

CERTIFICATION OF ENROLLMENT

SENATE BILL 5303

Chapter 99, Laws of 2021

67th Legislature
2021 Regular Session

FOOD AND DRUG ADMINISTRATION NONPUBLIC INFORMATION—PUBLIC RECORDS ACT
EXEMPTION

EFFECTIVE DATE: July 25, 2021

Passed by the Senate February 23,
2021

Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 5, 2021

Yeas 81 Nays 16

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 16, 2021 10:54 AM

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 **SENATE BILL 5303** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 16, 2021

**Secretary of State
State of Washington**

SENATE BILL 5303

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senator Hunt; by request of Department of Health

1 AN ACT Relating to exempting United States food and drug
2 administration nonpublic information from disclosure under the state
3 public disclosure act; and amending RCW 42.56.380.

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

5 **Sec. 1.** RCW 42.56.380 and 2019 c 337 s 3 are each amended to
6 read as follows:

7 The following information relating to agriculture and livestock
8 is exempt from disclosure under this chapter:

- 9 (1) Business-related information under RCW 15.86.110;
- 10 (2) Information provided under RCW 15.54.362;
- 11 (3) Production or sales records required to determine assessment
12 levels and actual assessment payments to commodity boards and
13 commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65,
14 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required
15 by the department of agriculture to administer these chapters or the
16 department's programs;
- 17 (4) Consignment information contained on phytosanitary
18 certificates issued by the department of agriculture under chapters
19 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates
20 issued under 7 C.F.R. 353 through cooperative agreements with the
21 animal and plant health inspection service, United States department

1 of agriculture, or on applications for phytosanitary certification
2 required by the department of agriculture;

3 (5) Financial and commercial information and records supplied by
4 persons (a) to the department of agriculture for the purpose of
5 conducting a referendum for the potential establishment of a
6 commodity board or commission; or (b) to the department of
7 agriculture or commodity boards or commissions formed under chapter
8 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100,
9 15.89, or 16.67 RCW with respect to domestic or export marketing
10 activities or individual producer's production information;

11 (6) Information obtained regarding the purchases, sales, or
12 production of an individual American ginseng grower or dealer, except
13 for providing reports to the United States fish and wildlife service
14 under RCW 15.19.080;

15 (7) Information collected regarding packers and shippers of
16 fruits and vegetables for the issuance of certificates of compliance
17 under RCW 15.17.140(2) and 15.17.143;

18 (8) Financial statements obtained under RCW 16.65.030(1)(d) for
19 the purposes of determining whether or not the applicant meets the
20 minimum net worth requirements to construct or operate a public
21 livestock market;

22 (9) Information submitted by an individual or business to the
23 department of agriculture under the requirements of chapters 16.36,
24 16.57, and 43.23 RCW for the purpose of herd inventory management for
25 animal disease traceability. This information includes animal
26 ownership, numbers of animals, locations, contact information,
27 movements of livestock, financial information, the purchase and sale
28 of livestock, account numbers or unique identifiers issued by
29 government to private entities, and information related to livestock
30 disease or injury that would identify an animal, a person, or
31 location. Disclosure to local, state, and federal officials is not
32 public disclosure. This exemption does not affect the disclosure of
33 information used in reportable animal health investigations under
34 chapter 16.36 RCW once they are complete;

35 (10) Results of testing for animal diseases from samples
36 submitted by or at the direction of the animal owner or his or her
37 designee that can be identified to a particular business or
38 individual;

39 (11) Records of international livestock importation that can be
40 identified to a particular animal, business, or individual received

1 from the United States department of homeland security or the United
2 States department of agriculture that are not disclosable by the
3 federal agency under federal law including 5 U.S.C. Sec. 552;

4 (12) Records related to the entry of prohibited agricultural
5 products imported into Washington state or that had Washington state
6 as a final destination received from the United States department of
7 homeland security or the United States department of agriculture that
8 are not disclosable by the federal agency under federal law including
9 5 U.S.C. Sec. 552;

10 (13) Information obtained from the federal government or others
11 under contract with the federal government or records obtained by the
12 department of agriculture, in accordance with RCW 15.135.100;

13 (14) Hop grower lot numbers and laboratory results associated
14 with the hop grower lot numbers where this information is used by the
15 department of agriculture to issue export documents; (~~and~~)

16 (15) Information or records obtained pursuant to a food and drug
17 administration contract or commissioning agreement, in accordance
18 with RCW 15.130.150; and

19 (16) The following information or records obtained from the
20 federal food and drug administration by the public health
21 laboratories within the department of health pursuant to a contract
22 or agreement entered into for the purpose of obtaining funding for
23 monitoring food supplies for harmful contaminants, to the extent it
24 is exempt from disclosure under 5 U.S.C. Sec. 552, the federal
25 freedom of information act: Trade secrets; confidential commercial
26 information; information under the federal deliberative process
27 privilege; information compiled for law enforcement purposes; and
28 information expressly required to be kept confidential by other
29 federal laws.

Passed by the Senate February 23, 2021.

Passed by the House April 5, 2021.

Approved by the Governor April 16, 2021.

Filed in Office of Secretary of State April 16, 2021.

--- END ---