S-1241.1 _____

SENATE BILL 5753

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State of Washington   **60th Legislature**   **2007 Regular Session**

By Senator Stevens

Read first time 01/31/2007.   Referred to Committee on Agriculture & Rural Economic Development.

1   AN ACT Relating to animal identification programs; and adding a new
2   chapter to Title 16 RCW.

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

4   NEW SECTION. **Sec. 1.** The legislature finds that this state has
5   entered into agreements with the federal government and otherwise may
6   have participated in establishing a national animal identification
7   system. The legislature finds that existing means for identifying and
8   tracking animals have been sufficient to trace outbreaks of animal
9   diseases, and that there is no scientific evidence that mass, uniform
10   tagging and tracking of animals will improve this state's or nation's
11   ability to prevent, control, or respond to an outbreak of animal
12   disease, whether natural or intentionally introduced. The legislature
13   finds that the fostering of livestock ownership and farming is in the
14   best interests of this state and its citizens, and that the
15   establishment of a national or state animal identification system is
16   detrimental to individual ownership and raising of livestock.   The
17   legislature therefore directs that this state shall not participate in
18   or establish a mandatory or voluntary animal identification system.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.
3   (1) "Animal" means all members of the animal kingdom except humans,
4 fish, and insects. "Animal" does not include undomesticated animals
5 living in the wild.
6   (2) "Department" means the department of agriculture of the state
7 of Washington.
8   (3) "Director" means the director of the department or his or her
9 duly authorized representative.
10   (4) "Livestock" means equines (horses, mules, donkeys, burros);
11 bovines (cattle and bison); cervids (deer and elk); ovine (sheep);
12 caprine (goats); porcine (swine); camelids (llamas and alpacas);
13 poultry (chickens, ducks, emu, geese, guineas, pheasants, quail,
14 turkeys); and any other animal that the federal government may have
15 included in the national animal identification system. "Livestock"
16 does not include undomesticated animals living in the wild.
17   (5) "Person" means individuals, corporations, partnerships,
18 associations, or other legal entities and agents of those entities.
19   (6) "Premises" means a location where livestock are raised, held,
20 or boarded.
21   (7) "Source verification program" means the national animal
22 identification system (NAIS) or any other program that tracks
23 individual animals or groups of animals in order to determine the
24 origin of such animal or group, the identity of all other animals that
25 have been in contact with it, and the location of all premises at which
26 it has been held in its lifetime.

27 NEW SECTION. **Sec. 3.** (1) This state shall not establish nor
28 participate in the national animal identification system or any other
29 source verification program.
30   (2) The prohibition in this section also applies to the components
31 of a source verification program including premises registration and
32 data bases, animal identification and data bases, and animal movement
33 tracing and data bases.
34   (3) All cooperative agreements between the federal government and
35 this state, or between this state and other states, established before
36 the effective date of this section and related to the establishment of
37 animal tracking, tagging, registration, or information data bases,

1 premises registration, or information data bases, use of microchips for
2 animal tagging purposes, and other matters related to the national
3 animal identification system are hereby terminated and null and void as
4 to this state's participation.

5 (4) Immediately upon the effective date of this section, any
6 identification lists or data bases created using, in whole or in part,
7 federal funds under the national animal identification system, shall be
8 void and shall not be used for any purpose by any governmental, public,
9 or private person or entity. This provision does not include lists and
10 data bases that were created solely for the purposes of addressing
11 specific diseases in specific species of livestock, except to the
12 extent that such lists have been used for the national animal
13 identification system program.

14 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed as
15 prohibiting the state from establishing or participating in disease
16 control programs specifically designed to address a known disease in a
17 specific species of livestock.

18 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed as
19 prohibiting the state from operating livestock identification, brand
20 registration, and inspection programs as authorized by chapters 16.57,
21 16.58, and 43.23 RCW.

22 NEW SECTION. **Sec. 6.** Nothing in this chapter may be construed as
23 prohibiting private agricultural industry organizations from
24 establishing voluntary source verification programs for their own
25 members or others who elect to participate. However, any private
26 system is subject to the following conditions and limitations:
27 (1) The program must provide for full and informed consent of all
28 participants, including disclosure of the entire program, the possible
29 uses of information collected thereunder, and every entity or person to
30 whom such information may be disclosed;
31 (2) Persons who voluntarily enroll in the program shall be allowed
32 to withdraw from the program at any time and their personal information
33 shall be permanently removed from program records;
34 (3) No public funds may be used to support such a program;

1   (4) The private program shall not be used to gain unfair
2   competitive advantage, but shall be considered a commercial term
3   subject to laws restricting unfair competition; and
4   (5) A private source verification program identification system,
5   device, or marking shall not obliterate or supersede or otherwise make
6   unreadable this state's or any local entity's brand or mark on any
7   animal. A source verification program's rules may not supersede this
8   state's brand or marking system rules as a matter of law.

9   NEW SECTION. **Sec. 7.** (1) No services, compensation, favors,
10 payments, credits, benefits, licenses, permits, certifications,
11 insurance or risk management coverage, special consideration, or other
12 incentives may be provided by any public or private person, directly or
13 indirectly, to any participant in an animal identification or premises
14 registration program based solely on that person's participation in
15 such program.
16   (2) No services, compensation, favors, payments, credits, benefits,
17 licenses, permits, certifications, insurance or risk management
18 coverage, special consideration, or other incentives may be denied,
19 revoked, or limited by any public or private person, directly or
20 indirectly, based solely on that person's lack of participation in an
21 animal identification or premises registration program.
22   (3) Neither this state nor any local government in this state may
23 require any of its suppliers to participate in a premises registration
24 or animal identification program as a condition of supplying goods or
25 services.
26   (4) Failure to participate in a premises registration or animal
27 identification program, or the providing of services to persons who are
28 not participants in a premises registration or animal identification
29 program, shall not be a crime, an element of any crime, or evidence of
30 any negligence or gross negligence on the part of any livestock owner
31 or provider of goods or services.

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

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