
SENATE BILL 5996

State of Washington

53rd Legislature

1994 Regular Session

By Senator Erwin

Read first time 01/10/94. Referred to Committee on Agriculture.

1 AN ACT Relating to the disparagement of agricultural food products;
2 amending RCW 4.16.080; adding a new chapter to Title 7 RCW; prescribing
3 penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that the production
6 of agricultural food products constitutes a large proportion of the
7 Washington economy and that it is beneficial to the citizens of this
8 state to protect the vitality of the agricultural economy by providing
9 a legal claim for relief for producers of agricultural food products to
10 recover damages for the disparagement of any agricultural food product.

11 NEW SECTION. **Sec. 2.** Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

14 (1) "Disparagement" means dissemination to the public in any manner
15 of any false information regarding the application of any agricultural
16 chemical or process to agricultural food products that is not based on
17 reliable scientific data, that the disseminator knows or should have

1 known to be false, and that causes the consuming public to doubt the
2 safety of any agricultural food product.

3 (2) "Agricultural food product" means food as defined in RCW
4 69.04.008.

5 NEW SECTION. **Sec. 3.** (1) Any producer of agricultural food
6 products who suffers damages as a result of another person's
7 disparagement of any such agricultural food product may bring an action
8 for damages in a court of competent jurisdiction.

9 (2) In a case where damages are awarded under this section, the
10 court shall award to the plaintiff all costs of the litigation,
11 including reasonable attorneys' fees, investigation costs, and court
12 costs, and shall impose on any liable party a civil fine of not more
13 than one hundred thousand dollars to be paid to the plaintiff.

14 **Sec. 4.** RCW 4.16.080 and 1989 c 38 s 2 are each amended to read as
15 follows:

16 The following actions shall be commenced within three years:

17 (1) An action for waste or trespass upon real property;

18 (2) An action for taking, detaining, or injuring personal property,
19 including an action for the specific recovery thereof, or for any other
20 injury to the person or rights of another not hereinafter enumerated;

21 (3) Except as provided in RCW 4.16.040(2), an action upon a
22 contract or liability, express or implied, which is not in writing, and
23 does not arise out of any written instrument;

24 (4) An action for relief upon the ground of fraud, the cause of
25 action in such case not to be deemed to have accrued until the
26 discovery by the aggrieved party of the facts constituting the fraud;

27 (5) An action against a sheriff, coroner, or constable upon a
28 liability incurred by the doing of an act in his official capacity and
29 by virtue of his office, or by the omission of an official duty,
30 including the nonpayment of money collected upon an execution; but this
31 subdivision shall not apply to action for an escape;

32 (6) An action against an officer charged with misappropriation or
33 a failure to properly account for public funds intrusted to his
34 custody; an action upon a statute for penalty or forfeiture, where an
35 action is given to the party aggrieved, or to such party and the state,
36 except when the statute imposing it prescribed a different limitation:
37 PROVIDED, HOWEVER, The cause of action for such misappropriation,

1 penalty or forfeiture, whether for acts heretofore or hereafter done,
2 and regardless of lapse of time or existing statutes of limitations, or
3 the bar thereof, even though complete, shall not be deemed to accrue or
4 to have accrued until discovery by the aggrieved party of the act or
5 acts from which such liability has arisen or shall arise, and such
6 liability, whether for acts heretofore or hereafter done, and
7 regardless of lapse of time or existing statute of limitation, or the
8 bar thereof, even though complete, shall exist and be enforceable for
9 three years after discovery by aggrieved party of the act or acts from
10 which such liability has arisen or shall arise;

11 (7) All actions for damages for disparagement of agricultural food
12 products brought under section 3 of this act.

13 NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall
14 constitute a new chapter in Title 7 RCW.

15 NEW SECTION. Sec. 6. This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately.

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