
SENATE BILL 5839

State of Washington

54th Legislature

1995 Regular Session

By Senators Rasmussen and A. Anderson

Read first time 02/08/95. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to alternative livestock farming; amending RCW
2 77.08.010, 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040,
3 16.36.060, 16.36.070, 16.36.080, 16.36.100, and 16.57.010; adding a new
4 section to chapter 16.49A RCW; and adding a new chapter to Title 16
5 RCW.

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

7 NEW SECTION. **Sec. 1.** The legislature declares that the husbandry
8 of alternative livestock as a farming operation will provide a
9 consistent source of healthful food, offer opportunities for new jobs
10 and increased farm income stability, and improve the balance of trade.

11 The legislature finds that many areas of the state of Washington
12 are suitable for alternative livestock farms, and therefore the
13 legislature encourages the promotion of alternative livestock farming
14 activities, programs, and development with the same status as other
15 agricultural activities, programs, and development within the state.

16 The legislature finds that alternative livestock farming should be
17 considered a branch of the agricultural industry of the state for
18 purposes of laws that apply to or provide for the advancement, benefit,
19 or protection of the agriculture industry within the state.

1 The legislature recognizes that a Washington superior court has
2 found that the Washington wildlife commission has adopted rules "in a
3 way that is designed more to discourage and terminate a whole industry
4 rather than mitigate potential harms created by the industry," and that
5 the rules, in certain instances, constituted a taking where the state
6 "ought to pay those who are affected by the process." The court also
7 found that the rules were adopted on an emergency basis when "there was
8 no immediate or imminent risk to any of the native deer species which
9 any of the regulations protected against" and that "the potential risk
10 of harm to native wildlife in deer farming is no greater than the
11 activity of raising dairy cows and cattle."

12 It is therefore the policy of this state to encourage the
13 development and expansion of alternative livestock farming within the
14 state. It is also the policy of the state that the regulation of the
15 alternative livestock farming industry rest solely with the department.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout this
18 chapter.

19 (1) "Alternative livestock" means those species designated by rule
20 adopted by the director of the department, under the provisions of
21 section 4 of this act, so long as the livestock are: Confined by
22 humans; raised or used in farm or ranch operations in the private
23 sector; and produced on the farm or ranch or legally acquired for the
24 farm or ranch. "Alternative livestock" does not include: Domestic
25 dogs (*Canis familiaris*) or domestic cats (*Felis domestica*); private
26 sector aquatic products as defined in and regulated under chapter 15.85
27 RCW; animals raised for release into the wild; animals raised for the
28 purpose of hunting that takes place in this state; or fur farming and
29 game farming as currently allowed and regulated by chapters 16.72 and
30 77.32 RCW.

31 (2) "Alternative livestock farm or ranch" means the farm or ranch
32 upon which alternative livestock are reared and does not include
33 publicly and privately owned facilities for which a license or permit
34 is required under RCW 77.12.570 or 77.32.010.

35 (3) "Alternative livestock products" means the agricultural
36 products of alternative livestock including, but not limited to, meat
37 and meat products, velvet, antlers, horns, leather, hides, feathers,
38 eggs, gametes, and genetic materials.

1 (4) "Department" means the department of agriculture.

2 (5) "Traditional livestock" means horses, mules, cattle, sheep,
3 swine, goats, poultry, and rabbits, and other species historically
4 found in commercial production on farms or ranches in the state of
5 Washington before 1980.

6 NEW SECTION. **Sec. 3.** The department is the principal state agency
7 for providing regulation of and state marketing support services for
8 the alternative livestock industry. The department shall exercise its
9 authorities, including, but not limited to, those provided by chapters
10 15.64, 15.65, 15.66, 16.36, and 43.23 RCW, to regulate and provide
11 services to the alternative livestock industry as for other
12 agricultural industries.

13 NEW SECTION. **Sec. 4.** Upon the request of a person desiring to
14 propagate an animal species for commercial purposes, the director of
15 agriculture shall by rule designate that species of animal as
16 alternative livestock, if following an investigation, the director
17 finds the species to be appropriate for commercial production in the
18 state of Washington. On the effective date of this act, the director
19 shall by rule designate as alternative livestock, those animal species
20 that have come into commercial production in the state of Washington
21 after 1980.

22 NEW SECTION. **Sec. 5.** It is unlawful to hunt or allow others to
23 hunt for a fee, any alternative livestock reared on or derived from an
24 alternative livestock farm.

25 NEW SECTION. **Sec. 6.** Wildlife species that exist in a wild state
26 in the state of Washington may not be trapped or captured or otherwise
27 taken for use in an alternative livestock farming operation.

28 NEW SECTION. **Sec. 7.** The director of agriculture shall, when
29 necessary, establish methods of identification requirements, such as
30 tattoos, branding, or eartags, for alternative livestock and
31 alternative livestock products to the extent that identifying the
32 livestock or the source or quantity of the products is necessary to
33 permit the department of fish and wildlife to effectively administer
34 and enforce Title 77 RCW.

1 NEW SECTION. **Sec. 8.** The owner of a farm or ranch for alternative
2 livestock shall register the farm or ranch annually with the
3 department. The director shall develop and maintain a registration
4 list of all alternative livestock farms and ranches. Registered
5 alternative livestock farms and ranches shall provide the department
6 production statistical data. The director of agriculture shall
7 establish by rule a reasonable annual registration fee to cover the
8 costs of development and maintenance of the alternative livestock
9 registration list. Fees may differ between species based upon the
10 economic value of the species. Fees collected under this section shall
11 be deposited in the alternative livestock farm account hereby
12 established within the agricultural local fund established in RCW
13 43.23.230 and shall be used solely to carry out the provisions of this
14 chapter.

15 NEW SECTION. **Sec. 9.** The director of agriculture may adopt rules
16 establishing enclosure standards for one or more types of alternative
17 livestock as deemed necessary to assure adequate protection to other
18 livestock and wildlife.

19 NEW SECTION. **Sec. 10.** Wildlife species that exist in a wild state
20 in the state of Washington are not alternative livestock, and may only
21 be designated as alternative livestock by the director of agriculture
22 under the provisions of section 4 of this act, if they have been
23 legally acquired from sources outside of the state of Washington and
24 brought into the state of Washington in compliance with all health and
25 identification requirements established by the director of agriculture
26 or the state veterinarian.

27 NEW SECTION. **Sec. 11.** All rules of the department of fish and
28 wildlife and the department of agriculture, affecting alternative
29 livestock and deleterious exotic wildlife, that are inconsistent with
30 the purpose and substance of chapter . . . , Laws of 1995 (this act),
31 shall be amended or repealed to comply with chapter . . . , Laws of 1995
32 (this act).

33 **Sec. 12.** RCW 77.08.010 and 1993 sp.s. c 2 s 66 are each amended to
34 read as follows:

1 As used in this title or rules adopted pursuant to this title,
2 unless the context clearly requires otherwise:

3 (1) "Director" means the director of fish and wildlife.

4 (2) "Department" means the department of fish and wildlife.

5 (3) "Commission" means the state fish and wildlife commission.

6 (4) "Person" means and includes an individual, a corporation, or a
7 group of two or more individuals acting with a common purpose whether
8 acting in an individual, representative, or official capacity.

9 (5) "Wildlife agent" means a person appointed and commissioned by
10 the director, with authority to enforce laws and rules adopted pursuant
11 to this title, and other statutes as prescribed by the legislature.

12 (6) "Ex officio wildlife agent" means a commissioned officer of a
13 municipal, county, state, or federal agency having as its primary
14 function the enforcement of criminal laws in general, while the officer
15 is in the appropriate jurisdiction. The term "ex officio wildlife
16 agent" includes fisheries patrol officers, special agents of the
17 national marine fisheries service, state parks commissioned officers,
18 United States fish and wildlife special agents, department of natural
19 resources enforcement officers, and United States forest service
20 officers, while the agents and officers are within their respective
21 jurisdictions.

22 (7) "To hunt" and its derivatives means an effort to kill, injure,
23 capture, or harass a wild animal or wild bird.

24 (8) "To trap" and its derivatives means a method of hunting using
25 devices to capture wild animals or wild birds.

26 (9) "To fish" and its derivatives means an effort to kill, injure,
27 harass, or catch a game fish.

28 (10) "Open season" means those times, manners of taking, and places
29 or waters established by rule of the commission for the lawful hunting,
30 fishing, or possession of game animals, game birds, or game fish.
31 "Open season" includes the first and last days of the established time.

32 (11) "Closed season" means all times, manners of taking, and places
33 or waters other than those established as an open season.

34 (12) "Closed area" means a place where the hunting of some species
35 of wild animals or wild birds is prohibited.

36 (13) "Closed waters" means all or part of a lake, river, stream, or
37 other body of water, where fishing for game fish is prohibited.

38 (14) "Game reserve" means a closed area where hunting for all wild
39 animals and wild birds is prohibited.

1 (15) "Bag limit" means the maximum number of game animals, game
2 birds, or game fish which may be taken, caught, killed, or possessed by
3 a person, as specified by rule of the commission for a particular
4 period of time, or as to size, sex, or species.

5 (16) "Wildlife" means all (~~(species of the)~~) animals (~~(kingdom~~
6 ~~whose members)~~) that exist in Washington in a wild state. This
7 includes but is not limited to mammals, birds, reptiles, amphibians,
8 fish, and invertebrates. The term "wildlife" does not include feral
9 domestic mammals, the family Muridae of the order Rodentia (old world
10 rats and mice), animals regulated under the provisions of the federal
11 animal welfare act, alternative livestock designated under the
12 provision of section 4 of this act that have been legally acquired
13 outside of the state of Washington, or those fish, shellfish, and
14 marine invertebrates classified as food fish or shellfish by the
15 director. The term "wildlife" includes all stages of development and
16 the bodily parts of wildlife members.

17 (17) "Wild animals" means those (~~(species)~~) animals of the class
18 Mammalia (~~(whose members)~~) that exist in Washington in a wild state and
19 the species Rana catesbeiana (bullfrog). The term "wild animal" does
20 not include feral domestic mammals or the family Muridae of the order
21 Rodentia (old world rats and mice).

22 (18) "Wild birds" means those (~~(species)~~) animals of the class Aves
23 (~~(whose members)~~) who exist in Washington in a wild state.

24 (19) "Protected wildlife" means wildlife designated by the
25 commission that shall not be hunted or fished.

26 (20) "Endangered species" means wildlife designated by the
27 commission as seriously threatened with extinction.

28 (21) "Game animals" means wild animals that shall not be hunted
29 except as authorized by the commission.

30 (22) "Fur-bearing animals" means game animals that shall not be
31 trapped except as authorized by the commission.

32 (23) "Game birds" means wild birds that shall not be hunted except
33 as authorized by the commission.

34 (24) "Predatory birds" means wild birds that may be hunted
35 throughout the year as authorized by the commission.

36 (25) "Deleterious exotic wildlife" means species of the animal
37 kingdom not native to Washington and designated as dangerous to the
38 environment or wildlife of the state but excluding traditional

1 livestock and alternative livestock as defined in section 2 (1) and (5)
2 of this act.

3 (26) "Game farm" means property on which wildlife is held or raised
4 for commercial purposes, trade, or gift. The term "game farm" does not
5 include publicly owned facilities.

6 (27) "Person of disability" means a permanently disabled person who
7 is not ambulatory without the assistance of a wheelchair, crutches, or
8 similar devices.

9 NEW SECTION. **Sec. 13.** A new section is added to chapter 16.49A
10 RCW to read as follows:

11 (1) Meat and meat by-products of alternative livestock, as defined
12 in section 2 of this act, whether or not such meat, meat by-products,
13 or animals originate from within the state, shall not be sold or
14 distributed for public consumption without prior inspection by the
15 department, the United States department of agriculture, or another
16 department-recognized local, state, or federal agency responsible for
17 food safety and inspection.

18 (2) The department may adopt rules establishing a program for
19 inspecting meat and meat by-products of alternative livestock. Such
20 rules shall include a fee schedule that will provide for the recovery
21 of the cost of the inspection program. Fees collected under this
22 section shall be deposited in an account within the agricultural local
23 fund and the revenue from such fees shall be used solely for carrying
24 out the provisions of this section. The director may employ such
25 personnel as are necessary to carry out the provisions of this section.

26 **Sec. 14.** RCW 16.36.005 and 1987 c 163 s 1 are each amended to read
27 as follows:

28 As used in this chapter:

29 "Alternative livestock" shall have the meaning as defined in
30 section 2 of this act.

31 "Director" means the director of agriculture of the state of
32 Washington or his or her authorized representative.

33 "Department" means the department of agriculture of the state of
34 Washington.

35 "Garbage" means the solid animal and vegetable waste and offal
36 together with the natural moisture content resulting from the handling,
37 preparation, or consumption of foods in houses, restaurants, hotels,

1 kitchens, markets, meat shops, packing houses and similar
2 establishments or any other food waste containing meat or meat
3 products.

4 "Veterinary biologic" means any virus, serum, toxin, and analogous
5 product of natural or synthetic origin, or product prepared from any
6 type of genetic engineering, such as diagnostics, antitoxins, vaccines,
7 live microorganisms, killed microorganisms, and the antigenic or
8 immunizing components intended for use in the diagnosis, treatment, or
9 prevention of diseases in animals.

10 **Sec. 15.** RCW 16.36.010 and 1927 c 165 s 2 are each amended to read
11 as follows:

12 The word "quarantine" as used in this act shall mean the placing
13 and restraining of any animal or animals by the owner or agents in
14 charge thereof, either within a certain described and designated
15 enclosure or area within this state, or the restraining of any such
16 animal or animals from entering this state, as may be directed in
17 writing by the director of agriculture, or his or her duly authorized
18 representative. Any animal or animals so quarantined within the state
19 shall at all times be kept separate and apart from other ((domestic))
20 animals and not allowed to have anything in common therewith.

21 **Sec. 16.** RCW 16.36.020 and 1987 c 163 s 2 are each amended to read
22 as follows:

23 The director shall have general supervision of the prevention of
24 the spread and the suppression of infectious, contagious, communicable
25 and dangerous diseases affecting animals within, in transit through and
26 being imported into the state. The director may establish and enforce
27 quarantine of and against any and all ((domestic)) animals which are
28 affected with any such disease or that may have been exposed to others
29 thus affected, whether within or without the state, for such length of
30 time as he or she deems necessary to determine whether any such animal
31 is infected with any such disease. The director shall also enforce and
32 administer the provisions of this chapter pertaining to garbage feeding
33 and when garbage has been fed to swine, the director may require the
34 disinfection of all facilities, including yard, transportation and
35 feeding facilities, used for keeping such swine.

36 The director shall also have the authority to regulate the sale,
37 distribution, and use of veterinary biologics in the state and may

1 adopt rules to restrict the sale, distribution, or use of any
2 veterinary biologic in any manner the director determines to be
3 necessary to protect the health and safety of the public and the
4 state's animal population.

5 **Sec. 17.** RCW 16.36.050 and 1979 c 154 s 11 are each amended to
6 read as follows:

7 It is unlawful for a person to intentionally falsely make,
8 complete, alter, use, or sign an animal health certificate, certificate
9 of veterinary inspection, or official written animal health instrument
10 of the department. It ~~((shall be))~~ is unlawful for any person, or any
11 railroad or transportation company, or other common carrier, to bring
12 into this state for any purpose any ~~((domestic))~~ animals without first
13 having secured an official health certificate or certificate of
14 veterinary inspection, certified by the state veterinarian of origin
15 that such animals meet the health requirements promulgated by the
16 director of agriculture of the state of Washington: PROVIDED, That
17 this section shall not apply to domestic animals imported into this
18 state for immediate slaughter, or domestic animals imported for the
19 purpose of unloading for feed, rest, and water, for a period not in
20 excess of twenty-eight hours except upon prior permit therefor secured
21 from the director of agriculture. It shall be unlawful for any person
22 to divert en route for other than to an approved, inspected stockyard
23 for immediate slaughter or to sell for other than immediate slaughter
24 or to fail to slaughter within fourteen days after arrival, any animal
25 imported into this state for immediate slaughter. It shall be unlawful
26 for any person, railroad, transportation company, or other common
27 carrier, to keep any domestic animals which are unloaded for feed, rest
28 and water in other than quarantined pens, or not to report any missing
29 animals to the director of agriculture at the time the animals are
30 reloaded.

31 **Sec. 18.** RCW 16.36.040 and 1979 c 154 s 10 are each amended to
32 read as follows:

33 The director of agriculture shall have power to ~~((promulgate))~~
34 adopt and enforce such reasonable rules ~~((, regulations))~~ and orders as
35 he or she may deem necessary or proper to prevent the introduction or
36 spreading of infectious, contagious, communicable or dangerous diseases
37 affecting ~~((domestic))~~ animals in this state, and to ~~((promulgate))~~

1 adopt and enforce such reasonable rules(~~(, regulations)~~) and orders as
2 he or she may deem necessary or proper governing the inspection and
3 test of all animals within or about to be imported into this state, and
4 to (~~(promulgate)~~) adopt and enforce (~~(intereounty)~~) intrastate
5 embargoes, hold orders, and quarantine (~~(to prevent the shipment,~~
6 ~~trailing, trucking, transporting or movement of bovine animals from any~~
7 ~~county that has not been declared modified accredited by the United~~
8 ~~States department of agriculture, animal and plant health inspection~~
9 ~~service, for tuberculosis and/or certified brucellosis free, into a~~
10 ~~county which has been declared modified accredited by the United States~~
11 ~~department of agriculture, animal and plant health inspection service,~~
12 ~~for tuberculosis and/or certified brucellosis free, unless such animals~~
13 ~~are accompanied by a negative certificate of tuberculin test made~~
14 ~~within sixty days and/or a negative brucellosis test made within the~~
15 ~~forty five day period prior to the movement of such animal into such~~
16 ~~county, issued by a duly authorized veterinary inspector of the state~~
17 ~~department of agriculture, or of the United States department of~~
18 ~~agriculture, animal and plant health inspection service, or an~~
19 ~~accredited veterinarian authorized by permit issued by the director of~~
20 ~~agriculture to execute such certificate)~~).

21 **Sec. 19.** RCW 16.36.060 and 1985 c 415 s 2 are each amended to read
22 as follows:

23 It (~~(shall be)~~) is unlawful for any person to willfully hinder,
24 obstruct, or resist the director of agriculture or any duly authorized
25 representative, or any peace officer acting under him or her or them,
26 when engaged in the performance of the duties or in the exercise of the
27 powers conferred by this chapter, and it (~~(shall be)~~) is unlawful for
28 any person to willfully fail to comply with or violate any rule(~~(,~~
29 ~~regulation)~~) or order (~~(promulgated)~~) adopted by the director of
30 agriculture or his or her duly authorized representatives under the
31 provisions of this chapter. The director of agriculture shall have the
32 authority under such rules (~~(and regulations)~~) as shall be
33 (~~(promulgated)~~) adopted by (~~(him)~~) the director to enter at any
34 reasonable time the premises of any (~~(livestock)~~) animal owner to make
35 tests on any animals for diseased conditions, and it (~~(shall be)~~) is
36 unlawful for any person to interfere with such tests in any manner, or
37 to violate any segregation or identification order made in connection

1 with such tests by the director of agriculture, or his or her duly
2 authorized representative.

3 **Sec. 20.** RCW 16.36.070 and 1947 c 172 s 6 are each amended to read
4 as follows:

5 Whenever a majority of any board of health, board of county
6 commissioners, city council or other governing body of any incorporated
7 city or town, or trustees of any township, whether in session or not,
8 shall, in writing or by telegraph, notify the director of agriculture
9 of the prevalence of or probable danger of infection from any of the
10 diseases of ((domestic)) animals the director of agriculture
11 personally(~~(, or by the supervisor of dairy and livestock,)~~) or by a
12 duly appointed and deputized veterinarian of the ((~~division of dairy~~
13 ~~and livestock~~)) department, shall at once go to the place designated in
14 said notice and take such action as the exigencies may in his or her
15 judgment demand, and may in case of an emergency appoint deputies or
16 assistants, with equal power to act. The compensation to be paid such
17 emergency deputies and assistants, shall be fixed by the director of
18 agriculture in conformity with the standards effective in the locality
19 in which the services are performed.

20 **Sec. 21.** RCW 16.36.080 and 1947 c 172 s 7 are each amended to read
21 as follows:

22 It (~~shall be~~) is unlawful for any person registered to practice
23 veterinary medicine, surgery and dentistry in this state not to
24 immediately report in writing to the director of agriculture the
25 discovery of the existence or suspected existence among ((domestic))
26 animals within the state of any reportable diseases as published by the
27 director of agriculture.

28 **Sec. 22.** RCW 16.36.100 and 1927 c 165 s 10 are each amended to
29 read as follows:

30 The governor and the director of agriculture shall have the power
31 to cooperate with the government of the United States in the prevention
32 and eradication of diseases of ((domestic)) animals and the governor
33 shall have the power to receive and receipt for any moneys receivable
34 by this state under the provisions of any act of congress and pay the
35 same into the hands of the state treasurer as custodian for the state
36 to be used and expended in carrying out the provisions of this act and

1 the act or acts of congress under which said moneys are paid over to
2 the state.

3 **Sec. 23.** RCW 16.57.010 and 1993 c 105 s 2 are each amended to read
4 as follows:

5 For the purpose of this chapter:

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

8 (2) "Director" means the director of the department or a duly
9 appointed representative.

10 (3) "Person" means a natural person, individual, firm, partnership,
11 corporation, company, society, and association, and every officer,
12 agent or employee thereof. This term shall import either the singular
13 or the plural as the case may be.

14 (4) "Livestock" includes, but is not limited to, horses, mules,
15 cattle, sheep, swine, goats, poultry (~~and~~), rabbits, and alternative
16 livestock as defined in section 2 of this act.

17 (5) "Brand" means a permanent fire brand or any artificial mark,
18 other than an individual identification symbol, approved by the
19 director to be used in conjunction with a brand or by itself.

20 (6) "Production record brand" means a number brand which shall be
21 used for production identification purposes only.

22 (7) "Brand inspection" means the examination of livestock or
23 livestock hides for brands or any means of identifying livestock or
24 livestock hides and/or the application of any artificial identification
25 such as back tags or ear clips necessary to preserve the identity of
26 the livestock or livestock hides examined.

27 (8) "Individual identification symbol" means a permanent mark
28 placed on a horse for the purpose of individually identifying and
29 registering the horse and which has been approved for use as such by
30 the director.

31 (9) "Registering agency" means any person issuing an individual
32 identification symbol for the purpose of individually identifying and
33 registering a horse.

34 (10) "Poultry" means chickens, turkeys, ratites, and other
35 domesticated fowl.

36 (11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
37 other flightless bird used for human consumption, whether live or
38 slaughtered.

1 (12) "Ratite farming" means breeding, raising, and rearing of an
2 ostrich, emu, or rhea in captivity or an enclosure.

3 (13) "Microchipping" means the implantation of an identification
4 microchip in the pipping muscle of a chick ratite or the implantation
5 of a microchip in the tail muscle of an otherwise unidentified adult
6 ratite.

7 NEW SECTION. **Sec. 24.** Sections 1 through 11 of this act shall
8 constitute a new chapter in Title 16 RCW.

--- END ---