

CHAPTER 90.

[S. B. 133.]

WASHINGTON STATE DAIRY ACT.

AN ACT relating to dairying and amending sections 1, 2, 11, 26, 27, and 28, chapter 192, Laws of 1919, as amended (secs. 6164, 6165, 6174, 6189, 6190 and 6191, Rem. Rev. Stat.).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1, chapter 192, Laws of 1919, as amended by section 1, chapter 192, Laws of 1927; section 1, chapter 213, Laws of 1929 and section 1, chapter 188, Laws of 1933 (sec. 6164, Rem. Rev. Stat.) be amended by striking the same and substituting in lieu thereof sixty-seven new sections numbered and reading as follows: Amendments.

Section 1. This act may be cited as the "Washington State Dairy Act." For its purposes, certain words, terms and expressions shall have the meaning ascribed to them in the several sections following. Citation.
Definitions.

Section 1(1). The term "dairy" shall mean any place where milk from one or more cows or goats is produced for sale. "Dairy."

Section 1(2). The term "creamery" shall mean any building or structure wherein milk or cream is manufactured into butter for sale. "Creamery."

Section 1(3). The term "milk plant" shall mean any building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing. "Milk plant."

Section 1(4). The term "cheese factory" shall mean any building or structure wherein milk is manufactured into cheese. "Cheese factory."

Section 1(5). The term "factory of milk products" shall mean any building or structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, wherein milk or any of its products is manufactured, altered, "Factory of milk products."

changed or compounded into any article, compound or product designed and intended for human consumption, or where butter is cut or wrapped: *Provided*, That the above does not apply to freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory.

"Milk condensing plant."

Section 1(6). The term "milk condensing plant" shall mean any building or structure wherein milk is condensed or evaporated.

"Ice cream factory."

Section 1(7). The term "ice cream factory" shall mean any building or structure which complies with the sanitary requirements as set forth in section 6166 of Remington's Revised Statutes where ice cream mix is produced for sale or distribution as such and may include the completion of the process by freezing such mix into the finished product called ice cream.

"Counter ice cream freezer."

Section 1(8). The term "counter ice cream freezer" shall mean and include all counter type freezing machines, usually operated in retail establishments, other than a milk plant, creamery, milk condensing plant, factory of milk products or ice cream factory.

"Milk."

Section 1(9). The term "milk" shall mean the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows or goats, properly fed and kept, and not obtained or taken within ten (10) days preceding the parturition of such cow or cows, goat or goats, nor within seven (7) days thereafter, and which contains not less than eight per cent (8%) of milk solids, exclusive of fat, and not less than three and twenty-five one-hundredths per cent (3.25%) of milk fat: *Provided, however*, That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of the whole unadulterated milk from any cow or goat whose milk tests below the milk fat standard herein fixed.

Section 1(10). The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than three and twenty-five one-hundredths per cent (3.25%) of milk fat, and not less than eight and eight-tenths per cent (8.8%) of milk solids exclusive of fat.

"Skimmed milk."

Section 1(11). The term "homogenized milk" shall mean milk that has been put under pressure of not less than twenty-five hundred (2500) pounds per square inch and that conforms to the standards for milk. Not less than seventy-five per cent (75%) of the fat globules in homogenized milk shall exceed two (2) micra in diameter.

"Homogenized milk."

Section 1(12). The term "homogenized cream" shall mean cream that has been put under pressure of not less than four hundred (400) pounds per square inch and that conforms to the standards for cream. Not less than forty per cent (40%) of the fat globules in cream shall exceed two and one-half (2½) micra in diameter.

"Homogenized cream."

Section 1(13). The term "sterilized milk" shall mean milk that has been heated under six (6) pounds of steam pressure and maintained at such temperature not less than twenty (20) minutes, which shall be sufficient to kill all organisms present in such milk.

"Sterilized milk."

Section 1(14). The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of all its constituents and not less than eight and five-tenths per cent (8.5%) of milk solids exclusive of fat.

"Blended milk."

Section 1(15). The term "modified milk" is milk which has been altered in composition to conform to special nutritional requirements. Modified milk may be sold only upon prescription of a regularly licensed physician.

"Modified milk."

Section 1(16). The term "condensed milk," "evaporated milk" and "concentrated milk," and each or either of them, shall mean the product re-

"Condensed milk."

sulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows or goats, and not obtained within ten (10) days before nor within seven (7) days after parturition, and which contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent (25.5%) of total solids and not less than seven and eight-tenths per cent (7.8%) of milk fat.

"Condensed skimmed milk."

Section 1(17). The term "condensed skimmed milk," "evaporated skimmed milk" and "concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent (18%) of milk solids.

"Sweetened condensed milk."

Section 1(18). The term "sweetened condensed milk," "sweetened evaporated milk" and "sweetened concentrated milk," and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

"Sweetened condensed skimmed milk."

Section 1(19). The term "sweetened condensed skimmed milk," "sweetened evaporated skimmed milk," and "sweetened concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than twenty-eight per cent (28%) of milk solids.

"Dried milk."

Section 1(20). The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than twenty-six per cent (26%) of milk fat and not more than five per cent (5%) of moisture.

Section 1(21). The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk and which contains, all tolerances being allowed for, not more than five per cent (5%) of moisture.

"Dried skimmed milk."

Section 1(22). The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than seven and one-half per cent (7.5%) of milk fat and not more than three and one-half per cent (3.5%) of moisture.

"Malted milk."

Section 1(23). The term "buttermilk" or "cultured buttermilk" shall mean that portion of the milk which remains after the separation and removal therefrom of the milk fat and may contain not to exceed one-half of one per cent (.5%) of gelatine.

"Buttermilk."

Section 1(24). The term "creamed buttermilk" or "cream buttermilk" shall be the same as above defined and to which enough milk fat has been added so as to contain not less than three and twenty-five per cent (3.25%) of milk fat.

"Creamed buttermilk."

Section 1(25). The term "ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten per cent (10%) of milk fats, and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Ice cream."

Section 1(26). The term "fruit ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or

"Fruit ice cream."

without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and mature fruits and which contains not less than ten per cent (10%) of milk fat, and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Nut ice cream."

Section 1(27). The term "nut ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and nonrancid nuts, and which contains not less than ten per cent (10%) of milk fat and not less than twenty per cent (20%) of milk fats and milk solids, not fat, combined.

"Ice milk."

Section 1(28). The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths per cent (3.25%) of milk fat, and not more than six-tenths of one per cent (.6%) of pure and harmless vegetable gum or gelatine. Any person, firm or corporation serving ice milk shall display in a conspicuous place a sign with the words "Ice Milk Served Here," in plain Gothic type not less than two (2) inches high.

"Butterfat."

Section 1(29). The term "milk fat" and "butter fat," and each or either of them, shall mean the fat of milk having a Reichert-Meissel number not less than twenty-four (24), and a specific gravity not less than .905 at a temperature of forty (40) degrees centigrade.

"Cream."

Section 1(30). The term "cream" shall mean that portion of milk rich in milk fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and

contains not less than eighteen per cent (18%) of milk fat.

Section 1(31). The term "whipping cream" or "pastry cream" shall mean cream labeled or sold as whipping cream and shall contain not less than thirty-two per cent (32%) of milk fat. "Whipping cream."

Section 1(32). The term "butter" shall mean the clear, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than eighty per cent (80%) of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter. "Butter."

Section 1(33). The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream or other product of milk. "Renovated butter."

Section 1(34). The term "re-worked butter" shall mean the product obtained by mixing, re-churning or re-working butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product re-worked butter within the meaning of this act. "Re-worked butter."

Section 1(35). The term "milk products" shall mean and include each, every and any article, substance, product or compound manufactured, produced or compounded from milk, whether such milk conforms to the standard and definitions set forth in this section or not. "Milk products."

Section 1(36). The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and "Milk by-products."

shall include skimmed milk, buttermilk, whey, casein and milk powder.

"Cheese."

Section 1(37). The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid or pepsin, with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

"Whole milk cheese."

Section 1(38). The term "whole milk cheese" shall mean and include: Cheddar cheese, American cheese, American Cheddar cheese. The cheese made by the Cheddar process from heated and pressed curd obtained by the action of rennet on whole milk. It contains not more than thirty-nine per cent (39%) of water, and, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Pineapple cheese."

Section 1(39). The term "pineapple cheese" shall mean cheese made by the pineapple Cheddar cheese process from pressed curd obtained by the action of rennet on whole milk. The curd is formed into a shape resembling a pineapple, with characteristic surface corrugations, and during the ripening period the cheese is thoroughly coated and rubbed with a suitable oil, with or without shellac. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Limburger cheese."

Section 1(40). The term "Limburger cheese" shall mean cheese made by the Limburger process from unpressed curd obtained by the action of rennet on whole milk. The curd is ripened in a damp atmosphere by special fermentation. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Brick cheese."

Section 1(41). The term "brick cheese" shall mean quick ripened cheese made by the brick-cheese process from pressed curd obtained by the action of rennet on whole milk. It contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

Section 1(42). The term "Stilton cheese" shall mean cheese made by the Stilton process from unpressed curd obtained by the action of rennet on whole milk, with or without added cream. During the ripening process a special blue-green mold develops, and the cheese thus acquires a marbled or mottled appearance in section.

"Stilton
cheese."

Section 1(43). The term "Gouda cheese" shall mean cheese made by the Gouda process from heated and pressed curd obtained by the action of rennet on whole milk. The rind is colored with saffron. The finished cheese contains, in the water-free substance, not less than forty-five per cent (45%) of milk fat.

"Gouda
cheese."

Section 1(44). The term "Neufchatel cheese" shall mean cheese made by the Neufchatel process from unheated curd obtained by the combined action of lactic fermentation and rennet on whole milk. The curd, drained by gravity and light pressure, is kneaded or worked into a butterlike consistence and pressed into forms for immediate consumption or for ripening. The finished cheese contains, in the water-free substance, not less than fifty per cent (50%) of milk fat.

"Neufchatel
cheese."

Section 1(45). The term "cream cheese" shall mean unripened cheese made by the Neufchatel process from whole milk enriched with cream. It contains, in the water-free substance, not less than sixty-five per cent (65%) of milk fat.

"Cream
cheese."

Section 1(46). The term "Roquefort cheese" or "Roquefort type cheese" shall mean cheese made by the Roquefort process from unheated, unpressed curd obtained by the action of rennet on the whole milk of sheep, goats or cows. The curd is inoculated with a special mold (*Penicillium roqueforti*) and ripens with the growth of the mold. The fully ripened cheese is friable and has a mottled or marbled appearance in section.

"Roquefort
cheese."

Section 1(47). The term "Gorgonzola cheese" shall mean cheese made by the Gorgonzola process

"Gorgonzola
cheese."

from curd obtained by the action of rennet on whole milk. The cheese ripens in a cool, moist atmosphere with the development of a blue-green mold and thus acquires a mottled or marbled appearance in section.

"Half skim
cheese."

Section 1 (48). The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than fifty per cent (50%) and not less than twenty-five per cent (25%) of milk fat.

"Quarter
skim
cheese."

Section 1 (49). The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than twenty-five per cent (25%) and not less than twelve per cent (12%) of milk fat.

"Skim
cheese."

Section 1 (50). The term "skim cheese" shall mean cheese which contains in the water-free substance thereof less than twelve per cent (12%) of milk fat.

"Edam
cheese."

Section 1 (51). The term "Edam cheese" shall mean cheese made by the Edam process from heated and pressed curd obtained by the action of rennet on whole milk or on partly skimmed milk. It is commonly made in spherical form and coated with a suitable oil and a harmless red coloring matter.

"Swiss
cheese."

Section 1 (52). The term "Swiss cheese" shall mean cheese made by the Emmenthaler process from heated and pressed curd obtained by the action of rennet on whole milk or on partly skimmed milk. It is ripened by special gas-producing bacteria, causing characteristic "eyes" or holes. The finished cheese contains, in the water-free substance, not less than forty-five per cent (45%) of milk fat.

"Camembert
cheese."

Section 1 (53). The term "Camembert cheese" shall mean cheese made by the Camembert process from unheated, unpressed curd obtained by the action of rennet on whole milk or on slightly skimmed milk. It is ripened by the growth of a special mold (*Penicillium camemberti*) on the outer surface. The finished cheese contains, in the water-

free substance, not less than forty-five per cent (45%) of milk fat.

Section 1 (54). The term "Brie cheese" shall mean cheese made by the Brie process from unheated, unpressed curd obtained by the action of rennet on whole milk, on milk with added cream, or on slightly skimmed milk. It is ripened by the growth of a special mold on the outer surface.

"Brie
cheese."

Section 1 (55). The term "Parmesan cheese" shall mean cheese made by the Parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. The cheese, during the long ripening process, is coated with a suitable oil.

"Parmesan
cheese."

Section 1 (56). The term "cottage cheese" shall mean unripened cheese made from heated or unheated, separated curd obtained by the action of lactic fermentation or rennet, or a combination of the two, on skimmed milk, with or without the addition of buttermilk. The drained curd may be enriched with cream, and salted or otherwise seasoned.

"Cottage
cheese."

Section 1 (57). The term "creamed cottage cheese" shall mean cheese manufactured from pure, clean, wholesome skim milk, to which may be added not to exceed one per cent (1%), by weight, of pure, edible gelatine or other edible gum, and not to exceed one per cent (1%), by weight, of pure cane or beet sugar, and with or without the addition of pure food colors; and to which a sufficient quantity of pure fresh sweet cream shall be added so that the finished product shall contain not less than four per cent (4%) of pure milk fat.

"Creamed
cottage
cheese."

Section 1 (58). The terms "pasteurized cheese" and "pasteurized blended cheese" shall mean the pasteurized product made by comminuting and mixing, with the aid of heat and water, one or more lots of cheese into a homogeneous, plastic mass. The unqualified name "pasteurized cheese," "pasteurized blended cheese," is understood to mean pasteur-

"Pasteurized
cheese."

ized Cheddar cheese, pasteurized blended Cheddar cheese, and applies to a product which conforms to the standard for Cheddar cheese. Pasteurized cheese, pasteurized blended cheese, bearing a varietal name is made from cheese of the variety indicated by the name and conforms to the limits for fat and moisture for cheese of that variety.

"Process cheese."

Section 1 (59). The term "process cheese" shall mean the modified cheese made by comminuting and mixing one or more lots of cheese into a homogeneous, plastic mass, with the aid of heat, with or without the addition of water, and with the incorporation of not more than three per cent (3%) of a suitable emulsifying agent. The name "process cheese" unqualified is understood to mean process Cheddar cheese, and applies to a product which contains not more than forty per cent (40%) of water and, in the water-free substance, not less than fifty per cent (50%) of milk fat. Process cheese qualified by a varietal name is made from cheese of the variety indicated by the name, and conforms to the limits for fat and moisture for cheese of that variety.

"Dry curd."

Section 1 (60). The term "dry curd" shall mean the curd manufactured from pure, clean, wholesome skim milk, with or without the addition of pure food colors, and without the addition of milk fat.

"Whey cheese."

Section 1 (61). Whey cheese (so-called) is produced by various processes from the constituents of whey. There are a number of varieties, each of which bears a distinctive name, according to the nature of the process by which it has been produced, as, for example, "Ricotta," "Zieger," "Primost," "Mysost."

"Imitation cheese."

Section 1 (62). The term "imitation cheese" shall mean any article, substance or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese and designed to be sold or used as a substitute for cheese made from pure milk or

cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation: *And provided, further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Section 1 (63). The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making. "Whey."

Section 1 (64). The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be sold as butter or for butter. "Oleo-margarine."

Section 1 (65). The term "butter substitute" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than eighty per cent (80%) of milk fat. "Butter substitute."

Section 1 (66). The term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, copartnerships, corporations and unincorporated societies and associations. "Person."

SEC. 2. That section 2, chapter 192, Laws of 1919, as amended by section 2, chapter 192, Laws of 1927 and section 2, chapter 213, Laws of 1929 (sec. 6165, Rem. Rev. Stat.) be amended to read as follows: Amendments.

Section 2. A dairy shall be deemed insanitary in the following cases: Dairy deemed insanitary.

Water
supply
polluted.

(a) If the drinking water provided for the cows or goats therein be stagnant, polluted with manure, urine, drainage, or decaying vegetable or animal matter.

Yard or
barn dirty.

(b) If the yards or enclosures in which the cows or goats are confined or kept be filthy or insanitary, or if a barn or stable is not provided with suitable floors, gutters and drainage, properly sealed and partitioned from feed storage, or if horses, swine, fowls, calves or other contaminating nuisances shall be permitted in parts of the dairy barn used for milking.

Manure
deposits.

(c) If any part of the yards or enclosures in which the cows or goats are confined or kept, other than pastures, be made depositories of manure in heaps, or otherwise, where it is allowed to ferment and decay.

Milk
houses.

(d) If a suitable milk house or milk room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, bottling, canning, keeping or separating the milk or cream. Such milk house or milk room shall not be located in, nor be a part of, any barn or poultry house, and no milk house or milk room shall open directly into any barn, and shall not be used for any other purpose whatsoever, and if contained in any building or structure in which any business, occupation or trade, other than handling, bottling or processing milk is conducted or carried on, such milk room shall be separated from the portion or portions of such building or structure in which such business, trade or occupation is conducted or carried on, by a tightly sealed or plastered partition, with no door opening directly into a barn where cows are kept or milked, and double doors with a vestibule between shall be permitted in lieu of outside door, and an adequate drainage system provided to carry the drainage one hundred (100) feet from the milk house or milk room or if such milk house is not provided with a concrete floor or a floor of equal impervious material or if the

Drainage
system.

ceiling and walls are not finished with a smooth surface.

(e) If milk or cream shall be cooled, stored, mixed, bottled, canned or kept in any room or place occupied by any person as a sleeping or living apartment, or occupied by horses, cows, hogs, or other animals, or by fowl of any kind.

(f) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure, or other filth shall be permitted within one hundred (100) feet of such milk house, or milk room or within fifty (50) feet of any cow stalls or stanchions, or other place where milking is done: *Provided*, That modern toilets of the flush type may be permitted adjacent to milk rooms or barns if they are placed in separate rooms, properly ventilated and sealed and do not open into any room where milk is handled.

Urinals and privies.

Proviso.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt or other filth.

Clean milk houses.

(h) If an application of lime whitewash or paint to the interior of any cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, shall not be made as often as once in one year, and if three (3) square feet of window light per cow are not provided.

Barns light and painted.

(i) If the milking machines, pails, cans or other containers of milk, or the strainers or coolers coming in contact with the milk are not thoroughly cleansed and sterilized with boiling water, live steam or approved chemical sterilization method each and every time the same are used, or if such utensils are allowed to become rusty or insanitary. Such washing and sterilizing shall be done in the milk room.

Machines and containers sterilized.

(j) If the person or wearing apparel of the dairyman, or his employees, or other persons coming in contact with milk and its products, are allowed

Person and clothes clean.

to become soiled, or are not washed from time to time with reasonable frequency.

Clean stools.

(k) If the milking stools are not kept clean.

(l) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Floors tight.

(m) If the floor of such cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath the floor, or among the interstices of such floor in such manner as to permit fermentation or decay to take place.

Penalty.

For failure to comply with the above regulations a dairy may be closed until such time as the regulations have been complied with, and it shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

Amendments.

SEC. 3. That section 11, chapter 192, Laws of 1919, as amended by section 4, chapter 27, Laws of 1923 and section 3, chapter 192, Laws of 1927 (sec. 6174, Rem. Rev. Stat.) be amended to read as follows:

Pasteurization defined.

Section 11. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-two and one-half ($142\frac{1}{2}$) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty (50) degrees Fahrenheit in a separate

tank or container other than that in which it is pasteurized, or uniformly heating such milk to a temperature of not less than one hundred and sixty (160) degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen (15) seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-two and one-half (142½) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, or of heating the same to a temperature of one hundred and seventy-six (176) degrees Fahrenheit, without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided, further,* That the heating of milk to above one hundred and ten (110) degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

Proviso.

Proviso.

SEC. 4. That section 26, chapter 192, Laws of 1919, as amended by section 7, chapter 27, Laws of 1923 and section 8, chapter 192, Laws of 1927 (sec. 6189, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 26. Any person may receive from the Department of Agriculture a license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker upon application therefor and upon the payment to said department

Director to license.

of a license fee of two dollars (\$2) therefor. Before issuing such license the Department of Agriculture shall inquire into the qualifications of the applicant, and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

Amendments. SEC. 5. That section 27, chapter 192, Laws of 1919, as amended by section 9, chapter 192, Laws of 1927 (sec. 6190, Rem. Rev. Stat.) be amended to read as follows:

Applications for licenses. Section 27. Applications for licenses as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall be made upon application blank to be provided and furnished by the Department of Agriculture, and shall be filed with the department. Upon receipt of any such application the Department of Agriculture may, if the Director shall so direct, issue a permit to the applicant to act as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker, for such period as may be prescribed and stated in said permit, not to exceed sixty (60) days, but such permit shall not be renewed so as to extend the period beyond sixty (60) days from the filing of the application.

Temporary permit.

Amendments. SEC. 6. That section 28, chapter 192, Laws of 1919, as amended by section 10, chapter 192, Laws of 1927 (sec. 6191, Rem. Rev. Stat.) be amended to read as follows:

Outstanding licenses expire. Section 28. Every license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall expire on the 31st day of December, 1943. Such licenses shall be renewed on or before January 1, 1944, and every two (2) years thereafter, in accordance with the provisions of section 6189, Rem. Rev. Stat. Any license as a Babcock licensed tester, sampler, weigher, grader,

Renewals.

pasteurizer, butter maker or cheese maker may at any time be revoked by the Department of Agriculture, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this act, or shall exhibit in the discharge of his functions any gross carelessness or lack of qualification, or shall fail to comply with the rules and regulations issued and promulgated by the Department of Agriculture under the authority of this act.

Director
may revoke.

Passed the Senate February 12, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 16, 1943.

CHAPTER 91.

[S. B. 141.]

MINING CLAIMS AND LOCATIONS. ASSESSMENT WORK.

AN ACT relating to mining claims and locations; providing for the suspension as of 12 o'clock meridian, January 1, 1943, of state requirements as to annual assessment work in certain areas and providing that this act shall take effect immediately.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That, with respect to mining claims and locations situated within areas withdrawn by federal executive order for purposes of national defense, and in order that state law may conform with the provisions of Public Law 542, 77th Congress, 2nd Session, the provision of section 1, chapter XLVI, Laws of 1893, State of Washington (Rem. Rev. Stat. 8618), requiring that in order to hold possessory rights to the location of a mine not less than \$100 worth of work must be performed or improvements make thereon annually, be and the same is hereby

Assessment
work
suspended.