.

18 NEW SECTION. **Sec. 902.** CONSTRUCTION. This chapter and the rules
19 adopted under it must be construed to promote uniformity with federal
20 acts and regulations relating to adulteration, misbranding, and false
21 advertising of food.

22 NEW SECTION. **Sec. 903.** (1) Sections 1, 101 through 105, 201
23 through 205, 301 and 302, 401 through 404, 501 through 509, 901, and
24 902 of this act constitute a new chapter in Title 15 RCW, with the
25 following subchapters.

26 (a) Sections 101 through 105 of this act must be codified under
27 the subchapter heading of "general provisions."

28 (b) Sections 201 through 205 of this act must be codified under
29 the subchapter heading "general quality standards and requirements."

30 (c) Sections 301 and 302 of this act must be codified under the
31 subchapter heading "special quality or labeling requirements."

32 (d) Sections 401 through 404 of this act must be codified under
33 the subchapter heading "licenses."

1 (e) Sections 501 through 509 of this act must be codified under
2 the subchapter heading "investigation, enforcement, and emergency
3 authority."

4 (f) Sections 901 and 902 of this act must be codified under the
5 subchapter heading "miscellaneous provisions."

6 (2) The code reviser shall provide a gap in the numbering between
7 the end of the subchapter "special quality and labeling requirements"
8 and the beginning of the subchapter "licenses" to accommodate future
9 addition of amendments and subchapters, to the chapter.

10 NEW SECTION. **Sec. 904.** RCW 69.04.928, 69.04.932, 69.04.933,
11 69.04.934, 69.04.935, and 69.04.938 are each recodified as sections
12 in a new chapter in Title 77 RCW.

Passed by the Senate February 8, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 22, 2018.

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