

## CHAPTER 11.

[ H. B. 1. ]

AGRICULTURE AND MARKETING—TITLE 15 RCW  
REENACTMENT.

AN ACT relating to agriculture and marketing; enacting an agriculture and marketing code to be known as Title 15 of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

## TITLE 15

## AGRICULTURE AND MARKETING

## Chapter 15.04

## GENERAL PROVISIONS

**15.04.010 Definitions.** As used in this title except where otherwise defined:

“Department” means the department of agriculture.

“Director” means the director of agriculture.

“Person” includes any individual, firm, corporation, trust, association, cooperative, copartnership, society, any other organization of individuals, and any other business unit, device, or arrangement.

**15.04.020 Director’s general duties and powers.** The director shall:

(1) Arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for demonstration of methods of preventing and eradicating diseases and pests injurious to horticultural plants, fruits, and vegetables;

(2) Publish and distribute circulars and reports on horticultural subjects, pests affecting, and diseases of horticultural plants, fruits, vegetables, and nursery stock, and means of controlling, curing, removing, eradicating, and disinfecting such diseases and pests;

(3) Furnish to the board of county commissioners of each county annually, on or before September 1st, an estimate of the expenses for the ensuing year of inspecting and disinfecting the horticultural plants, fruits, vegetables and nursery stock and the places in the county where grown, packed, stored, shipped, held for shipment or delivery, or offered for sale;

(4) Appoint inspectors to enforce and carry out the provisions of this title, who may be of two classes: Inspectors-at-large and local inspectors, but no more than twenty inspectors-at-large shall be appointed;

(5) Adopt, promulgate and enforce such rules and regulations as are necessary to or will facilitate his carrying out of the horticultural laws he is authorized and directed to administer and enforce;

(6) Adopt, promulgate and enforce rules and regulations:

(a) governing the grading, packing, and size and dimensions of commercial containers of fruits, vegetables, and nursery stock;

(b) fixing commercial grades of fruits, vegetables and nursery stock, and providing for the inspection thereof and issuance of certificates of inspection therefor;

(c) for the inspection, grading and certifying of growing crops of agricultural and vegetable seeds and the fixing and collecting of fees for such services;

(d) covering the collection of native plants and parts thereof, and when the manner of collection is destructive of the plants, prohibiting such collecting;

(e) establishing quarantine measures and methods for the protection of agricultural and horticultural crops and products and the control or eradication of pests and diseases injurious thereto;

(f) he may appoint any officer or member of a local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and need not take the regular examination required of other inspectors.

**15.04.030 Duties and powers of director, supervisor and inspectors.** The director, supervisor and horticultural inspectors shall:

(1) Inspect all horticultural premises, fruits, vegetables, nursery stock, horticultural supplies, and other properties which are subject to infection by pests or diseases; require the owners or persons in charge of any infected property to disinfect the same; disinfect the same in case the owner or person in charge fails, after notice, to do so; condemn and destroy properties which cannot be successfully disinfected; have free access to any such premises or properties at any time;

(2) Require all such products held for shipment which are partially infected, to be sorted and repacked, and if the owner or person in charge after notice fails to do so, they shall condemn and destroy them: *Provided*, That no inspector shall destroy more than ten percent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines, or shrubs without five days' notice to the shipper, during which time the owner or shipper may appeal to the supervisor;

(3) At the request of the owner, inspect his fruit, vegetables, and nursery stock and all other horticultural plants and products

and premises where growing or grown, for diseases and pests, and report to him the result of such investigation and prescribe proper remedies;

(4) Issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved; and

(5) Inspect or audit, during business hours, the records of any grower of or dealer in nursery stock, to determine the kind of license required by him.

**15.04.040 Inspectors-at-large — Qualifications — Work assignments—Compensation.** Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and necessary traveling expenses, as shown by vouchers verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations: *Provided*, That, not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer.

**15.04.050 Director's determination of facts final—Appeals.** The director shall determine all questions of fact under the laws relating to horticulture, which determinations shall be final. Questions of law may be appealed to a superior court.

**15.04.060 Local inspectors. Petition by owners for assistance in combating infection.** Whenever twenty-five or more resident freeholders of any county, each of whom is the owner of an orchard, berry farm, cultivated cranberry marsh or nursery, present a petition to the board of commissioners stating that certain horticultural premises in the county are infected and the petitioners desire the help of inspectors in combating the infection, the board shall by resolution request the director to appoint and assign to that county such a number of local horticultural inspectors for such time as the petition specifies.

**15.04.070 ——— Qualifications — Compensation — Control of.** Said local inspectors shall satisfy the director, by examination, that their knowledge and experience qualifies them to successfully perform horticultural inspection work. Their salaries, as fixed by the board, and actual and necessary traveling expenses shall be paid from the county current expense fund on vouchers verified by them, approved by the director and ordered paid by the board. All local inspectors are under the direction and control of the director and supervisor.

**15.04.080 Inspections in absence of local inspector.** If any county fails to appoint a county horticultural inspector, or he is not available, the nearest available inspector may perform the services, and his compensation and necessary expenses shall be charged against said county.

If any inspector is dismissed from the service, or is assigned to another county or other duties, any qualified inspector or officer of the department may continue or complete any work initiated by him.

**15.04.090 Lease of unnecessary lands to nonprofit groups — Funds.** The director of agriculture may, at his discretion, for a period of not to exceed ten years, lease state lands which are now or may hereafter be, under his direction and control, the retention of which he deems unnecessary for present state purposes or needs, to any nonprofit group or organization having educational, agricultural or youth development purposes. Such leases shall be upon such terms as the director deems beneficial to the state. All rental funds received by the director under the provisions of this section shall be deposited in the "fair fund" provided in RCW 67.16.100.

**15.04.100 Horticultural inspection trust fund.** The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed seventy-five thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist horticultural inspection districts in temporary financial distress as result of less than normal production of horticultural commodities. Districts receiving such assistance shall make repayment to the trust fund as district funds shall permit.

## Chapter 15.08

### HORTICULTURAL PESTS AND DISEASES

**15.08.010 Definitions.** As used in this chapter:

"Supervisor" means an assistant director known as the supervisor of horticulture;

"Horticultural premises" includes orchards, vineyards, nurseries, berry farms, vegetable farms, cultivated cranberry marshes, packing houses, dryhouses, warehouses, depots, docks, cars, vessels and

other places where nursery stock, fruits, vegetables and other horticultural products are grown, stored, packed, shipped, held for shipment or delivery, sold or otherwise disposed of;

“Nursery stock” includes fruit trees, vines and bushes; fruit tree stock; rose bushes and stock; forest, ornamental and shade trees and shrubs (deciduous and evergreen); fruit bearing plants and parts thereof; plant products for planting or propagation (except vegetable plants);

“Pests and diseases” includes the following pests injurious to and diseases of nursery stock, fruit and vegetables:

(1) Bacterial diseases—fire blight of apple, pear and quince, crown gall or root gall, and hairy root;

(2) fungus diseases—black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight, blue stem of black raspberry, black stem rust of barberry and wheat, eastern filbert blight, European apple canker;

(3) insect pests—chewing insects, such as bud moth, peach twig borer caterpillars, pear slug, flat-headed borer, round-headed borer, imported cabbage worm, potato tuber moth, potato nematode or eel worm, potato leaf mold, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, codling moth, fruit tree leaf roller, cherry maggot, cherry fruit saw-fly, satin moth, currant maggot, Colorado potato beetle, strawberry weevil, European earwig, Japanese beetle, pear thrips, and larvae of any thereof;

(4) sucking insects—San Jose scale, scurfy scale, oystershell bark louse, aphids, pear leaf blistermites and red spider;

(5) and such other bacterial and fungus diseases and insect pests identified as such by science and described as being injurious to horticulture in circulars issued by the director;

“Nuisance” means any plants, produce or property found in any commercial area upon which is found any pest or disease recognized in this chapter that is a source of infestation of other properties;

“Nuisance per se” means any nuisance, as above defined, which will or is likely to cause damage or infection to other property;

“Commercial area” means a district where any horticultural product is being produced to the extent that a producer is dependent thereon, in whole or in part, for his livelihood;

“Infect” and its derivatives “infected,” “infecting,” and “infection,” means affected by or infested with pests or diseases as above defined;

“Disinfect” and its derivatives means the control, cure, or eradication of such pests or diseases by cutting or destroying infected

parts or the application of fungicides, insecticides, or other effective solutions or emulsions;

“Agent” means any person acting as agent, salesman, solicitor, or representative of a licensed nurseryman or licensed dealer in nursery stock, who sells from a catalog or samples and makes no deliveries at the time of solicitation.

**15.08.020 Methods of prevention, control and disinfection.** The following methods shall be used for the prevention, control or disinfection of pests and diseases:

(1) Bacterial diseases, removal and destruction of infected plant or part thereof, care being used to disinfect removal tools to prevent infection therefrom;

(2) fungus diseases, spraying with effective fungicide;

(3) chewing or sucking insect pests, spraying with effective insecticide;

(4) fungus insect pests, spraying with other effective solutions or emulsions described in circulars issued by the director.

**15.08.030 Duty to disinfect, destroy—Disposal of cuttings.** It is the duty of every owner, shipper, consignee, or other person in charge of fruits, vegetables, or nursery stock, and the owner, lessee, or occupant of horticultural premises, to use sufficient methods of prevention to keep said properties free from infection by pests or disease. In event any of said properties become infected it is the duty of said persons to use effective methods to control or destroy the infection by disinfection as in this chapter defined. All fruits, vegetables and nursery stock which cannot be successfully disinfected shall be promptly destroyed.

In counties where black stem rust infection occurs every owner or person in charge of premises on which barberry bushes of the rust-producing varieties are growing shall forthwith destroy such bushes.

Within forty-eight hours after removal of any cuttings or prunings from bacterially infected trees or plants infected with fruit tree leaf roller egg clusters the person removing same shall disinfect or destroy them by burning or scorching.

**15.08.040 Authority to enter premises—Interference unlawful.** The director, supervisor and horticultural inspectors are authorized to at any time enter horticultural premises and any structure where fruit, vegetables, nursery stock, or horticultural products are grown or situated for any purpose, to inspect the same for infection.

No person shall hinder or interfere with any such officer in entering or inspecting or performing any duty imposed upon him.

**15.08.050 Condemnation of infected property. Disposal of, unlawful.** If the premises or property inspected is found to be infected

the inspecting officer shall condemn the same and serve upon the owner or person in charge thereof a written notice of the condemnation, describing the premises or property with reasonable certainty, and ordering the infected portion to be disinfected, or to be destroyed if incapable of disinfection, within a time and in a manner stated therein, and giving notice that if the order is not complied with in the time stated, the officer will disinfect or destroy the property and charge the expense thereof to the owner or against the premises.

No person shall ship, sell, or otherwise dispose of or part with possession of, or transport, any such condemned property until all requirements of said notice and order are complied with and written permit of the inspector so to do is issued.

**15.08.060 ————Notice to owner—Division into classes.** Said notice of condemnation shall also grant permission to the owner or person in charge of infected fruit, vegetables, or nursery stock to divide the same into classes:

- (1) The portion not infected;
- (2) the infected portion which is capable of successful disinfection; and
- (3) the infected portion which is incapable of successful disinfection and must be destroyed.

Said notice shall require the owner or person to disinfect class (2) and destroy class (3) within the time stated.

**15.08.070 ————Use of condemned fruit, vegetables—Permit.** In the case of fruit or vegetables which cannot be successfully disinfected the inspector may grant to the owner or person in charge thereof a written permit to use the condemned products for stock feed, or manufacture the same into byproducts, or ship them to a byproduct factory; and it is unlawful for the person receiving such permit to sell or dispose of such products without first having the same manufactured into a byproduct or shipped to a byproduct factory, or to divert any such shipment when made, or for the consignee of such shipment to sell or dispose of the same until it is manufactured into a byproduct.

**15.08.080 ————Service of notice—Personal, constructive, substituted.** Personal service of said notice shall be made upon the person in possession or in charge of said premises or property if possible. If such person is not the owner, or personal service cannot be made on such person, then a copy of the notice shall be mailed or telegraphed to the owner at his home or post office address if known or can with reasonable diligence be ascertained. If personal service cannot be made upon any person in possession or charge of the premises or property and the name and address of

the owner thereof are not known or cannot be so ascertained, then the notice shall be served by posting the same in some conspicuous place on the premises where the property to be disinfected or destroyed is situated, which service by posting shall be construed to be constructive personal service upon such owner. If the name and address of the owner are not known or cannot be so ascertained, service upon the person in possession or charge of the premises or property shall constitute substituted personal service upon the owner, in the absence of fraud or gross neglect.

**15.08.090 ———Duty to comply—Inspector's duty on failure—Lien for costs.** Except as hereinabove provided, upon service of said notice the owner or person in possession or charge of the premises or property shall comply with its terms within the time specified. In case of their failure so to do, the inspector may enter the premises and perform or cause to be performed the services required in the notice. He shall keep an accurate account of the expense of performing said services, which shall become a lien on the premises or property which may be foreclosed in the manner herein provided. The lien on personal property shall have preference over all other liens.

If the inspector has not disinfected or destroyed the property it may be declared a nuisance as herein provided and treated as such.

**15.08.100 Foreclosure of lien—Sale—Notice of impounding—Contents.** The officer disinfecting personal property may enforce the lien thereon provided for in RCW 15.08.090 by impounding and selling the property. He shall give notice of the impounding and proposed sale by posting a written notice in a conspicuous place upon the premises where the property is impounded and serve said notice upon the owner or person in charge of the property in the manner provided for service of notice to disinfect in RCW 15.08.080. Said notice shall state that the property, describing it with reasonable certainty, has been impounded, where it is situated, the amount of costs and expenses charged against it, and that unless same are paid within a specified time the property will be sold to satisfy said charges, accrued transportation and storage charges, if any, and costs of sale. Said specified time shall not be less than ten days after giving of the notice, except that immediate sale may be made of perishable fruits or vegetables.

**15.08.110 Sale proceeds—Deficiency—Action to recover.** Such sales may be either at public auction or private sale, whichever, in the sound discretion of the officer, will be to the best interests of the state and owner of the property. The proceeds thereof shall be applied to payment of: First, costs of sale; second, expenses of disin-



fection; third, accrued transportation and storage charges. The balance, if any, shall be paid to the owner.

Should such proceeds be insufficient to pay the costs of sale and expenses of disinfection, the deficiency may be recovered from the owner or person in charge in an action brought in the name of the state on the relation of the director by the prosecuting attorney of the county when directed to do so by the attorney general.

**15.08.120 Record of proceedings—Verified copy as evidence.** The inspector shall make and sign a record of the proceedings, stating the name of the owner or reputed owner of the property, if known; location of the property, date of inspection and the results thereof; date and manner of giving notice to disinfect; failure to disinfect; disinfection by the inspector; the cost thereof in detail; date and manner of giving notice of impounding and sale; date, place, and manner of sale; name of the purchaser; and amount of the proceeds and disposition thereof.

Upon demand of the owner or person in charge of the property, the inspector shall furnish him with a verified copy of the record, and tender him the balance of the proceeds. If no demand is made within thirty days of the sale, or if the tender is refused, the inspector shall file a verified copy of the record with and remit any balance of the proceeds to the director, and if it is not claimed by the owner within six months, it shall be deposited in the state treasury.

The record or a verified copy thereof shall be admissible in evidence as prima facie evidence of the truth of its contents.

**15.08.130 Record of premises disinfected—Costs—Lien.** The inspector disinfecting any horticultural premises shall make and sign a detailed record of the proceedings, stating the legal description of the premises; give the name of the owner or reputed owner; the date of inspection and the results thereof; date and manner of giving notice to disinfect; failure to disinfect; disinfection by the inspector; and the cost thereof in detail. If the cost is not paid within five days from the completion of the disinfecting, the inspector shall file with the auditor of the county in which the premises are situated two verified copies of the above record, and a claim of lien against the premises for the amount of the costs and therein refer to the record, which the auditor shall record as other lien claims. The auditor shall charge the same fees as are charged for filing and recording other liens.

**15.08.140 Hearing on costs—Notice—Service.** The county auditor shall forthwith issue warrants in payment of the labor employed in the work, and thereupon the county shall be subrogated to all rights of the laborers so paid. He shall fix the day for hearing on

the record before the county commissioners, which shall be not less than twenty days from the date of filing. He shall prepare a notice directed to the owner or reputed owner of the premises of the filing of the record and claim and the hearing thereon, the time and place of the hearing and the amount of the claim. The sheriff shall serve the notice in the manner provided for service of the notice to disinfect, and file with the auditor before the hearing, his return of service and the amount of his fees, which shall be the same as for service of summons in civil proceedings.

**15.08.150 Payment and release—Order on amount—Priority of lien.** If before or at the hearing the amount of the claim and the auditor's and sheriff's fees are paid to the county treasurer, he shall deliver to the auditor a duplicate receipt of the payment and the auditor shall cancel the lien and notify the county commissioners thereof. The treasurer shall pay the funds to the persons entitled thereto as appears from the records in the auditor's office.

If payment is not made, the auditor shall present to the board of county commissioners a verified copy of the record and claim, which shall be accepted in any proceeding as prima facie evidence of the truth of the contents thereof. The board shall receive and consider the record and claim all sworn testimony offered, and shall enter an order fixing the amount of the claim and costs, and direct the amount paid from the current expense fund, and the auditor shall draw warrants therefor. The auditor shall record the order in his office as other lien claims and it shall be a lien against the premises in favor of the county, and shall bear interest at six percent per year from the date of the order.

**15.08.160 Payment date—Cancellation of lien.** The lien and interest may be paid on or before the first Monday in October following the entry of the order, upon presenting to the treasurer, a statement from the auditor showing the amount due. Upon payment the treasurer shall stamp the statement and file it in his records, and shall issue a receipt to the person making the payment, showing payment and shall deliver a duplicate to the auditor, who shall then cancel the lien.

**15.08.170 Failure to pay—Conversion into taxes—Use.** If the lien and interest are not paid on or before such first Monday in October the commissioners, when levying taxes for the ensuing year, shall also levy on the premises covered by the lien, a tax for the amount of the lien and interest, together with a penalty of six percent, which tax shall be collected as other taxes for current expenses. The auditor shall then cancel the lien and note thereon that the amount thereof has been charged against the premises as taxes.

The tax shall be credited to the current expense fund and used to defray the expense of horticultural inspection and disinfection in the county, whether or not such expenditure has been included in the estimates made in the current county budget.

**15.08.180 Inspection board—Creation—Duties—Powers.** If a horticultural inspector finds premises or property infested, he shall make a written report thereof to the inspector-at-large in his district stating the disease or infestation found, the estimated extent thereof, and whether in his opinion it is or will become a nuisance. Upon receipt of the report the inspector-at-large shall appoint a person residing within three miles of the said premises or property and who is a grower of horticultural products which could be infested from said premises or property, and who, with the inspector-at-large or someone delegated by him from his department, shall appoint a third person likewise a grower of agricultural products which could be so infested. Said three persons shall constitute an inspection board whose duty shall be to forthwith examine the infested premises or property so as to determine whether same or any part thereof is infested with any pest or disease named in RCW 15.08.010.

The board members shall have the same power of entry and inspection as the director, supervisor or horticultural inspector and shall be compensated at the rate of four dollars per day to be paid from the county current expense budget for horticulture.

**15.08.190 Report of inspection—Nuisance abatement.** Said board shall make a written report to the inspector-at-large of its findings, signed under oath by a majority of its members and stating:

- (1) Whether said premises or a part thereof are infested,
- (2) if infested, the nature and extent of infestation, and
- (3) whether the infestation constitutes a nuisance. If the report shows the premises infested and constituting a nuisance, it and the findings of the inspector, shall be transmitted forthwith to the prosecuting attorney of the county. Within five days the prosecuting attorney shall file in the superior court a petition, signed and verified by him, describing the premises or property, giving the names of the owners, encumbrances and other persons interested therein, as ascertained from the county records, containing a recital of the proceedings taken under RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090, and 15.08.180, and praying for an order declaring the premises or property to be a nuisance. Said report of the inspection board shall be attached to the petition as an exhibit and made a part thereof.

**15.08.200 Notice of hearing—Service—Adjournments.** A notice containing a description of the premises, stating the objects and

purposes of the petition and the time and place of presentation of the petition to the court, shall be served upon every person named as interested in the premises at least five days prior to the time of presentation. Service of the notice shall be as nearly as possible in the manner provided by law for service of summons in a civil action, except that if service is had by publication the period of publication shall be two weekly publications in a newspaper published or of general circulation in the county, and the service shall be deemed completed on the expiration of fifteen days after the date of the first publication.

Proof of service may be made by affidavit of the person serving or publishing the notice and shall be filed with the clerk of the court on or before the time of presentation of the petition.

On application of any party or its own motion the court may adjourn the hearing from time to time, and may order new or further notice to be given any person whose interest may be affected.

**15.08.210 Order of abatement.** At the hearing there must be competent proof that all parties interested in the premises or property have been duly served with said notice, and that the procedure prescribed in RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090, and 15.08.180 has been duly followed. The report of the inspection board shall be prima facie evidence that the premises are infested and constitute a nuisance. If there is no showing that said board acted in a capricious, arbitrary or unfair manner, the court shall accept the recommendation of said board and forthwith decree the plants, produce or property on the premises to constitute a nuisance and order the inspector-at-large of the district and the county commissioners to destroy the same, or abate the nuisance in such other manner as the court may direct.

The costs of destruction or abatement, and of the proceedings shall be taxed against the defendants therein.

**15.08.220 Appeals—Bond for damages.** An appeal may be taken from the decree by filing notice thereof not later than ten days after issuance of the decree. The appellant shall be required to file an appeal bond of not less than one thousand dollars and sufficient in amount to cover possible damages to neighboring properties due to delay in carrying out the decree.

**15.08.230 Disinfection of public properties.** The director and the governing body of counties, cities, towns and irrigation and school districts shall disinfect or destroy all infected trees or shrubs growing upon public property within their respective jurisdictions, and they may expend funds of their county, city, town, or district in carrying out the provisions of this section. The director may

compel compliance herewith by an action in the name of the state upon the relation of the director.

**15.08.240 Dumping infected products, containers, prohibited.** It shall be unlawful for a property owner or lessee to permit the piling or dumping, or for a person to pile or dump, any infected product on any property or to pile or dump infected containers where the dumping of the infected products or containers might constitute a source of infestation to horticultural products.

**15.08.250 Host-free districts—Director's duties.** Whenever the director determines that a particular pest cannot be eradicated or effectively controlled by ordinary means, or that it is impractical to eradicate or control it without the destruction in whole or in part of uninfected host plants, he may issue a proclamation setting out the host-free period or host-free district, or both, describing the host plant and the district wherein planting, growing, cultivating, or maintenance in any manner of any plants or products capable of continuing the particular pests is prohibited during a specified period of time and until the menace therefrom no longer exists.

**15.08.260 Horticultural tax.** At the time of making the regular annual tax levy the board of county commissioners of each county shall include a tax, to be known as the "horticultural tax," upon the taxable property of the county in an amount sufficient to meet the expense of inspecting and disinfecting nursery stock, fruits, vegetables, horticultural or agricultural products, and horticultural premises under the provisions of this title. Said tax shall be levied and collected in the same manner as are general taxes and when collected shall be placed in the county current expense fund.

**15.08.270 Basis for estimating the tax.** In estimating the amount to be levied for said horticultural tax the board shall take into consideration the expense of such inspection and disinfection for the ensuing year, and the amount which will be collected under the provisions of this chapter on properties disinfected.

## Chapter 15.12

### NURSERY STOCK INSPECTION AND LICENSING

**15.12.010 Licenses—Nurserymen, dealers, agents—Exceptions.** It shall be unlawful for any person to sell, deal in or import into the state for sale or distribution any nursery stock, or to act as agent for a nurseryman or dealer in nursery stock unless he has in force a license so to do for each place of business; except that the director may enter into reciprocal agreements with other states, which accord like privileges to such licensees of this state, under which nursery stock owned by nurserymen or nursery stock dealers licensed by

such states may be sold or delivered in this state without payment of the license fee hereinafter provided for.

*Note:* See also section 24, chapter 221, Laws of 1961.

**15.12.020 Fee schedule—Nursery inspection account.** The director shall issue such licenses upon payment of the following fees: For agents, one dollar; for nurserymen who grow all of the stock they sell, five dollars; for other nurserymen, dealers, brokers, landscape architects, and all other persons deriving financial benefit from the sale of nursery stock, fifteen dollars.

All moneys collected under this section shall be paid into a special account of the general fund of the state treasury known as the nursery inspection account and used exclusively for the necessary expenses of this chapter. The state auditor may anticipate the receipts and issue warrants not exceeding three thousand dollars in amount.

*Note:* See also section 24, chapter 221, Laws of 1961.

**15.12.030 Contents of license.** Every license shall show: Date of issue, name of licensee, purpose of issue, name and location of nursery or place of business of licensee; and shall expire on the first day of July following date of issue.

*Note:* See also section 24, chapter 221, Laws of 1961.

**15.12.040 Unlawful acts—Action for damages.** It shall be unlawful for any person to:

- (1) Falsely represent that he is the agent or representative of any nurseryman or dealer in nursery stock;
- (2) Deceive or defraud another in the sale of nursery stock by substituting inferior or different grades from those ordered;
- (3) Wilfully or intentionally bring into this state, or offer for sale or distribution within the state, or ship, sell, or deliver any infected nursery stock.

In case of such deceit, fraud, or substitution the person injured thereby shall have recourse against the licensed nurseryman or dealer for the damage sustained.

*Note:* See also section 24, chapter 221, Laws of 1961.

**15.12.045 Unlawful representations.** It shall be unlawful to sell, solicit orders for, offer for sale, or distribute nursery stock by any method which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

This section shall apply to every type of advertisement or method of representation, whether in newspaper, periodical, sales catalogue, by radio or television, by sales representatives, or otherwise.

Without limiting the effect of this section, the making of any of the following representations, directly or indirectly, is expressly prohibited;

(1) That the nursery stock has been propagated by grafting or bud selections methods, when such is not the fact.

(2) That the nursery stock is healthy, will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not the fact.

(3) That the nursery stock blooms the year round, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact.

(4) That the nursery stock is a new variety, when in fact it is a standard variety to which the seller has given a new name.

(5) That the nursery stock cannot be purchased through usual retail outlets, or that there are limited stocks available, when such is not the fact.

(6) That the nursery stock offered for sale will be delivered in time for the next (or any specified) seasonal planting when the seller is aware of factors which make such delivery improbable.

(7) That the appearance of the nursery stock is normal or usual when the appearance so represented is in fact abnormal or unusual.

(8) That the root system of the nursery stock is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling, or otherwise.

(9) That bulblets are bulbs.

(10) That any nursery stock is a rare or unusual item when such is not the fact.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.050 Complaints against licensees—Hearing—Venue.** Upon sworn written complaint to the director alleging that any licensee hereunder has violated or failed to comply with the provisions of this chapter or the laws of the state relative to horticulture, the director, if in his judgment the complaint justifies a hearing thereon, shall serve upon such licensee by registered mail a copy of the complaint and a notice of the time and place of the hearing, which shall be held not less than ten nor more than thirty days from the date of mailing and at a place determined by the director as shall be most convenient to all parties, or in the county where the nursery or principal place of business of the licensee is located.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.060 Compulsory attendance process—Decisions—Appeals.** The complainant and the licensee shall have compulsory process, issued by the director, to compel the attendance of witnesses. Hearings may be held by the director, or by the supervisor who shall report a synopsis of the testimony and his findings to the director

for a decision. If upon the hearing or said report the director is satisfied that the licensee has violated or failed to comply with the provisions of this chapter or any law relating to horticulture he may revoke the license of the licensee.

No new license shall be issued to such person until it appears to the director that the cause of the complaint has been removed.

Appeals from decisions of the director, either revoking the license or refusing to issue a new one, may be taken to the superior court of the county where the hearing was held.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.070 Notice of intention to ship nursery stock—Container marking.** Every person intending to ship nursery stock between points within the state, or to import the same from a person not licensed hereunder shall mail to the director not later than the day of shipment a written notice signed by himself stating the names and addresses of both consignor and consignee, the name of the carrier or person who will deliver the shipment to the consignee, and whether the shipment has been inspected and approved at the initial point of shipment in this state, and mail a copy of the notice to the horticultural inspector stationed nearest to the point of consignment.

Every person receiving such an imported shipment shall have it inspected in the manner prescribed by law for inspection of nursery stock delivered by a licensed nurseryman or dealer.

The contents of all shipments of nursery stock must be plainly marked on the outside of containers thereof.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.080 Inspections at destination—Exception—Notice of arrival.** If a shipment of nursery stock is accompanied by a horticultural inspector's certificate of inspection and approval at the initial point of shipment in this state, the person delivering the same shall also deliver such certificate to the consignee and retain a copy thereof as proof of his authority to deliver without inspection.

If a shipment is not accompanied by such a certificate then the person in charge of its delivery shall notify the horticultural inspector stationed nearest to the point of delivery that the shipment is ready for inspection and delivery and the names of the consignor and consignee thereof, except, that cut flowers, potted plants and greenhouse products which show general inspection shall be exempt.

Said notice may be given by telephone, telegraph, or by written notice delivered personally to the inspector or a person of suitable age and discretion at his residence or office, or by mail addressed to the inspector at his residence or office.

Note: See also section 24, chapter 221, Laws of 1961.



**15.12.090 Holding period for inspection.** The person in charge of delivery of a shipment of nursery stock shall not deliver the same until it has been inspected by a horticultural inspector, but the shipment need not be held for more than forty-eight hours after notifying the inspector as above provided, unless the notice was mailed in which case the shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for delivery of mail to the address of the inspector.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.100 Inspection on demand—Fees—Substitutions unlawful.** Any nurseryman or nursery stock dealer may demand, upon payment of such fees as are agreed upon by the director, the services of a horticultural inspector at the place of business or point of shipment during the shipping season. If the inspector finds the stock free from pests and diseases he shall deliver to the owner or person in charge thereof a certificate signed by him in triplicate stating such stock to be not infected.

No person shall substitute other nursery stock for that covered by such a certificate.

Note: See also section 24, chapter 221, Laws of 1961.

**15.12.110 Graded stock to be living—Destruction of dead, broken, damaged stock.** All nursery stock required to be graded shall be living stock and shall not be dead, or in a dying condition, and shall not be seriously broken, frozen or damaged, and shall not be abnormally potbound. Any person authorized to make inspection of shipments of nursery stock shall condemn any and all stock found to be dead or in dying condition, seriously broken, frozen, or damaged and shall order it destroyed. The order of the inspector shall be final fifteen days after the date of its issuance unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director of agriculture to show cause why the inspector's order should not be stayed.

Note: See also section 24, chapter 221, Laws of 1961.

## Chapter 15.16

### STANDARDS OF GRADES AND PACKS

**15.16.010 Rules and regulations—Director's duties—Public hearings.** The director shall adopt and promulgate general obligatory rules and regulations establishing standard commercial grades and packs of fruit, vegetables and nursery stock and the sizes and dimensions of commercial containers therefor and the inspection of the same. Said rules and regulations, and any changes therein shall be adopted only after official public hearings have been held pursuant to such reasonable rules prescribed by the director, as will insure

a full, fair and impartial opportunity for all interested districts to be heard.

The grading rules shall be based upon the necessities and proprieties as shown in the hearing, taking into consideration the commercial tonnage of said products in each district affected by said rules.

**15.16.020 Changes in rules—Petitions for—Hearings.** Proposed changes in said rules and regulations may be submitted to the director by a petition signed by resident freeholders who are owners of twenty-five percent or more of the total acreage, based upon the census of the department, for the kind of fruit, vegetables, or nursery stock for which changes are proposed; or the director may call a public hearing to consider desired changes upon a reasonable showing by the industry of the necessity therefor.

**15.16.030 Consultations—Force and effect of rules.** In adopting such rules, regulations and changes the director may consult and advise with growers of such products and the officers of grower organizations.

When adopted and promulgated such rules and regulations become effective and have the force and effect of statutes.

**15.16.035 Horticultural inspection districts established.** For the purpose of this chapter the state shall be divided into the following horticultural inspection districts to which may be assigned one or more inspectors-at-large who shall supervise and administer regulatory and inspection affairs of the district:

District One: Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin.

District Two: Spokane, Lincoln, Stevens, Ferry, Pend Oreille.

District Three: Adams, Grant.

District Four: Chelan, Southern portion of Douglas.

District Five: Yakima, Kittitas, Klickitat, Skamania.

District Six: Clark, Cowlitz, Wahkiakum.

District Seven: Lewis, Pacific, Thurston, Mason, Grays Harbor.

District Eight: Pierce, Kitsap, Jefferson, Clallam.

District Nine: King.

District Ten: Whatcom, Snohomish, San Juan, Skagit, Island.

District Eleven: Okanogan, Northern part of Douglas.

The director shall establish those portions of district boundaries which do not follow county lines.

**15.16.040 Horticultural inspectors — Appointment — Duties — Fees.** Upon application by a financially interested party for inspection and certification services on certain specified fruits, vegetables, nursery stock, or other horticultural products the director, supervisor, or inspectors-at-large may appoint a horticultural inspector

who shall perform such services and certify to the shipper or interested parties the quality, grade and condition of the specified products. Said services shall be made pursuant to rules and regulations adopted from time to time by the director and upon payment of such fees as he may determine will, as near as may be, cover the cost of the service.

**15.16.050 Collection, deposit and use of fees—Bond of inspectors-at-large—Accounting.** The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with RCW 15.04.100. Inspectors-at-large shall furnish bonds to the state in amounts set by the administrative board, with sureties approved by the director, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on or before the tenth day of each month, render to the director a detailed account of the receipts and disbursements for the preceding month.

**15.16.060 Annual reports of inspectors-at-large—Schedule of refunds by district when excess in district fund.** On the thirtieth day of June of each year the inspectors-at-large shall render to the commissioners of every county in which such service has been rendered in their districts, a complete account of the past year's business. Should there remain on hand in any horticultural district fund after all expenses of said services have been paid, amounts in excess of those in the following schedule, they shall be returned to the contributors to the fund in proportion to the amount each contributed: Schedule: Districts 2, 6 and 7, each, twenty-five thousand dollars; districts 1 and 8, each, thirty thousand dollars; districts 9 and 10, each, fifty thousand dollars; district 11, seventy-five thousand dollars; and districts 3, 4 and 5, each, one hundred thousand dollars.

**15.16.070 Failure to pay fees—Actions—Certificates as evidence.** Should the applicant for said services fail to pay the fee therefor within thirty days after the performance thereof, the prosecuting attorney of the county shall, at the request of the inspector-at-large, bring suit in the name of the inspector-at-large to collect the debt.

The certificate of inspection shall be admitted in all courts as prima facie evidence of the truth of the statements therein contained.

**15.16.080 Apple grades—Packs to comply.** The director shall adopt and promulgate rules and regulations establishing the following grades of apples: For green and yellow varieties: (1) Extra

fancy, (2) fancy, (3) C grade, (4) culls, and (5) infected culls. For red and partial red varieties: (1) Extra fancy, (2) fancy, (3) culls, and (4) infected culls.

No person shall pack, sell, or ship apples unless the same comply with the rules, regulations and grades adopted pursuant to RCW 15.16.010.

**15.16.085 Color standards for red and partial red apples.** The director when establishing standards of color requirements for red varieties and partial red varieties of apples shall establish color standards for such varieties which are not less than the following:

1. Arkansas Black .....Fifteen percent
2. Spitzenberg (Esopus) .....Fifteen percent
3. Winesap .....Twenty percent
4. King David .....Fifteen percent
5. Delicious .....Twenty percent
6. Staymen Winesap .....Ten percent
7. Vanderpool .....Ten percent
8. Black Twig.....Ten percent
9. Jonathan .....Ten percent
10. McIntosh .....Ten percent
11. Rome .....Ten percent
12. Red Sport varieties.....Twenty percent

Whenever red sport varieties are marked as such, they shall meet the color requirements of red sport varieties.

**15.16.090 Violations of standards.** It is unlawful for any person who grows, packs, or otherwise deals in fruits, vegetables, nursery stock, or other horticultural products to:

(1) Offer for sale, sell, or ship any such products in boxes, packages, or other containers without first plainly marking on the outside of each container the standards, rules and regulations adopted by the director hereunder, and, either the true grades of the contents as fixed by said standards, rules and regulations, or a special or private grade or brand registered and approved by the director: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of fancy grade or better; or

(2) Place upon any container the name of any other place or locality than that where the contents were grown, except the place of destination; or falsely mark such container as to variety of the contents, the name of the grower, or place where grown; or the name of a grade which imitates or approaches the name of any grade promulgated by the director; or

(3) Mark, brand, advertise, offer for sale, or sell any such products as being graded according to said standards unless the same does conform therewith; or

(4) Have in his possession any such products that are thusly misbranded; or

(5) Re-mark any container to a higher or superior grade than that marked thereon by the grower or packer; or

(6) Repack the contents of a container into a container of another grower or packer, or from another locality than that in which originally packed, and then sell or offer for sale such re-packed container without changing its markings to conform with its said contents; or

(7) Import, sell, offer for sale or possess any such products which are infected with any pest or disease, or larvae thereof. The fact that any product bears the mark of any scale or insect, or is worm-eaten is conclusive evidence that it is infected.

The provisions of this section do not apply to canned or dried fruits; nor prevent the manufacture of infected fruit into byproducts, or its shipment to a byproduct factory; nor prohibit the sale of such products as "ungraded" or as graded according to other standards than those adopted by the director if the name of such other grades or standards does not resemble or imitate any official grades and if obligatory grades, rules and regulations have not been adopted as herein provided.

**15.16.100 Importations—Marking containers.** All fruits, vegetables, nursery stock and other horticultural products imported into the state shall comply with the obligatory standards, rules and regulations duly promulgated by proper authority of the state of origin or adopted by the United States department of agriculture, and all containers thereof must be marked in accordance therewith.

**15.16.110 Condemnation by inspector—Possession prima facie evidence.** If an inspector upon inspection finds that any fruits, vegetables or nursery stock do not meet the standards established by the obligatory rules and regulations, he shall condemn the same and serve notice thereof upon the owner or person in charge, and the article may not be sold or disposed of without written permission of the inspector. The possession of such products shall be prima facie evidence of a violation of the provisions of this chapter unless the owner or person in charge can show a written release from the inspector that the provisions of the condemnation order have been complied with.

**15.16.120 Nursery stock—Information to purchaser.** Nurserymen and dealers in nursery stock and agents thereof shall give to each person ordering or buying nursery stock, a duplicate copy of the order which shall show: The name of the nurseryman or dealer; the name of the agent; the season of the order; the date when delivery is to be made; and the number, name, and price of each variety of items ordered.

**15.16.130 Apples, pears, potatoes, cantaloupes—Unlawful conduct—Penalty.** No person shall:

(1) Ship or transport apples, pears, potatoes, or cantaloupes until they have been inspected by a horticultural inspector and his permit to do so obtained; or sell the same to a retailer without giving him information relative to the grade, quality and variety thereof; nor

(2) Sell at retail apples or pears which are not graded extra fancy, fancy, C grade, or a combination of grades established by the director, unless a permit to do so has been issued by a horticultural inspector: *Provided*, That for the purpose of this section "combination" grades shall not include any culls; nor without clearly marking the grade thereof on the container, or if there is no container, then the grade must be established by a sign; nor

(3) offer for sale or possess for sale any potatoes not within the grades of U. S. No. 2 or better, unless the word "cull" is clearly marked, in letters not less than two inches high on the container, or if sold in bulk then on a sign visible to the trade at all times.

Any violation of this section shall be punishable as a gross misdemeanor.

**15.16.140 ————Inspection—Reinspection—Fees.** All apples, pears, potatoes and cantaloupes, before being shipped, must be inspected by a horticultural inspector, who shall, if he finds the same comply with the law and the rules and regulations of the department, issue a certificate of inspection or permit to ship the fruit; except that if any apples are found to be culls they shall be reinspected for disease and infestation for which service a reinspection fee of one dollar shall be collected. If the fruit is free of disease and infestation a certificate to that effect shall be issued to the shipper. The inspection fees above required shall be used to pay the expense of inspection and certification.

**15.16.150 ————Inspection fees—Director's duty—When no fee.** The director shall fix reasonable fees to cover the cost of inspection of apples, pears, potatoes, and cantaloupes, which fees shall be collected by the inspectors and used to cover the expense of inspection. No inspection charge shall be made when a permit or certificate has been issued concerning such fruits or vegetables, nor when they are sold to packing, preparation, or processing plants or places for storage within the district where grown, for the purpose of preparing or processing for market or for storage to be sold at a later date.

**15.16.160 Apples—Culls—Container markings.** No person shall buy, sell, offer for sale, ship, or transport any apples to or for market unless the same have been graded and comply with all grading requirements; and if the apples are culls, unless every

container, label, bill of lading, invoice, memorandum and other document describes and defines their grade, variety and size; nor ship or transport culls out of their area of production, except to processing plants, unless they are packed in one-bushel baskets, ring faced and lidded, and the name "culls" appears on the top and bottom of each container and any labels thereon in clear, legible letters at least two and one-half inches high. Apples in the ring face shall be representative of the contents, as to size and quality.

**15.16.170 Importations—Notification of inspector.** Upon arrival at its destination of a shipment of fruits or vegetables imported into this state the person in charge of the delivery thereof shall notify the nearest horticultural inspector, giving the names of consignor and consignee; and upon delivery of the shipment shall demand and receive from the consignee, his order or agent a receipt showing the name and address of the receiver, which receipt shall also be mailed to said inspector.

**15.16.180 Apple shipments—Notice of loading—Permit to ship.** At or prior to the issuance of the bill of lading on any car of apples the common carrier shall furnish to the nearest horticultural inspector or office the name of the consignor and the date and place of loading. All apples shipped in bulk or as culls shall be accompanied by a written permit to ship the same to a byproduct factory, or by such an inspector's written statement that same are free from infection.

**15.16.190 Permits, certificates—Payment of assessments before issuance.** No permit shall issue under RCW 15.16.140 nor certificate of inspection of culls under RCW 15.16.140 until there is first paid to the department for the Washington state apple advertising commission the assessment levied under chapter 15.24 and in addition thereto the assessment levied in RCW 15.16.200.

**15.16.200 Assessment on culls—Use of funds.** An assessment of five cents per basket is levied upon every basket of culls shipped or transported within the state, to be paid to the Washington state apple advertising commission for the purpose of conducting a research of further uses of apples, especially culls.

**15.16.210 Apples shipped to byproducts or processing factory excepted from certain provisions.** Nothing in RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 and 15.16.250 shall apply to apples shipped to a byproducts or processing factory for processing or manufacturing byproducts.

**15.16.220 Restraining threatened violations—Damages.** Whenever any person threatens to violate any provision of this chapter or any obligatory rule or regulation, the director may, with the advice of the prosecuting attorney of the county, or the attorney general, bring an action in the superior court in the name of the

state upon the relation of the director to enjoin the same. No bond shall be required for the issuance of a restraining order or injunction, but the state shall be liable for any damages sustained by any unlawful issuance of the same.

**15.16.230 Seized products as evidence.** The director, supervisor, and inspectors may seize and hold as evidence any article or thing possessed or used, shipped, offered for sale, or sold in violation of any provision of this chapter, and may serve and enforce any writ issued by any court hereunder.

**15.16.240 Duty of carrier personnel to assist.** All officials and employees of common carriers shall render to the director, supervisor, and inspectors all possible assistance in tracing and locating the presence of any article pertaining to this chapter coming into the possession of the carrier, and failure to do so shall be a misdemeanor.

**15.16.250 Penalty for certain violations.** Any person who violates any provision of RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 or 15.16.210, insofar as the contents thereof relate to apples, shall be guilty of a gross misdemeanor.

**15.16.260 Transport of prunes and apricots. Inspection required—Fee—Permit.** No person shall ship or transport from the area of production as fresh fruit Italian type prunes or apricots unless they have been inspected by a state horticultural inspector and found to comply with the regulations applicable to maturity and insect infestation as promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020, and 15.16.030, and if they comply with the standards as set in the regulations and an inspection fee is paid as hereinafter provided, a permit to ship shall be granted.

**15.16.270 ———Fees—Collection, disposition.** The director of agriculture shall fix reasonable fees to cover the cost of the inspection herein provided which shall be collected at the time of inspection and placed in the horticultural district fund of the district in which the inspection was performed.

**15.16.280 ———Shipment of culls—Labels.** No person shall ship or transport from the area of production as fresh fruit any Italian type prunes or apricots not coming within the grades adopted by the director of agriculture unless they are clearly marked with the word "Culls" in large letters at least two inches high on the container which must be of the closed type: *Provided*, That these labeling requirements are not applicable to apricots and Italian type prunes sold or being shipped to a byproducts or processing plant.

**15.16.290 ———Exempt shipments.** RCW 15.16.260 through 15.16.300 do not apply to the transportation or shipment of Italian



type prunes or apricots in quantities of two hundred pounds or less, or to the transportation or shipment of Italian type prunes and apricots consigned to a processing or byproducts plant.

**15.16.300 ———Penalty for violation of RCW 15.16.260 through 15.16.300.** Any violation of RCW 15.16.260 through 15.16.300 shall be punishable as a misdemeanor.

**15.16.310 Transport of cherries. Inspection required.** No person shall ship or transport cherries from the area of production unless they have been inspected at the time of delivery to a warehouse by a state horticultural inspector for insect infestation, and if they comply with the insect tolerances as set in regulations promulgated by the director of agriculture a permit to ship shall be granted: *Provided*, That cherries that have not been so inspected will be subject to state inspection before being shipped.

**15.16.320 ———Exempt shipments.** RCW 15.16.310 through 15.16.340 do not apply to the transportation or shipment of cherries in quantities of two hundred pounds or less, nor to the transportation or shipment of cherries consigned to a processing or byproducts plant.

**15.16.330 ———Rules and regulations—Fees.** The director of agriculture shall prescribe rules and regulations as he may deem proper and necessary with reference to the inspection of cherries for insect infestation, and he may establish tolerances therefor and shall fix reasonable fees to cover the cost of the inspection, which fees shall be collected at the time of the inspection and be placed in the horticultural district fund of the district in which the inspection was performed.

**15.16.340 ———Penalty for violation of RCW 15.16.310 through 15.16.330.** Any violation of RCW 15.16.310 through 15.16.330 shall be punishable as a misdemeanor.

**15.16.350 Cull Bartlett pears. Sale of—Pack—Labels—Invoices, etc.** No person shall sell as fresh fruit any cull Bartlett pears as defined in regulations adopted and promulgated by the director of agriculture from time to time unless they are packed in one-bushel wooden baskets, ring faced with the pears in the ring face representative of the size and quality of the pears in the basket and the baskets lidded, and the words "Cull Pears" must appear on the top and side of the basket in which they are shipped and upon labels placed upon the basket in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum or other document referring to said Bartlett pears shall designate them as cull Bartlett pears.

**15.16.360 ———Shipment—Inspection—Compliance enjoined.** No person shall ship or otherwise transport out of the area of pro-

duction cull Bartlett pears as fresh fruit unless they are found upon inspection by a horticultural inspector to be free of insect damage, pests and disease, and are packed and labeled as provided in RCW 15.16.350.

**15.16.370 ———Assessments—Use of funds.** There is hereby levied upon each and every basket of cull Bartlett pears shipped or transported within the state of Washington out of the area of production as fresh fruit an assessment of five cents per basket, which assessment shall be paid to the Washington state fruit commission prior to the commencement of shipment or transportation. Such five cents per basket shall be used by the Washington state fruit commission for the purpose of conducting promotion and research as to Bartlett pears.

**15.16.380 ———Exempt shipments and sales.** RCW 15.16.350 through 15.16.390 do not apply to the sale, transportation or shipment of cull Bartlett pears as fresh fruit in quantities of two hundred pounds or less, nor to the shipment of cull Bartlett pears to a byproducts or processing plant for the purpose of manufacturing or processing of byproducts, nor to the shipment of cull Bartlett pears to be used as stock feed.

**15.16.390 ———Penalty for violation of RCW 15.16.350 through 15.16.380.** Any violation of RCW 15.16.350 through 15.16.380 shall be a misdemeanor.

**15.16.400 Cold processed blackberries—Labeling.** All cold processed blackberries packed or offered for sale shall be legibly labeled or stamped to state whether they are from undomesticated and uncultivated canes or from domesticated, cultivated canes.

**15.16.410 ———Penalty.** Every violation of RCW 15.16.400 is a misdemeanor.

**15.16.420 Transport of fresh field grown tomatoes. Inspection required—Fee—Permit.** No person shall ship or transport from the area of production fresh field grown tomatoes in closed containers unless they have been inspected by a state horticultural inspector and found to comply with the obligatory rules and regulations as adopted and promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020 and 15.16.030, and if they comply with the standards as set forth in the regulations and an inspection fee is paid as provided in RCW 15.16.430, a permit to ship shall be granted: *Provided*, That this section shall not apply to tomatoes in open containers.

**15.16.430 ———Fees, collection, disposition.** The director of agriculture shall fix reasonable fees to cover the cost of the inspec-

tion provided in RCW 15.16.420, which shall be collected at the time of inspection and placed in a horticultural fund.

**15.16.440** ————**Penalty for violation of RCW 15.16.420 or 15.16.430.** Any violation of RCW 15.16.420 or 15.16.430 shall be punishable as a misdemeanor.

**15.16.450** **Fresh peaches. Transport of—Inspection required—Fee—Permit.** No person shall ship or transport from the area of production, fresh peaches unless they have been inspected by a state horticultural inspector and found to comply with the obligatory rules and regulations as adopted and promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020 and 15.16.030, and if they comply with the standards as set forth in the regulations and an inspection fee is paid as provided in RCW 15.16.460, a permit to ship shall be granted.

**15.16.460** ————**Fees, collection, disposition.** The director of agriculture shall fix reasonable fees to cover the cost of the inspection provided in RCW 15.16.450, which shall be collected at the time of inspection and placed in a horticultural fund.

**15.16.470** ————**Sale of culls—Pack, labels, invoices, etc.** No person shall sell as fresh fruit any cull peaches as defined in regulations adopted and promulgated by the director of agriculture from time to time unless they are packed in one-bushel wooden baskets, ring faced with the peaches in the ring face representative of the size and quality of the peaches in the basket and the baskets lidded, and the words "Cull Peaches" must appear on the top and side of the basket in which they are shipped and upon labels placed upon the basket in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches.

**15.16.480** ————**Exempt sales, transportation, shipment.** RCW 15.16.450 through 15.16.470 do not apply to the sale, transportation or shipment of fresh peaches in quantities of five hundred pounds or less, nor to the transportation or shipment of fresh peaches consigned to a processing or byproducts plant.

**15.16.490** ————**Penalty for violation of RCW 15.16.450 through 15.16.480.** Any violation of RCW 15.16.450 through 15.16.480 shall be punishable as a misdemeanor.

**Chapter 15.24****APPLE ADVERTISING COMMISSION****15.24.010 Definitions.** As used in this chapter:

“Commission” means the Washington state apple advertising commission;

“Ship” means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

“Handler” means any person who ships or initiates a shipping operation, whether for himself or for another;

“Dealer” means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

“Processor” and “processing plant” mean every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

“District No. 1” includes the counties of Chelan, Okanogan, Grant, and Douglas;

“District No. 2” includes the counties of Kittitas, Yakima, Benton, Franklin, and Klickitat;

“District No. 3” includes all counties in the state not included in the first and second districts.

**15.24.020 Commission created — Qualifications of members.**

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of seven practical apple producers and four practical apple dealers. The director of agriculture and supervisor of horticulture shall be ex officio members of the commission without vote.

The seven producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, and has during that period derived the major portion of his income therefrom, and who is not engaged in business directly or indirectly as a dealer. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office.

**15.24.030 Members—Election—Terms of office.** Eleven men with the qualifications stated in RCW 15.24.020 shall be elected members of said commission. Three of the grower members, being positions one, two and three, shall be from district No. 1, one of whom shall be from Okanogan county; three of the grower members, being positions four, five and six, from district No. 2; and one grower member, being position seven, from district No. 3. Two of the dealer members, being positions eight and nine, shall be from district No. 1; and two of the dealer members, being positions ten and eleven, shall be from district No. 2.

The regular term of office of the members of the commission shall be three years from the date of election and until their successors are elected and qualified, except, however, that the first terms of the members of the commission whose terms begin on July 1, 1949, shall be as follows: Positions one and four shall terminate on March 1, 1951; positions two, five, eight and ten shall terminate on March 1, 1952; and positions three, six, seven, nine and eleven shall terminate on March 1, 1953.

**15.24.040 Members—Nominations—Method of election.** The director shall call a meeting of apple growers in each of the three districts and meetings of apple dealers in district No. 1 and district No. 2 for the purpose of nominating their respective members of the commission who shall take office on July 1, 1949. Subsequent to December 1, 1950, district meetings of each group shall be called annually by the director for the purpose of nominating their respective members of the commission at times and places to be fixed by the commission. Said meetings shall be held annually not later than February 5th of each year commencing in 1951. Insofar as practicable, the said meetings of growers shall be held at the same time and place as the annual state and district meetings of the Washington State Horticultural Association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: *Provided*, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee or Yakima office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

The members of the commission shall be elected by secret mail ballot under the supervision of the director. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts, each grower being entitled to one vote. Dealer members of the commission shall be elected by

a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

**15.24.050 Vacancies—Quorum—Compensation.** In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual election meeting shall be filled by vote of the remaining members of the commission. At such annual election a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of ten dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

**15.24.060 Commission records as evidence.** Copies of the proceedings, records and acts of the commission, when certified by the secretary and authenticated by the corporate seal, shall be admissible in any court as prima facie evidence of the truth of the statements contained therein.

**15.24.070 Powers and duties.** The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expenses and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor and the director of budget;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation.

**15.24.080 Research, advertising, and educational campaign.** The commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign as continuous as the crop, sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of the markets and extent to which public convenience and necessity require research and advertising to be conducted.

**15.24.085 Promotional printing not restricted by public printer laws.** The restrictive provisions of chapter 43.78 shall not apply to promotional printing and literature for the Washington state apple advertising commission, the Washington state fruit commission, or the Washington state dairy products commission.

**15.24.086 Promotional printing contracts—Contractual conditions of employment.** All such printing contracts provided for in this section and RCW 15.24.085 shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof.

**15.24.090 Report to director—Increased assessments.** If it appears from the investigation that the revenue from the assessment levied hereunder is inadequate to accomplish the purpose of this chapter the commission shall file with the director a report showing the necessities of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest and necessity, and probable revenue from the assessment levied. It shall thereupon increase the assessment to a sum not to exceed twelve cents per one hundred pounds of apples, gross billing weight, shipped in bulk, container or any style of package; but no increase shall be made prior to filing of said report and findings. An increase shall become effective sixty days after such report is filed: *Provided*, That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum mail ballot by the apple growers of this state and be approved by a majority of such growers voting thereon: *Provided further*, That after such mail ballot, if the same be favorable to such increase, the commission

shall nevertheless exercise its independent judgment and discretion as to whether or not to approve such increase: *And provided further*, That in any event such increase shall not amount to more than two cents per one hundred pounds of apples, gross billing weight, in any one year.

**15.24.100 Assessments levied.** There is hereby levied upon all apples grown annually in the state an assessment of two cents on each one hundred pounds gross billing weight, except on apples shipped to a processing plant for processing or manufacturing. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

**15.24.110 Collection—Due date—Stamps.** The assessments shall be paid prior to shipment, and no apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid and receipt issued. No processor shall receive apples until the assessment is paid.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as "apple advertising stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. The stamps shall be canceled immediately upon being attached and the date of cancellation shall be placed thereon.

**15.24.120 Records kept by dealers, handlers, processors.** Each dealer, handler, and processor shall keep a complete and accurate record of all apples handled, shipped, or processed by him. This record shall be in such form and contain such information as the commission may by rule or regulation prescribe, and shall be preserved for a period of two years, and be subject to inspection at any time upon demand of the commission or its agents.

**15.24.130 Returns rendered by dealers, handlers, processors.** Each dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of apples handled, shipped, or processed by him during the period prescribed by the commission. The return shall contain such further information as the commission may require.

**15.24.140 Right to inspect.** The commission may inspect the premises and records of any carrier, handler, dealer, or processor for the purpose of enforcing this chapter and the collection of the excise tax.



**15.24.150 Treasurer — Bond — Duties — Funds.** The commission shall appoint a treasurer who shall file with it a fidelity bond executed by a surety company authorized to do business in this state, in favor of the commission and the state, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties and strict accounting of all funds of the commission.

All money received by the commission, or any other state official from the assessment herein levied, shall be paid to the treasurer, deposited in such banks as the commission may designate, and disbursed by order of the commission. None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter.

**15.24.160 Promotional plans — Cooperation of commission.** The commission may employ, designate as agent, act in concert with, and enter into contracts with any person, council, or commission for the purpose of promoting the general welfare of the apple industry and particularly for the purpose of assisting in the sale and distribution of apples in domestic or foreign commerce, and expend its funds or such portion thereof as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of apples in domestic or foreign commerce. For such purposes it may employ and pay for legal counsel and contract and pay for other professional services.

**15.24.170 Rules and regulations—Filing—Publication.** Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective five days after filing and publication.

**15.24.180 Enforcement.** All county and state law enforcement officers and all employees and agents of the department shall enforce this chapter.

**15.24.190 Nonliability of state, members, employees.** The state shall not be liable for the acts of the commission or on its contracts. No member of the commission or any employee or agent thereof shall be liable on its contracts. All liabilities incurred by the commission shall be payable only from the funds collected hereunder.

**15.24.200 Penalties.** Any person who violates or aids in the violation of any provision of this chapter shall be guilty of a gross misdemeanor, and any person who violates or aids in the violation of any rule or regulation of the commission shall be guilty of a misdemeanor.

**15.24.210 Prosecutions.** Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his principal place of business.

The superior courts are hereby vested with jurisdiction to enforce the provisions of this chapter and the rules and regulations of the commission issued hereunder, and to prevent and restrain violations thereof.

**15.24.900 Purpose of chapter.** This chapter is passed:

(1) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state;

(2) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

(4) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

(5) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(6) Because the stabilizing of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

(7) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(8) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time

to use and consume each variety, and the uses to which each variety should be put.

**15.24.910 Liberal construction.** This chapter shall be liberally construed.

## Chapter 15.28

### SOFT TREE FRUITS

**15.28.010 Definitions.** As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches;
- (7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."
- (8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;
- (9) "Producer" means any person who is a grower of any soft tree fruit;
- (10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;
- (11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams;
- (12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

**15.28.020 Commission created—Members, voting and ex officio—Quorum.** A corporation to be known as the Washington state fruit commission is hereby created, composed of fifteen voting members, to wit: Ten producers, two dealers, and three processors, who shall be elected and qualified as herein provided. The director and the supervisor of horticulture shall be ex officio members without a vote.

A majority of the voting members shall constitute a quorum for the transaction of any business.

**15.28.030 Qualifications of voting members.** All voting members must be citizens and residents of this state. Each producer member must be over the age of twenty-five years, and be, and for five years have been, actively engaged in growing soft tree fruits in this state, and received the major portion of his income therefrom; he cannot be engaged, either directly or indirectly, in business as a dealer. Each dealer member must be actively engaged, either individually or as executive officer of an organization, as a dealer. Each processor member must be engaged, either individually or as executive officer of an organization, as a processor. Said qualifications must continue throughout each member's term of office.

**15.28.040 Election of voting members—Positions.** Of the producer members, four shall be elected from the first district and occupy positions one, two, three and four; four shall be elected from the second district and occupy positions five, six, seven, and eight, and two shall be elected from the third district and occupy positions nine and ten.

Of the dealer members, one shall be elected from each of the first and second districts and respectively occupy positions eleven and twelve.

Of the processor members, one shall be elected from each district and occupy respectively positions thirteen, fourteen and fifteen.

**15.28.050 Terms of office—Rotation.** The regular term of office of the members of the commission shall be three years from the date of election and until their successors are elected and qualified, except, however, that the first terms of the members of the commission shall be as follows: Positions one, four, seven, ten and thirteen shall terminate on April 1, 1948; positions two, five, eight, eleven and fourteen shall terminate on April 1, 1949; and positions three, six, nine, twelve and fifteen shall terminate on April 1, 1950.

**15.28.060 District meetings for elections.** Commissioners shall be elected by a majority vote of the qualified growers, dealers, or processors present at their respective district meetings called by the director for this purpose. The name of any qualified person may be placed before the respective meetings by oral nomination. After nominations are closed a secret written ballot shall be taken.

Each qualified grower, dealer, or processor present shall be entitled to one vote for each position for his respective group to be filled at said election. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held between the candidates receiving the largest number of votes, with two candidates for each position not filled. If more than one position is to be filled at any election, the first candidate elected, or if elected on the same ballot, the candidate receiving the largest number of votes, shall be declared elected to the position with the longest term.

**15.28.070 Calling district meetings—Notice.** District meetings for each group shall be called annually by the director at times and places fixed by the commission for the election of members. Public notice of such meetings shall be given by the commission in such manner as it determines. Failure of any interested party to receive such notice shall not invalidate the meeting or election.

**15.28.080 Vacancies on commission—How filled.** In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position, until the next annual election meeting, shall be filled by vote of the remaining members of the commission. At such annual election a commissioner shall be elected to fill the balance of the unexpired term.

**15.28.090 Compensation of members—Per diem and expenses.** No member of the commission shall receive any salary or other compensation but each member shall receive the sum of ten dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

**15.28.100 Powers of commission.** The Washington state fruit commission is hereby declared and created a corporate body. The commission has power:

- (1) To exercise all of the powers of a corporation;
- (2) To elect a chairman and such other officers as it may deem advisable;
- (3) To adopt, amend or repeal, from time to time, necessary and proper rules, regulations and orders for the performance of its duties, which rules, regulations and orders shall have the force of laws when not inconsistent with existing laws;
- (4) To employ, and at its pleasure discharge, such attorneys, advertising manager, agents or agencies, clerks and employees, as it deems necessary and fix their compensation;
- (5) To establish offices, and incur such expenses, enter into such contracts, and create such liabilities, as it deems reasonably necessary for the proper administration of this chapter;

(6) To accept contributions of, or match private, state or federal funds available for research, and make contributions to persons or state or federal agencies conducting such research;

(7) To administer and enforce this chapter, and do and perform all acts and exercise all powers deemed reasonably necessary, proper or advisable to effectuate the purposes of this chapter, and to perpetuate and promote the general welfare of the soft tree fruit industry of this state;

(8) To sue and be sued.

**15.28.110 Duties of commission.** The commission's duties are:

(1) To adopt a corporate seal;

(2) To elect a secretary-manager, and a treasurer, and fix their compensation. The same person may be elected to both of said offices;

(3) To establish classifications of soft tree fruits;

(4) To conduct scientific research and develop the healthful, therapeutic and dietetic value of said fruits, and promote the general welfare of the soft tree fruit industry of the state;

(5) To conduct a comprehensive advertising and educational campaign to effectuate the objects of this chapter;

(6) To increase the production, and develop and expand the markets, and improve the handling and quality of said fruits;

(7) To keep accurate accounts and records of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To investigate and prosecute violations hereof.

**15.28.120 Copies of records as evidence.** Copies of the commission's proceedings, records, and acts, when certified by the secretary and authenticated by the corporate seal, shall be admissible in all courts as prima facie evidence of the truth of all statements therein.

**15.28.130 State, personal, nonliability—Obligations limited by collections.** Neither the state, nor any member, agent, or employee of the commission, shall be liable for the acts of the commission, or upon its contracts.

All salaries, expenses, costs, obligations and liabilities of the commission, and claims arising from the administration of this chapter, shall be payable only from funds collected hereunder.

**15.28.140 District advisory and state commodity committees.** There shall be separate district advisory committees and separate state commodity committees for each of the following soft tree fruits, to wit: Bartlett pears, peaches, apricots, prunes and plums, and cherries. The growers, dealers, or processors of each of the soft tree fruits, at their respective annual district meetings may elect separate district advisory committees for each of the soft tree fruits grown, handled, or processed in their respective districts.

The district advisory committee shall consist of five members comprising three growers, one dealer and one processor of the respective soft tree fruit groups. Each state commodity committee shall consist of two members from, and selected by, each district advisory committee for each soft fruit.

**15.28.150 Committee organization—Duties.** Each district advisory committee and each state commodity committee shall select one of its members as chairman. Meetings may be called by the chairman or by any two members of any committee by giving reasonable written notice of the meeting to each member of such committee. A majority of the members shall be necessary to constitute a quorum. The district advisory committees and state commodity committees shall consult with and advise the commission on matters pertaining to the soft tree fruits which they respectively represent, and the commission shall give due consideration to their recommendations. Any grower, dealer, or processor, if qualified, may be a member of more than one committee.

**15.28.160 Annual assessment — Rate — Exception.** An annual assessment is hereby levied upon all commercial soft tree fruits grown in this state of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments.

**15.28.170 Research and advertising—Power to increase assessment.** The commission shall investigate the needs of soft tree fruit producers, the condition of the markets, and extent to which the same require advertising and research. If the investigation shows that the revenue from the assessments levied is inadequate to accomplish the objects of this chapter, it shall report its findings to the director, showing the necessities of the industry, the probable cost of the required program, and the probable revenue from the existing levy. It may then increase the assessments to be levied to an amount not exceeding two dollars per each two thousand pounds (net weight) of such fruits so contained or packed.

**15.28.180 Increase of assessment for a fruit or classification.** The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of the state commodity committee of any fruit recommends in writing the levy of an additional assessment on such fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of two dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which

the assessment may be increased to a maximum of five dollars for each two thousand pounds. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

**15.28.190 Deposit of funds—Treasurer's bond.** All money collected under the authority of this chapter shall be paid to the treasurer of the commission, deposited by him in banks designated by the commission, and disbursed on its order.

The treasurer shall file with the commission a fidelity bond, executed by a surety company authorized to do business in this state, in favor of the state and the commission, jointly and severally, in the sum of fifty thousand dollars, and conditioned upon his faithful performance of his duties and his strict accounting of all funds of the commission.

None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter.

**15.28.200 Use of funds—Contributions.** All moneys collected from such levy shall be expended exclusively to effectuate the purposes and objects of this chapter. They shall be generally expended on promotion and improvement of the various commodities approximately in the ratio that funds are derived from such commodities, after deducting suitable amounts for general overhead and basic general research, unless a majority of the functioning state commodity committees consent to a larger expenditure on behalf of any commodity or commodities. Any funds contributed to the commission by any special group or raised by an additional levy on any commodity or classification thereof, shall be expended only in connection with such commodity.

**15.28.210 Records kept—Preservation—Inspection of.** Every dealer, handler, and processor shall keep a complete and accurate record of all soft tree fruits handled, shipped, or processed by him. Such record shall be in simple form and contain such information as the commission shall by rule or regulation prescribe. The records shall be preserved by such handler, dealer, and processor for a period of two years and shall be offered and submitted for inspection at any reasonable time upon written request of the commission or its duly authorized agents.

**15.28.220 Returns to commission.** Every dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of soft tree fruits handled, shipped, or processed by him during the period or periods of time prescribed by the commission. Such return shall contain such further information as



may be necessary to carry out the objects and purposes of this chapter.

**15.28.230 Due date of assessments—Delinquent penalty.** All assessments levied and imposed by this chapter shall be due prior to shipment and shall become delinquent if not paid within thirty days after the time established for such payment according to regulations of the commission. A delinquent penalty shall be payable on any such delinquent assessment, calculated as interest on the principal amount due at the rate of ten percent per annum. Any delinquent penalty shall not be charged back against the grower unless he caused such delay in payment of the assessment due.

**15.28.240 Collection rules—Use of “stamps.”** The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as “Washington state fruit commission stamps” to be purchased from the commission and fixed or attached to the container, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. Stamps shall be canceled immediately upon being so attached or fixed, and the date of cancellation shall be placed thereon.

**15.28.250 Failure to pay—Duty of dealer, processor.** Unless the assessment has been paid by the grower and evidence thereof submitted by him, the dealer, handler, or processor shall be responsible for the payment of all assessments hereunder on all soft tree fruits handled, shipped, or processed by him but he shall charge the same against the grower, who shall be primarily responsible for such payment.

**15.28.260 Publications by commission—Subscriptions.** If the commission publishes a bulletin or other publication, or a section in some established trade publication, for the dissemination of information to the soft tree fruit industry in this state, the first two dollars of any assessment paid annually by each grower, handler, dealer, and processor of such fruit shall be applied to the payment of his subscription to such bulletin or publication.

**15.28.270 Violations—Penalty.** Every person shall be guilty of a misdemeanor who:

(1) Who violates or aids in the violation of any provision of this chapter, or

(2) Violates or aids in the violation of any rule or regulation of the commission.

**15.28.280 Venue of actions—Jurisdiction of courts.** Any prosecution brought under this chapter may be instituted or brought in any county in the state in which the defendant or any of the defendants reside, or in which the violation was committed, or in

which the defendant or any of the defendants has his principal place of business.

The several superior courts of the state are hereby vested with jurisdiction to enforce this chapter and to prevent and restrain violations thereof, or of any rule or regulation promulgated by the commission.

**15.28.290 Duty to enforce.** It shall be the duty of all state and county law enforcement officers and all employees and agents of the department to aid in the enforcement of this chapter.

**15.28.300 Publication of rules, regulations—Effective date.** Every rule, regulation, or order promulgated by the commission shall be filed with the director, and shall be published in a legal daily newspaper in each of the three districts. All such rules, regulations, or orders shall become effective fifteen days after both filing and publication.

**15.28.310 Authority to agents of commission to inspect.** Agents of the commission, upon specific written authorization signed by the chairman or secretary-manager thereof, shall have the right to inspect the premises, books, records, documents, and all other instruments of any carrier, railroad, truck, boat, grower, handler, dealer, and processor for the purpose of enforcing this chapter and collecting the assessments levied hereunder.

**15.28.900 Preamble.** This chapter is passed:

(1) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the soft tree fruit industry of the state;

(2) Because the soft tree fruits grown in Washington collectively comprise one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crops and the expanding and protection of the market for them is of public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington soft tree fruits in domestic and foreign markets;

(4) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington soft tree fruits, and to spread that knowledge throughout the world in order to increase the consumption of Washington soft tree fruits;

(5) Because Washington grown soft tree fruits are handicapped by high freight rates in competition with eastern and foreign grown soft tree fruits in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(6) Because the stabilization of the soft tree fruits industry,

enlargement of its markets, and the increase of the consumption of soft tree fruits are necessary to assure the payment of taxes to the state and its subdivisions, and to maintain employment and adequate wages for agricultural labor within the state;

(7) Because many new plantings of soft fruit trees are being made and substantially increased new plantings are expected in the near future as additional land comes under irrigation, and since the soft fruit trees mature quickly, it is conceivable that the industry may become unstabilized and demoralized by the excess production unless adequate outlets for the crops are provided, in advance of this anticipated production and it is essential that the program herein outlined be adopted for the purposes herein stated to aid in stabilizing the soft tree fruit industry;

(8) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only soft tree fruits of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer thereof, so that they can pay adequate wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary; and to educate the wholesale and retail trade with reference to the advantages of establishing and maintaining markups that will result in increasing sales to the consumers with consequent benefits to the people of the state of Washington;

(9) To protect the general public by educating it in reference to the various varieties and grades of Washington soft tree fruits, the time to use and consume each variety, and the uses to which each variety should be put.

**15.28.910 Liberal construction.** This chapter shall be liberally construed.

## Chapter 15.32

### DAIRIES AND DAIRY PRODUCTS

**15.32.010 Definitions.** For the purpose of chapter 15.32:

“Supervisor” means the supervisor of dairy and livestock;

“Dairy” means a place where milk from one or more cows or goats is produced for sale;

“Creamery” means a structure wherein milk or cream is manufactured into butter for sale;

“Milk plant” means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;

“Cheese factory” means a structure where milk is manufactured into cheese;

“Factory of milk products” means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except 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” means a structure where milk is condensed or evaporated;

“Ice cream factory” means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;

“Counter ice cream freezer” means counter type freezing machines usually operated in retail establishments;

“Sterilized milk” means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;

“Modified milk” means milk that has been altered in composition to conform to special nutritional requirements;

“Milk product” means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

“Milk byproduct” means a product 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 includes skimmed milk, buttermilk, whey, casein, and milk powder;

“Butter” means the product made by gathering the fat of milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

“Renovated butter” means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

“Reworked butter” means the product obtained by mixing or rechurning butter made on different dates or at different places: *Provided*, That the mixing of remnants from one day’s churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

“Butter substitute” means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

“Oleomargarine” means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with

butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and 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;

“Imitation cheese” means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

“Milk vendor” or “milk dealer” means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

**15.32.020 Standards of quality—Milk, milk fat, butterfat.** The following shall be the standards of quality after all tolerance has been allowed:

“Milk”—The whole unadulterated lacteal secretions from cows or goats containing not less than eight and one-quarter percent of milk solids, exclusive of fat, and not less than three and one-half percent of milk fat, and not obtained within ten days before parturition or seven days thereafter. Nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of whole, unadulterated milk from cows or goats whose milk tests below the milk fat standard herein fixed;

“Skimmed milk”—Milk which contains less than three and one-half percent of milk fat, and not less than eight and eight-tenths percent of milk solids exclusive of fat;

“Homogenized milk” is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after forty-eight hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportion volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing;

“Condensed milk,” “evaporated milk”—The products resulting from the evaporation of a considerable portion of the water from milk and which contains not less than twenty-five and nine-tenths percent of total solids and not less than seven and nine-tenths percent of milk fat;

“Condensed skimmed milk,” “evaporated skimmed milk”—The

products resulting from evaporating a considerable portion of the water from the skimmed milk, and which contains not less than eighteen percent of milk solids;

"Sweetened condensed milk," or "sweetened evaporated milk," means condensed milk to which has been added sugar, and which contains not less than twenty-eight percent of milk solids;

"Dried milk"—The product resulting from the removal of water from milk, and which contains not more than five percent of moisture;

"Dried skimmed milk" shall contain not more than five percent of moisture;

"Milk fat" or "butterfat"—The fat of milk having a reichert-meissel number of not less than twenty-four, and a specific gravity of not less than nine hundred and five one-thousandths at a temperature of forty degrees centigrade.

**15.32.030 Standards of quality—Cream, buttermilk.** The following shall be the standards of quality after all tolerance has been allowed:

"Cream"—That portion of milk rich in milk fat which rises to the surfaces on standing and contains not less than twenty percent of milk fat;

"Whipping Cream" or "pastry cream"—Cream which contains not less than thirty percent milk fat;

"Buttermilk"—A fluid milk product resulting from the churning of milk or cream containing not less than eight and one-quarter percent milk solids-not-fat;

"Cultured buttermilk"—The fluid milk product resulting from the souring or treatment, by a lactic acid or other culture, a pasteurized skimmed milk or pasteurized reconstituted skimmed milk containing not less than eight and one-quarter percent milk solids-not-fat.

**15.32.040 Standards of quality—Ice creams, ice milk, malted milk.** The following shall be the standards of quality after all tolerance has been allowed:

"Ice cream"—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 gelatin or vegetable gums, and which contains not less than ten percent of milk fats and not less than twenty percent of milk fats and milk solids combined;

"Fruit ice cream"—Ice cream to which is added sound, clean, and mature fruit;

"Nut ice cream"—Ice cream to which is added sound, clean, and nonrancid nuts;

"Ice milk"—The frozen product made from the combination of

milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths percent of milk fat, and not more than six-tenths of one percent of pure and harmless vegetable gum or gelatine;

“Malted milk”—The product made by combining 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 and by removing water, and which contains not less than seven and one-half percent of milk fat and not more than three and one-half percent of moisture.

**15.32.050 Standards of quality—Cheeses.** The following shall be the standards of quality after all tolerance has been allowed:

“Cheese”—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 or salt or harmless coloring matter;

“Whole milk cheese” includes “Cheddar cheese,” “American cheese,” and “American cheddar cheese”—Cheese made by the cheddar process from heated, pressed curd obtained by the action of rennet upon whole milk, and containing no more than thirty-nine percent water and, in the water-free substance, not less than fifty percent milk fat;

“Limburger cheese”—Cheese made by the limburger process from unpressed curd obtained by the action of rennet on whole milk and ripened in a damp atmosphere by special fermentation. In the water-free substance it contains not less than fifty percent milk fat;

“Pineapple cheese”—Cheese made by the pineapple cheddar process from pressed curd obtained by the action of rennet on whole milk and formed in the shape of a pineapple. During the ripening period it is thoroughly coated and rubbed with oil. In the water-free substance it contains not less than fifty percent milk fat;

“Brick cheese”—Quick ripened cheese made by the brick cheese process from pressed curd obtained by the action of rennet on whole milk, containing in the water-free substance not less than fifty percent milk fat;

“Neufchatel cheese”—Cheese made by the neufchatel process from unheated curd obtained by the action of lactic fermentation and rennet on whole milk, and containing in the water-free substance not less than fifty percent milk fat;

“Gouda cheese”—Cheese made by the gouda process from heated pressed curd obtained by the action of rennet on whole milk, and containing in the water-free substance not less than forty-five percent milk fat;

“Swiss cheese”—Cheese made by the emmenthaler process from

heated, pressed curd obtained by the action of rennet on whole or partly skimmed milk, ripened by special gas-producing bacteria causing "eyes" or holes, and containing in the water-free substance not less than forty-five percent milk fat;

"Camembert cheese"—Cheese made by the camembert process from unheated, unpressed curd obtained by action of rennet on whole or slightly skimmed milk, ripened by the growth of a special mold (*penicillium camemberti*) on the outer surface, and containing in the water-free substance not less than forty-five percent milk fat;

"Cream cheese"—Unripened cheese made by the neufchatel process from whole milk enriched with cream which contains, in the water-free substance, not less than sixty-five percent of milk fat;

"Half skim cheese"—Cheese which contains, in the water-free substance, less than fifty percent and not less than twenty-five percent milk fat;

"Quarter skim cheese"—Cheese which contains, in the water-free substance, less than twenty-five percent and not less than twelve percent of milk fat;

"Skim cheese"—Cheese which contains, in the water-free substance, less than twelve percent of milk fat;

"Creamed cottage cheese"—Cheese manufactured from skim milk to which may be added not to exceed one percent by weight of edible gum and not to exceed one percent by weight of sugar and with or without the addition of food colors, and to which cream is added so that it contains not less than four percent of pure milk fat;

"Roquefort cheese"—Cheese made by the roquefort process from unheated, unpressed curd obtained by the action of rennet on whole milk of sheep, cows or goats. The curd is inoculated with a special mold (*penicillium roqueforti*) and ripens with the growth of the mold;

"Gorgonzola cheese"—The cheese made by the gorgonzola process obtained by the action of rennet on whole milk, and ripened in a cool, moist atmosphere.

"Edam cheese"—The cheese made by the edam process from heated and pressed curd obtained by the action of rennet on whole milk or partly skimmed milk;

"Brie cheese"—Cheese made by the brie process from unheated, unpressed curd obtained by the action of rennet on whole or slightly skimmed milk, or milk with added cream, and ripened by a special mold on the outer surface;

"Parmesan cheese"—Cheese made by the parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. During the ripening process it is covered by a suitable oil;



“Stilton cheese”—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 gives the cheese a marbled or mottled appearance;

“Cottage cheese”—Unripened cheese made from 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 curd may be enriched with cream and salted or otherwise seasoned;

“Dry curd”—The curd manufactured from pure, clean, wholesome skimmed milk, with or without the addition of pure food coloring, and without the addition of milk fat;

“Pasteurized cheese,” or “pasteurized blended cheese”—A 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. If unqualified the name means a product which conforms to the standard for cheddar cheese. If qualified by a variety name it is made from that variety of cheese and conforms to its limits for fat and moisture;

“Process cheese”—Means “pasteurized cheese” or “pasteurized blended cheese,” incorporated with not to exceed three percent of a suitable emulsifying agent. If unqualified by a variety name it means a process cheddar cheese; if qualified by a cheese variety name it is made from a cheese of that variety and conforms to its limits for fat and moisture;

“Whey cheese”—A product made by various named processes from the constituents of whey, such as “Ricotta,” “Zieger,” “Primost,” and “Mysost.”

Any cheese marketed under a specific trade name shall conform with the standard prescribed therefor by the federal registry of the United States department of agriculture.

**15.32.060 Insanitary dairies, when.** A dairy is deemed insanitary when:

(1) The drinking water for cows or goats is stagnant or polluted; or

(2) The yards are filthy or insanitary, or are the depositaries of manure which is allowed to decay or ferment; or

(3) The barn or stable is not provided with suitable floors, gutters and drains, or are not properly sealed from the feed storage; or the interior thereof has not had a coat of lime, whitewash, or paint at least once each year; or at least three square feet of window light is not provided for each cow; or

(4) The milk room provided for cooling, mixing, bottling, canning, separating, or keeping milk, is used for any other purpose; or

is not screened against flies or insects; or is located in a dwelling house, barn, or poultry house; or if located in a building where a business, occupation, or trade other than handling, bottling, or processing milk is conducted it is not separated therefrom by a sealed or plastered partition; or has a door leading directly into a barn where cows are kept or milked, except that double doors and a vestibule between is permitted in lieu of an outside door; or is used by a person as living or sleeping quarters; or is occupied by animals or fowl of any kind; or if a drainage system adequate to carry drainage one hundred feet away is not provided; or it is not provided with a floor of concrete or other equally impervious material; or the walls and ceiling are not finished with a smooth surface which must be covered once a year with a coat of lime whitewash or paint; or the walls or floor of the milk room become soiled with manure, urine, dirt or other filth;

(5) Any urinal, privy vault, open cesspool, pig pen, stagnant water, manure accumulation, or other filth is permitted within one hundred feet of any milk room, or within fifty feet of any place where milking is done, except that modern, flush-type toilets are permitted adjacent to milk rooms or barns if they are located in separate, properly ventilated and sealed rooms which do not open into any room where milk is handled;

(6) The person or wearing apparel of any person who comes in contact with milk or milk products becomes soiled or is not washed with reasonable frequency;

(7) Milking stools are not kept clean;

(8) Milking machines or other equipment of any kind which comes in contact with milk, is not thoroughly cleansed and sterilized in the milk room, with boiling water, live steam, or an approved chemical method, after every use thereof; or if the same becomes rusty or insanitary;

(9) The floor of any barn, shed, or stable in which cows or goats are kept or milked, or of a milk room, is so constructed or in such condition as to permit liquids to flow or soak underneath the floor, or among the interstices thereof in such a manner as to cause decay or fermentation to take place; or

(10) If the milk room is not provided with suitable windows or openings permitting the entrance of light and air from the outside of the building without passing through any other portion thereof;

(11) When there is permitted to exist any other cause or thing calculated or tending to render the milk or its products unclean, impure and unhealthy.

**15.32.070 Closing of Insanitary dairies.** Whenever any dairy becomes insanitary within the meaning of RCW 15.32.060 it may be

closed until such time as the condition is remedied, and it is unlawful to sell milk or milk products from any closed or insanitary dairy.

**15.32.080 Insanitary milk plants.** A structure or place where milk or cream is processed or manufactured into other products, or where handled, stored, or kept for sale shall be deemed insanitary in the following circumstances:

(1) If milk or cream is received or kept which has reached a stage of putrefactive fermentation;

(2) If milk or cream is received or kept in containers that have not been sterilized with boiling water or live steam after each delivery;

(3) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using;

(4) If the floor is such as to permit liquids to soak into the interstices thereof in such manner as to permit fermentation and decay, or such as may not be readily kept free from dirt and filth;

(5) If drains are not provided that will convey refuse milk, water, and sewage to a point at least fifty yards distant;

(6) If a cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or decaying vegetable or animal matter that will produce foul odors is permitted to exist within such distance as will permit the odors therefrom to reach such place;

(7) If it lacks sufficient light and air to secure good ventilation;

(8) If in a building used in connection therewith any insects, vermin, or other species of animal life are permitted;

(9) If upon the floor or walls thereof, any milk or its products or any other filth is allowed to accumulate, ferment, or decay;

(10) If the person or clothing of a person coming in contact with milk or milk products therein is unclean;

(11) If there is permitted to exist any other cause or thing tending to render the milk or its products produced, kept, handled, or manufactured therein unclean, impure, and unhealthy.

**15.32.090 Duties of the director.** The director shall:

(1) Enforce all laws relating to the production or manufacture, sale or distribution of milk and milk products, and cause to be prosecuted persons suspected of violations thereof. The attorney general, and prosecuting attorney of any county shall, upon request of the director, render him legal assistance in performing such duties;

(2) Adopt and promulgate rules and regulations for the issuance of licenses required of persons who handle milk or milk products; for hearing complaints against such licensees; and the revocation of such licenses;

(3) Inspect all structures and places where milk or milk products are produced, manufactured, processed, stored, or sold, and all vehicles used in the transportation thereof, and all apparatus used in testing or grading milk or cream, and conduct revisory tests when there is reason to believe that milk or cream for sale, is not being accurately tested, graded, measured, or weighed. Defective apparatus shall be condemned;

(4) Inspect any milk or milk products, and imitations thereof, which he may suspect of being impure, adulterated, or counterfeit, and prosecute any persons engaged in the manufacture or sale of of such products in violation of law.

Said duties may be performed by the director, or supervisor or any inspector of the department.

**15.32.100 Licenses of milk vendors, dealers—Fee—Contents—Revocation.** Every person who sells or transports for sale milk, skimmed milk, buttermilk, or cream must have a milk vendor's license to do so. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

**15.32.110 Plant Licenses—Fee—Revocation.** Every creamery, milk plant, shipping station, milk-condensing plant, factory of milk products, and other person who receives or purchases milk or cream in bulk and by weight or measure or upon the basis of milk fat contained therein shall obtain annually a license to do so. The license shall be issued by the director upon payment of ten dollars and his being satisfied that the building or premises where the milk or cream is to be received is maintained in a sanitary condition in accordance with the provisions of this chapter; except, such license shall not be required of persons purchasing milk or cream for their own consumption nor of hotels, restaurants, boarding houses, eating houses, bakeries, or candy manufacturing plants.

The license shall expire on June 30th subsequent to date of issue unless sooner revoked by the director, upon reasonable notice to the licensee, for a failure to comply with the provisions of this chapter, and the rules and regulations issued hereunder.

A licensee under this section shall not be required to obtain a milk vendor's license.

**15.32.120 Adulteration of milk and milk products.** Adulterated within the meaning of this chapter means:

(1) Milk, skimmed milk, buttermilk or cream which has been reduced, altered or changed in any respect by the addition of water or other substance; and

(2) Milk and milk products which do not conform to the definitions and standards set forth in RCW 15.32.010 through 15.32.050.

**15.32.130 Unlawful sales and service of milk, milk products.** No person shall:

(1) Serve as milk, cream or a milk product for human consumption any substance which is adulterated within the meaning of this chapter; nor

(2) Serve for human consumption in any place where meals are served, either as part of a meal or otherwise, ice cream, nut ice cream, fruit ice cream, ice milk or any substance resembling ice cream or ice milk, which is adulterated within the meaning of this chapter; nor

(3) Sell or offer for sale butter, cheese, or condensed milk which is adulterated within the meaning of this chapter; except that milk from cows which have reacted to tuberculin tests but exhibit no physical symptoms of disease, may be used to make butter, cheese, or condensed milk if such milk has been pasteurized or sterilized as required by the provisions of this chapter and a permit to do so has been issued by the director or departmental inspector; nor

(4) Add to any milk, cream, or condensed milk any gelatine, gum or other substance for the purpose of increasing the apparent richness thereof; except that nothing in this chapter shall be construed as prohibiting the use of harmless coloring matter and common salt in making butter or cheese, or harmless coloring or flavoring matter in ice cream or ice milk, or rennet, lactic acid or pepsin in making cheese.

**15.32.140 Impure milk and cream.** Milk or sweet cream which is not free from foreign substances, coloring matter, or preservatives, pus cells or blood cells, or which contains more than one hundred thousand bacteria or germs of all kinds to the cubic centimeter or which has been infected by or exposed to any contagious or infectious disease, or which has not cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after being drawn or separated, or any pasteurized milk that contains in excess of twenty-five thousand bacteria per cubic centimeter in the finished product, shall be deemed impure, unwholesome, and adulterated.

**15.32.150 Sale of adulterated or impure products prohibited.** It is unlawful to manufacture, sell, offer for sale, or deliver any unclean, impure, or adulterated milk or milk product or any product prepared therefrom. Milk, cream, or milk products when unfit for

human consumption may be condemned, destroyed, or rendered unusable for human consumption.

**15.32.160 Sale of products from diseased animals prohibited.** It is unlawful to sell, offer for sale, or deliver milk or products produced from milk from cows or goats affected with disease or of which the owner thereof has refused official examination and tests for disease, or produced within ten days before or seven days after parturition.

**15.32.170 Skimmed milk, labels—Sale sign.** Milk from which the cream has been removed or contains less than three and twenty-five one hundredths percent milk fat is skimmed milk, and may be sold, offered for sale and delivered only in containers labeled on the outside with the words "skimmed milk" in black letters at least one inch high.

Skimmed milk, as so defined, may not be served in any place which serves meals for compensation or sells food for consumption on the premises unless there is conspicuously displayed at all times in full view of the public a durable sign bearing the words "skimmed milk sold here" in letters at least one inch high.

**15.32.180 Temperatures for milk and cream.** All milk and sweet cream shall be cooled in the dairy where it is produced to a temperature of not more than sixty degrees Fahrenheit within thirty minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty degrees Fahrenheit until delivered to the consumer: *Provided*, That nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

**15.32.190 Bottling of milk, skimmed milk, buttermilk, cream.** Milk, skimmed milk, buttermilk or cream shall not be bottled, or transferred from one container to another, in the open air or in or upon any vehicle.

Such bottling or transferring must be done in a milk room, creamery, milk plant, or milk storage place, which is maintained in a sanitary condition as required by this chapter.

**15.32.200 Sterilizing containers.** All containers of milk, cream, ice cream, or ice milk, intended for human consumption, received from a common carrier shall be thoroughly sterilized with boiling water or live steam before they are returned to the consignor or a common carrier. Every vendor who receives such containers from

consumers shall so sterilize the same before returning them to the dealer or distributor.

**15.32.210 Serving milk in first, second class cities.** In cities of the first and second class, milk, skimmed milk, and buttermilk shall be served, sold or offered for sale only in individual glass or paper bottles. This section does not apply to milk purchased in bulk to be used exclusively for cooking or manufacturing purposes.

**15.32.220 Bottle cap labeling—Violation, misdemeanor.** Any person who sells or offers for sale milk or cream in bottles with caps which fail to have the name of the owner inscribed thereon, or which indicate a quality that cannot be determined by laboratory, chemical or bacteriological examination, or in any other way wrongfully or fraudulently brands the same as to name or otherwise, for the purpose of inducing a sale, shall be guilty of a misdemeanor.

**15.32.230 Separators—Cleaning—Kept in milk room.** Every cream separator from which milk or cream is sold or offered for sale shall be thoroughly cleaned within three hours after each use and kept clean until the next use; and shall be kept in a milk room, as herein defined, or a room separated from the place where cows are kept by tightly sealed or plastered partitions having no openings.

No person shall sell or offer for sale milk or cream from a separator which fails to conform to this section.

**15.32.240 Milk and cream at dairy—Kept in milk room.** While at a dairy, milk and cream must at all times be kept in a milk room, as herein defined.

**15.32.250 Protection against flies, filth.** No milk or milk product may be offered for sale unless it is kept properly protected from flies, dust, dirt, or other injurious contamination.

**15.32.260 Sanitary handling of shipments.** Milk and milk products when being transported shall be kept in a sanitary condition, and shall not be exposed to contamination or allowed to remain where it or its container is exposed to the direct rays of the sun.

**15.32.270 Vehicles—Marking, coverings.** All vehicles in or from which milk, skimmed milk, buttermilk, butter, cream, ice cream, or ice milk is gathered, sold, or delivered shall have the name and address of the owner plainly painted thereon, on both sides, in letters not less than three inches high and not less than one and one-half inches wide. Between the first day of May and the thirtieth day of September, such vehicles shall be equipped with a covering which will adequately protect the products from the heat of the sun.

**15.32.280 “Certified” milk sale regulation.** No person selling, offering for sale, or exchanging any milk, cream or milk product shall represent the same as being “certified” unless it has been certi-

fied by the city or county health officer or county medical society, according to the rules and regulations prescribed by the American association of medical commissions.

**15.32.290 "Modified" milk, sale—On physician's prescription.** Modified milk may be sold only upon prescription by a regularly licensed physician.

**15.32.300 "Ice milk" serving, regulation.** Any person serving ice milk shall display in a conspicuous place a sign containing the words "ice milk served here" in plain gothic type not less than two inches high.

**15.32.310 Malted milk—Use not adulteration.** The use of malted milk or substances which conform to the standards herein prescribed for malted milk, is not adulteration, and such malted milk may be sold or served with milk or milk products, or separately, provided it is sold or served as such and not as pure milk.

**15.32.330 Butter labeling—Violation, misdemeanor.** Prints of butter in sizes of two pounds or less shall not be sold unless they are plainly labeled with the name or official number of the manufacturer, jobber or retailer thereof. Persons who violate this section shall be guilty of a misdemeanor. Possession of butter with intent to sell not so wrapped and labeled is prima facie evidence of guilt.

**15.32.340 Butter, milk, substitutes—Use of names restricted.** No person shall use the words "butter," "creamery," "dairy" or "butterine," or any picture or representation of a cow, in any advertisement, sign or card relating to or in connection with the sale, serving or furnishing of oleomargarine or other substance designed as a substitute for or an imitation of butter, or of milk from which the milk fat has been removed and vegetable or other oil substituted therefor.

**15.32.360 "Renovated butter"—Regulations—Penalty.** No person shall sell, offer for sale, or possess with intent to sell any process butter unless the words "renovated butter" are marked in ink on the side of the package in capital letters one inch high and one-half inch wide. No retailer shall sell process butter unless a card bearing the words "renovated butter" is displayed on the package from which he is selling so that it may be easily read.

Whoever violates the provisions of this section is guilty of a misdemeanor and shall be fined for each offense not less than twenty-five nor more than one hundred dollars, or imprisoned for not less than one nor more than six months, or by both fine and imprisonment.

**15.32.370 Butter, milk, substitutes—Use in state institutions prohibited.** No oleomargarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for



butter or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor shall be used in any of the educational, charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever.

**15.32.380 "Washington creamery butter," "reworked butter"—**  
**Use of.** No person shall:

(1) Use the words "Washington creamery butter" as a brand, emblem or trademark upon any butter, or imitation thereof, or substance resembling butter, or upon any container of any such product; or

(2) Sell, offer for sale or possess with intent to sell reworked butter unless on the side of the package is marked with ink the words "reworked butter" in capital letters one inch high and one-half inch wide.

**15.32.390 Pasteurization, what constitutes.** That process of pasteurization as applied to milk, skimmed milk, cream and milk products is 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-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized, or uniformly heating of such milk to a temperature of not less than one hundred and sixty-one degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen 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-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit; without holding: *Provided*, 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: *Provided, further*, That the heating of milk to above one hundred and ten 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. No milk shall be pasteurized a second time.

**15.32.400 Pasteurization apparatus, thermometers—Records.** Every pasteurizing plant or apparatus shall be equipped with a device which will insure the maintenance of the temperature at the degrees and for the periods herein required, and with separate thermometers approved by the director, for indicating and recording the temperature degrees and holding periods.

Such thermometer records shall be kept for two months or delivered to the director, and shall be at all times open to inspection by the director and all officials charged with enforcing the laws and ordinances relating to milk or milk products or public health.

**15.32.410 Pasteurization only at butter and cheese plant.** All milk or cream used in the manufacture of pasteurized butter or cheese shall be pasteurized only in the plant where the butter or cheese is manufactured.

**15.32.420 "Pasteurized"—Use of regulated.** No person shall use the word "pasteurized" in connection with the sale, designation, advertising, labeling, or billing of milk, cream, or any milk product unless the same and all milk products used in the manufacture thereof consist exclusively of milk, skimmed milk, or cream that has been pasteurized.

**15.32.430 Cattle breed name—Use in trade—Penalty.** No person shall without permission, use in his corporate, firm, or trade name, brand, or advertising, the name of any breed of dairy cattle unless the milk sold, offered for sale, or advertised, is produced entirely from a herd, each cow of which possesses more than fifty percent of the blood of the breed of cattle so named.

Any person desiring to use the name of a breed of dairy cattle in connection with the sale of his milk shall make application to the supervisor so to do, and upon a sufficient showing the supervisor may grant permission.

Any person violating this section shall be punished by a fine of not less than twenty-five dollars for the first offense and not less than fifty nor more than one hundred dollars for each subsequent offense.

**15.32.440 Brands—Registration—Fee—Use.** A person engaged in the manufacture, sale, or distribution of milk or milk products may adopt a brand of ownership which may consist of a name, design, or mark, and may upon the payment of a fee of fifteen dollars, file with the director an application for the exclusive right to the use thereof. The application shall contain the name and address of the applicant, a description of the brand proposed and the use to be made thereof. The director shall refuse the application if the brand is the same or

so nearly similar to any brand theretofore registered, as to be misleading. Otherwise the application shall be granted and such fact, together with a description of the brand, shall be entered in a register to be kept by the director. A brand must be stamped, embossed or affixed by means of a metal plate on each container, or in the case of wooden containers must be burned therein. Upon the sale of a container the brand thereon shall become void.

**15.32.450 Brands, branded containers—Unlawful use of—Seizure authorized.** It shall be unlawful for a person other than the registered owner thereof, to possess for sale, barter, or use such a branded container, and possession by any junk dealer or vendor shall be prima facie evidence of possession for sale, barter, or use. When a branded container is in the possession of a person other than the registered owner, the director may seize and hold it until it is established to his satisfaction that such possession is lawful. No person, other than the owner, shall deface or remove a brand, or adopt a registered brand of another, or use a branded container, except to transport dairy products to and from the owner of the container.

**15.32.460 Branded containers—Return—Expense.** Any person receiving dairy products in containers bearing registered brands shall return them to the rightful owners. The inspectors shall seize branded containers not rightfully used and return them to the person in whose name they are registered. Any expense in transporting seized containers shall be paid by the owner. Neither the director nor any person who returns such containers shall be liable for any lost in transportation.

**15.32.470 Butter scored by director—Canceling brand.** The director may score the butter made by a creamery and his score shall be final. He shall cancel any brand issued to a creamery when the butter manufactured therein does not score ninety points.

**15.32.480 Branding cheese—Exceptions.** Every person who manufactures cheese shall, before removing it from the factory, brand it on the bandage or container with his name and address and the words "full cream cheese," or "half skim cheese," or "quarter skim cheese," or "skim cheese," as the case may be, according to the definitions and standards established in this chapter based upon the percentage of milk fat and solids contained in the cheese. Such brand shall be in plain, uncondensed gothic type not less than one-half inch high, and printed in such a manner that it cannot be readily obliterated.

The provisions of this chapter shall not apply to cheese commonly known as "Edam," "Pineapple," "Brickstein," "Limburger,"

"Swiss," or other hand-made cheese not made by the ordinary cheddar process.

**15.32.490 "Imitation cheese" branded.** Every person who manufactures an imitation of or substitute for cheese shall, before it is removed from his factory distinctly and durably brand it with the words "imitation cheese," and on every container thereof print his name and address in plain, uncondensed gothic letters not less than one inch high in such manner that they cannot be readily obliterated.

**15.32.500 Brand violations—Sale as knowledge.** Failure to brand products as required in RCW 15.32.480 and 15.32.490, and the offering for sale, selling, or otherwise disposing of such products when unbranded, shall constitute violations of this chapter. Selling such unbranded products constitutes knowledge on the part of the seller that the same is not full cream cheese.

**15.32.510 Inspectors — Appointment — Qualifications — Powers.** The director or a county or city or town may appoint one or more inspectors of milk, dairies, and dairy products, who are graduates of a recognized dairy school, or have completed a college course in dairying.

The inspectors may enter any place where milk and its products are stored and kept for sale and any conveyance used to transport milk or cream, and take samples for analysis: *Provided*, That this shall not apply to samples of milk or cream taken for bacteriological examination.

**15.32.520 Milk and cream analysis.** The chemist of any state institution shall correctly analyze samples of milk or cream sent him by a city milk inspector and report to the inspector promptly the result of the analysis, without extra compensation, or charge to the city.

A bacteriologist or chemist employed by a city may analyze milk for standard of quality, adulteration, contamination, and unwholesomeness, and his analysis shall have the same effect as one made by a chemist of a state institution.

**15.32.530 Analysis—Report of by inspector—Time limit.** An inspector or any state or city officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send the result to the person from whom the sample was taken or to the person responsible for the condition of the milk.

**15.32.540 Prerequisite to prosecution for quality.** A person is not liable to prosecution because the milk produced by him is not of good standard quality unless the milk was taken upon his premises

or while in his possession or under his control by an inspector or his agent and a sealed sample thereof given to him.

**15.32.550 Imitation seal, altering samples, violations—Penalty.** Any person who makes or causes to be made, or uses or possesses, an imitation of a seal used by a person engaged in the inspection of milk, or who alters or tampers with a sample of milk or milk products taken or sealed by an inspector, shall be punished by a fine of one hundred dollars or imprisonment for not less than three nor more than six months.

**15.32.560 Connivance by inspector or agent—Penalty.** An inspector or his agent who wilfully connives at or assents to a violation of any provision of RCW 15.32.510 to 15.32.550, inclusive, or a person who interferes with an inspector or his agent in the performance of his duties, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment for not less than thirty nor more than sixty days.

**15.32.570 Quarantine, removal of container from.** No person shall remove from a place under quarantine a container which has been or is to be used to contain milk, skimmed milk, buttermilk, cream, ice cream, or ice milk, without permission of the health officer in charge.

**15.32.580 Babcock testers et al—Licensing.** Any person may receive from the department 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 of a license fee of two dollars therefor. Before issuing such license the department 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.

**15.32.582 ———Applications for licenses—Temporary permits.** 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, and shall be filed with the department. Upon receipt of any such application the department 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 days, but such permit shall not be renewed so as to extend the period beyond sixty days from the filing of the application.

**15.32.584** ————**Licenses, expiration, renewal, revocation.** Every license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall expire on the thirty-first day of December, 1943. Such licenses shall be renewed on or before January 1, 1944, and every two years thereafter, in accordance with the provisions of RCW 15.32.580. Any license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker may at any time be revoked by the department, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this chapter, 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 under the authority of this chapter.

**15.32.590 Tests, etc. by Babcock licensees—Records—Inspection of.** Babcock licensed testers, samplers, weighers, and graders shall personally take all samples, conduct all tests, and determine all weights and grades of milk or cream bought, sold, or delivered upon the basis of weight, grade, or milk content. Each shall keep a carbon copy of every original report of each test, weight, or grade made by him for a period of two months after making same, in a locked container, but subject to inspection at all times by the director or his agent.

**15.32.600 Babcock licensees—Personal responsibility.** Each Babcock licensee shall be personally responsible to any person injured through his careless, negligent, or unskillful operation, or any fraudulent, intentionally inaccurate, or manipulated report.

**15.32.610 Employment of unlicensed tester unlawful—Penalty.** No person shall employ a tester, sampler, weigher, or grader who is not licensed hereunder; or refuse to allow or fail to assist in the examination of the reports referred to in RCW 15.32.590.

Whoever violates the provisions of this section and RCW 15.32.590 and 15.32.600 may be fined not less than twenty-five nor more than one hundred dollars, and his license hereunder revoked.

**15.32.620 Sample taking—Thorough mixing—Unfair samples.** Before taking a sample of milk or cream for testing, weighing or grading the licensee shall thoroughly mix the shipment to be sampled until it is of uniform consistency. The shipment of each individual shall be treated separately, and a sample shall be taken from each container in the shipment.

No unfair, fraudulent or manipulated sample shall be taken or returned.

**15.32.630 Test bottles, pipettes — Marks — Bond — Violations.** Bottles and pipettes used in measuring milk or milk products to

determine the percent of fat in or quality thereof shall have clearly blown or stamped in the side thereof the word "sealed" and in the side of the pipette or the side or bottom of the bottle the name, initials, or trademark of the manufacturer and his designating number. Such number shall be assigned by the director upon application and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general, conditioned upon compliance with the requirements of this section. A record of the bond, the designating number, and to whom assigned shall be kept in the office of the director.

A manufacturer who sells test bottles or milk pipettes to be used in this state, which do not comply with the provisions of this section shall be subjected to a penalty of five hundred dollars, to be recovered by the attorney general in an action against his bondsmen, to be brought in the name of the state. No dealer shall use bottles or pipettes which do not comply with the provisions of this section.

The director shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all such glassware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees centigrade.

Inspectors shall investigate such glassware in use within their jurisdictions and immediately report to the director any violations of this section.

**15.32.640 Speeds, temperature of Babcock testers.** In tests of milk or cream for butter fat content the Babcock tester shall be operated at a temperature between one hundred thirty and one hundred forty degrees Fahrenheit, and the following speeds:

(1) For a fourteen inch diameter, eight hundred seventy-five to nine hundred twenty-five r.p.m.;

(2) For a sixteen inch diameter, eight hundred twenty-five to eight hundred seventy-five r.p.m.;

(3) For an eighteen inch diameter, seven hundred seventy-five to eight hundred twenty-five r.p.m.;

(4) For a twenty-inch diameter, seven hundred twenty-five to seven hundred seventy-five r.p.m.; and

(5) For a twenty-four inch diameter, five hundred seventy-five to six hundred twenty-five r.p.m.

**15.32.650 Milk, cream, payment measures — Scales sensibility.** The true basis of measurement or weight for payment of milk or cream is seventeen and six-tenths cubic centimeters for milk, and nine grams or eighteen grams for cream. Cream must be weighed into the test bottle.

The sensibility of scales used for weighing cream into test bottles

for a Babcock test, shall be not more than thirty milligrams, and standard weights shall be nine and eighteen grams.

**15.32.660 Inspection, testing, by director, supervisor, inspectors.** All duties and powers of inspection and testing conferred or directed by this chapter may be exercised by the director, supervisor, or an inspector of the department.

**15.32.670 Right of entry—Samples—Duplicate to owner.** The director and his deputies may enter any place or building where he has reason to believe that a dairy product or imitation thereof is kept, made, sold, or offered for sale, and open any receptacle containing or supposed to contain any such article, and examine the contents thereof and he may take the article or a sample thereof for analysis. If the person from whom the sample is taken requests him to do so, he shall at the same time and in his presence seal up two samples of the article taken, one of which shall be for examination or analysis, and the other shall be delivered to the person from whom the article is taken.

**15.32.680 Possession of prohibited article as evidence.** Possession of an article the sale of which is prohibited by this chapter shall be prima facie evidence that it is kept in violation of the provisions hereof, and the director may seize and take possession of it, and upon an order of court, he shall sell it for any purpose other than human food.

**15.32.690 Annual statistical report.** On or before January 1st of each year, or oftener, the director shall mail to every owner or operator of a creamery, milk plant, milk condensing factory, factory of milk products, or cheese factory, and to every milk vendor and milk dealer, blanks for reporting milk and milk products production statistics. Within thirty days thereafter said reports properly filled out and signed by such persons, showing the amount of milk and milk products received, produced or distributed during the period fixed by the director, shall be returned to him.

**15.32.692 Monthly reports of milk processors—Contents.** All milk processors, as the term "processor" is defined in RCW 15.44.010, not within a federal order area, shall file with the department of agriculture of the state of Washington, on or before the fifteenth day of each month, a report, on forms supplied by the department of agriculture, showing the amount of milk purchased during the preceding month, and the percentage of such milk purchased or produced by the processor, if such is the case, that was used in each of the dairy products produced during the preceding month. If any milk was disposed of other than by producing it into dairy products during the preceding month, the report shall show the disposition of such milk. The report required by this section shall be verified



under oath, certifying to the correctness and the completeness of the report.

**15.32.694 ———Information not to be divulged—Penalty.** The report required by RCW 15.32.692 shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this section shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of RCW 15.32.692 through 15.32.698.

**15.32.696 Annual publication of information by department.** The department of agriculture shall publish at least once annually information concerning the production, sales and volume of milk processed into dairy products by processors in this state.

**15.32.698 Penalties.** The first violation of the provisions of RCW 15.32.692 or 15.32.694 shall be a misdemeanor. A second violation and succeeding violations shall be a gross misdemeanor.

**15.32.700 Mutilation of brands, etc., prohibited.** No person shall mutilate or remove any mark, brand, label, or other designation required by this chapter from any product, with intent to deceive or in violation of any provision hereof.

**15.32.710 License fee, sale proceeds—Monthly remittance.** All moneys received for licenses or from the sale of articles confiscated under this chapter shall be paid on the first of each month to the state treasurer to be placed in the general fund.

**15.32.720 Fines—Distribution.** One-half of all fines collected from prosecutions under this chapter shall be paid to the state and the remainder to the county in which the conviction is had.

**15.32.730 Unlawful interference with official.** It shall be unlawful to interfere with or obstruct any person in the performance of his official duties under this chapter.

**15.32.740 Unlawful conduct, what is—Penalty.** The doing of any act prohibited or the failure to do any act required by this chapter or any rule or regulation issued hereunder, when not otherwise provided, shall constitute a misdemeanor.

**15.32.750 Duty of prosecuting attorney.** At the request of the director or his representative, the prosecuting attorney shall prosecute all criminal actions under this chapter within his county.

**15.32.760 Carrier employees to aid director—Violation, penalty.** Every employee of a common carrier shall render to the director and his authorized representatives all possible assistance in locating

any article named in this chapter which has come into its possession. Failure to do so shall be punishable by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both fine and imprisonment.

**15.32.770 Court jurisdiction.** Any superior court and any municipal court or justice of the peace shall have jurisdiction of all prosecutions and all proceedings for forfeiture and sale under this chapter.

**15.32.780 Unlawful price fixing—Exception.** No two or more persons shall by agreement or understanding, tacit or otherwise, fix or attempt to fix the price at which butter, cheese, milk, or other products mentioned in this chapter shall be bought or sold; except that the provisions of this section shall not apply to ordinary sales between buyer and seller.

**15.32.790 Deceit relative to milk and cream measures, grades, etc.** No person shall, with intent to deceive or defraud, manipulate, or alter the measure, grade, test, or weight of any milk or cream; or make any false or inaccurate statement relative to measure, grade, test, or weight thereof; or use any measure or grading or testing apparatus which does not comply with the standards prescribed in this chapter or which has been condemned by the director.

**15.32.900 Declaration of police power.** It is hereby declared that this chapter is enacted as an exercise of the police power of the state of Washington for the preservation of the public health and each and every section thereof shall be construed as having been intended to effect such purpose and not as having been intended to affect any regulation or restraint of commerce between the several states which may by the constitution of the United States of America have been reserved to the congress thereof.

**15.32.910 Chapter cumulative.** Nothing in this chapter shall be construed as affecting or being intended to effect a repeal of chapter 69.04 RCW or RCW 69.40.010 through 69.40.025, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this chapter shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not in substitution therefor. And nothing in this chapter shall be construed to forbid the importation, transportation, manufacture, sale, or possession of any article of food

which is not prohibited from interstate commerce by the laws of the United States or rules or regulations lawfully made thereunder, if there be a standard of quality, purity and strength therefor authorized by any law of this state, and such article comply therewith and be not misbranded.

## Chapter 15.36

### FLUID MILK

**15.36.010 Definitions—“Milk” and certain milk products.** For the purpose of this chapter, terms shall apply as herein defined unless the context clearly indicates otherwise.

“Milk” is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten days before and seven days after calving, or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one-quarter percent milk solids not fat, and not less than three and one-half percent milk fat: *Provided*, That nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.

“Milk fat” or “butter fat” is the fat of milk.

“Cream,” “light cream,” “coffee cream” or “table cream” is a portion of milk which contains not less than twenty percent milk fat. “Sour cream” is cream the acidity of which is more than two-tenths percent, expressed as lactic acid.

“Whipping cream” is cream which contains not less than thirty percent milk fat.

“Half and half” is a product consisting of a mixture of milk and cream homogenized which contains not less than eleven and one-half percent milk fat.

“Reconstituted,” or “recombined half and half” is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream homogenized, which contains not less than eleven and one-half percent milk fat.

“Concentrated milk” is a fluid product unsterilized and unsweetened, resulting from the removal of a considerable portion of water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product shall conform with the standards for milk fat and solids-not-fat for milk as defined herein.

“Concentrated milk products” shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concen-

trated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with definitions of the corresponding milk products in this section.

"Dry milk" is milk from which at least ninety-five percent of the water has been removed, and which is used for fortification of milk products defined in this chapter.

"Skim milk" is milk from which a sufficient portion of the milk fat has been removed to reduce its milk fat content to less than three and one-half percent.

"Defatted milk," "nonfat," or "fat-free," is skim milk which contains not more than twenty-five one-hundredths of one percent milk fat.

"Skim milk solids" shall be deemed to include concentrated skim milk and nonfat dry milk solids.

"Nonfat dry milk solids" shall mean nonfat milk from which at least ninety-five percent of the water has been removed and which is used for fortification of milk products defined in this chapter.

"Flavored milk" is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

"Flavored drink," or "flavored dairy drink" is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

"Flavored reconstituted milk" is a flavored milk made from reconstituted milk.

"Flavored reconstituted drink," or "flavored reconstituted dairy drink" is a flavored drink made from reconstituted skim milk.

"Buttermilk" is a fluid product resulting from the churning of milk or cream. It contains not less than eight and one-quarter percent milk solids-not-fat.

"Cultured buttermilk" is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than eight and one-quarter percent milk solids-not-fat.

"Cultured milk" is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk or pasteurized concentrated milk. It contains not less than eight and one-quarter percent milk solids-not-fat and not less than three and one-half percent milk fat.

"Vitamin D milk" is milk the vitamin D content of which has been increased by a method approved by the director to at least four hundred United States pharmacopoeia units per quart.

"Fortified milk" is milk, other than vitamin D milk, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director. "Fortified milk products" are those milk products defined in this chapter, other than vitamin D milk products, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director, and to which skim milk solids may or may not have been added. The label shall contain the word "fortified" and shall show clearly the amount and source of each vitamin or mineral added.

"Reconstituted," or "recombined" milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids-not-fat of milk as defined herein. "Reconstituted," or "recombined cream" is a product resulting from the combination of dried cream, butter, or milk fat with cream, milk, skim milk, or water, and which complies with the milk fat standards of cream.

"Reconstituted," or "recombined" skim milk is a product which results from the recombining of skim milk constituents with water, and which contains not less than eight and one-quarter percent milk solids-not-fat.

"Goat milk" is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this chapter. The word "cow" shall be interpreted to include "goats."

"Homogenized milk" is milk which has been treated in such manner as to insure breakup of the fat globules to such an extent that after forty-eight hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include "homogenized milk."

"Milk products" means and includes cream, sour cream, whipping cream, half and half, reconstituted half and half, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, goat milk, vitamin D milk, buttermilk, cultured buttermilk, cultured milk, fortified milk, reconstituted or recombined milk, and cream, or skim milk, and any other products made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the director.

**15.36.020 Definitions—"Pasteurization."** "Pasteurization," "pasteurize" and similar terms, refer to the process of heating every particle of milk or milk products to at least one hundred forty-three

degrees Fahrenheit, and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director.

**15.36.030 Definitions—“Adulterated and misbranded milk and milk products.”** “Adulterated and misbranded milk and milk products.” Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this chapter does not conform with its definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the director and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

**15.36.040 Definitions—“Milk producer”—“Milk distributor”—“Dairy”—“Milk hauler”—“Milk plant.”** A “milk producer” is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

A “milk distributor” is any person who offers for sale or sells to another any milk or milk products for human consumption as such and shall include a milk producer selling or offering for sale milk or milk products at the dairy farm.

A “dairy” or “dairy farm” is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

A “milk hauler” is any person, other than a milk producer or a milk plant employee, who transports milk or milk products to or from a milk plant or a collecting point.

A “milk plant” is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

**15.36.050 Definitions—“Average” counts, time, temperature.** “Average bacterial plate count,” and the “average direct microscopic count,” mean the logarithmic average, and “average reduction time” and “average cooling temperature” mean the arithmetic average of the respective results of the last four consecutive samples, taken upon separate days.

**15.36.060 Definitions—“Person”—“Director”—“Health officer”—“and/or.”** The word “person” means any individual, partnership, firm, corporation, company, trustee, or association.

“Director” means the director of agriculture of the state of Washington or his duly authorized representative.

“Health officer” means the county or city health officer as defined in Title 70, or his authorized representatives.

Where the term “and/or” is used “and” shall apply where possible, otherwise “or” shall apply.

**15.36.070 Sale of adulterated, misbranded, or ungraded milk or milk products prohibited.** No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, in the fluid state for direct consumption as such, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products: *Provided*, That in an emergency the sale of ungraded milk or milk products may be authorized by the director, in which case they shall be labeled “ungraded.”

Adulterated, misbranded, and/or ungraded milk or milk products may be impounded and disposed of by the director.

**15.36.080 Permits.** It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director or an authorized inspection service as defined in this chapter.

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this chapter, or for interference with the director or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

**15.36.090 Labeling.** All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this chapter shall be plainly labeled or marked with (1) the name of the contents as given in the definitions of this chapter; (2) the grade of the contents; (3) the word “pasteurized” only if the contents have been

pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) in the case of vitamin D milk the designation "vitamin D milk," the source of the vitamin D and the number of units per quart; (8) the word "reconstituted" or "recombined" if included in the name of the product as defined in this chapter; (9) in the case of concentrated milk or milk products the volume or proportion of water to be added for recombining; (10) the words "skim milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

The label or mark shall be in letters of a size, kind, and color approved by the director and shall contain no marks or words which are misleading.

**15.36.100 Inspection of dairy farms and milk plants.** Prior to the issuance of a permit and at least once every six months the director shall inspect all dairy farms and all milk plants: *Provided*, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Any violation of the same requirement of this chapter on such reinspection shall call for immediate degrading or suspension of permit.

One copy of the inspection report shall be posted by the director in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

Every milk producer and distributor shall upon the request of the director permit him access to all parts of the establishment, and every distributor shall furnish the director, upon his request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all



sources, records of inspections and tests, and recording thermometer charts.

**15.36.110 Examination of milk and milk products.** During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: *Provided*, That in the case of raw milk for pasteurization the director may accept the results of non-official laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050: *Provided*, That the three-out-of-four method, as specified in the following paragraph, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall

take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

**15.36.120 Grading of milk and milk products—In general.** Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

**15.36.130 Certified milk-raw—Standards.** Certified milk-raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of health.

**15.36.140 Grade A raw milk—Standards in general.** Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to 15.36.280, inclusive, and the bacterial plate count or the direct microscopic clump count of which does not exceed twenty thousand per milliliter, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36.265 (bottling and capping), 15.36.270 (personnel health), and such portions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm, does not exceed one hundred thousand per milliliter, or the resazurin reduction time of which to P seven-fourth is not less than three hours, as determined in accordance with RCW 15.36.110.

**15.36.150 Cows—Tuberculosis, brucellosis, other diseases.** Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed

veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above tests: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.

No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herd which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds: *Provided*, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be accepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-day intervals from the date of the first test. A series of retests, with removal and disposition or reacting animals, shall be continued until the herd shall have passed two successive tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in the herd, it shall be deemed a disease free herd. Results of official blood or milk ring tests shall be conspicuously displayed in the milk house.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from brucellosis, as shown by blood serum tests or other approved tests for agglutinins against brucella organisms made in a laboratory approved by the director. All such herds shall be retested at least every twelve months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the brucellosis test, all milk

from that herd is to be pasteurized until the three consecutive brucellosis tests obtained at thirty-day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, or stringy, or otherwise abnormal milk, but with only slight induration of the udder shall be excluded from the herd until reexamination shows that the milk has become normal.

For other diseases such tests and examinations as the director may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him.

**15.36.155 Grade A raw milk—Dairy barn, lighting.** A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking.

**15.36.160 Grade A raw milk—Dairy barn, air space, ventilation.** Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

**15.36.165 Grade A raw milk—Milking stable, floors, animals.** The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized, tight, two-inch tongue and groove wood, impregnated with waterproofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine, or fowl shall be permitted in the milking stable. If dry cows, calves, or bulls are stabled therein, they shall be confined in stalls, stanchions or pens.

**15.36.170—Grade A raw milk—Milking stable, walls and ceiling.** The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight. If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust tight containers.

**15.36.175 Grade A raw milk—Cow yard.** The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulation of organic wastes. Swine shall be kept out.

**15.36.180 Grade A raw milk—Manure disposal.** All manure shall be removed and stored at least fifty feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided*, That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies.

**15.36.185 Grade A raw milk—Milk house or room, construction.** There shall be provided a milk house or milk room in which the cooling, handling, and storage of milk and milk products and the washing, bactericidal treatment, and storage of milk containers and utensils shall be done. (1) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (2) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (3) It shall be well lighted and ventilated. (4) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (5) It shall be used for no other purposes than those specified above, except as may be approved by the director. (6) It shall not open directly into a stable or into any room for domestic purposes. (7) It shall have water piped into it. (8) It shall be provided with adequate facilities for the heating of water for the cleaning of utensils. (9) It shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; (10) and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

**15.36.190 Grade A raw milk—Milk house or room, cleanliness, flies.** The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

**15.36.195 Grade A raw milk—Toilet.** Every dairy farm shall be provided with one or more sanitary toilets conveniently located

and properly constructed, operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

**15.36.200 Grade A raw milk—Water supply.** The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality according to standards approved by the state board of health.

**15.36.205 Grade A raw milk—Utensils, holding tanks, construction.** All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth nonabsorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not reused. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

The design, construction, material and operation of all farm holding tanks shall be such as approved by the director.

**15.36.210 Grade A raw milk—Utensils, cleaning.** All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage.

**15.36.215 Grade A raw milk—Utensils, bactericidal treatment.** All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

**15.36.220 Grade A raw milk—Utensils, storage.** All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used.

**15.36.225 Grade A raw milk—Utensils, handling.** After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

**15.36.230 Grade A raw milk—Milking, udders and teats, abnormal milking.** Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution immediately preceding the

time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

**15.36.235 Grade A raw milk—Milking—Flanks, bellies, and tails.** The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

**15.36.240 Grade A raw milk—Milkers' hands.** Milkers' hands shall be clean, rinsed with bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

**15.36.245 Grade A raw milk—Clean clothing.** Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

**15.36.250 Grade A raw milk—Milk stools.** Milk stools shall be kept clean.

**15.36.255 Grade A raw milk—Removal of milk.** Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

**15.36.260 Grade A raw milk—Cooling.** Milk and milk products for consumption in the raw state shall be cooled within thirty minutes after completion of milking to fifty degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with RCW 15.36.110. Milk delivered daily for pasteurization shall be cooled within thirty minutes after completion of milking to sixty degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Milk delivered every other day for pasteurization shall be cooled to forty degrees Fahrenheit or lower at the place of production and shall not exceed forty-five degrees Fahrenheit at any time prior to pasteurization.

**15.36.265 Grade A milk—Bottling and capping.** Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

**15.36.270 Grade A raw milk—Personnel, health.** The health officer or a physician authorized by him shall examine and take a

careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggest that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations, and if the results justify such person shall be barred from such employment.

**15.36.280 Grade A raw milk—Vehicles—Surroundings.** All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be used when more than one deck of cans are transported.

The immediate surroundings of the dairy shall be kept clean and free of health menaces.

**15.36.290 Grade B raw milk—Standards.** Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding one hundred thousand per milliliter, or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours, as determined under RCW 15.36.050 and 15.36.110.

**15.36.300 Grade C raw milk—Standards.** Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk.

**15.36.310 Certified milk-pasteurized—Standards.** Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

**15.36.320 Grade A pasteurized milk—Standards.** Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the items of sanitation contained in RCW 15.36.325 to 15.36.440, inclusive, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a



bacterial plate count exceeding twenty thousand per milliliter or a positive coliform test in more than two out of four samples taken on separate days as determined in accordance with RCW 15.36.110: *Provided*, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding two hundred thousand per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collection stations with respect to compliance with RCW 15.36.325 to 15.36.395, inclusive, and RCW 15.36.405, 15.36.415, 15.36.430 and 15.36.440, except that the partitioning requirement of RCW 15.36.345 shall not apply.

**15.36.325 Grade A pasteurized milk—Floors.** The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

**15.36.330 Grade A pasteurized milk—Walls and ceiling.** Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light colored surface, and shall be kept clean and in good repair.

**15.36.335 Grade A pasteurized milk—Doors and windows.** Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self-closing.

**15.36.340 Grade A pasteurized milk—Lighting and ventilation.** All rooms shall be well lighted and ventilated.

**15.36.345 Grade A pasteurized milk—Miscellaneous, protection from contamination.** The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies, other insects and rodents shall be used. There shall be separate rooms for (1) the pasteurization, processing, cooling, and bottling operations, and (2) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteuriza-

tion plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the director.

**15.36.350 Grade A pasteurized milk—Toilet facilities.** Every milk plant shall be provided with toilet facilities approved by the director. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing RCW 15.36.520 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

**15.36.355 Grade A pasteurized milk—Water supply.** The water shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the state board of health.

**15.36.360 Grade A pasteurized milk—Hand-washing facilities.** Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

**15.36.365 Grade A pasteurized milk—Sanitary piping.** All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

**15.36.370 Grade A pasteurized milk—Construction and repair of containers and equipment.** All multi-use containers and equipment with which milk or milk products come in contact shall be so constructed and located as to be easily cleaned and shall be kept in good repair. All single-service containers, closures and gaskets used shall have been manufactured, packaged, transported and handled in a sanitary manner.

**15.36.375 Grade A pasteurized milk—Plumbing and disposal of wastes.** All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by back-flow or siphonage.

**15.36.380 Grade A pasteurized milk—Cleaning and bactericidal treatment of containers and equipment.** All milk and milk products containers, including tank trucks and tank cars and all equipment, except single-service containers, shall be thoroughly cleaned after

each usage. All such containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer or distributor by a milk plant each container, including tank trucks and tank cars, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

**15.36.385 Grade A pasteurized milk—Storage of containers and equipment.** After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

**15.36.390 Grade A pasteurized milk—Handling of containers and equipment.** Between bactericidal treatment and usage and during usage, containers and equipment shall be handled or operated in such manner as to prevent contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

**15.36.395 Grade A pasteurized milk—Storage of caps, parchment paper, and single service containers.** Milk bottle caps or cap stock, parchment paper for milk cans and single service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings, and cartons, and shall be kept therein in a clean, dry place, and shall be handled in a sanitary manner.

**15.36.400 Grade A pasteurized milk—Pasteurization.** Pasteurization shall be performed as described in RCW 15.36.020.

**15.36.405 Grade A pasteurized milk—Cooling.** All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of fifty degrees Fahrenheit or less and maintained thereat until delivery, as determined in accordance with RCW 15.36.110.

**15.36.410 Grade A pasteurized milk—Bottling.** Bottling of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

**15.36.415 Grade A milk—Overflow milk—Come-back milk.** Overflow milk or milk products shall not be sold for human consumption. Come-back milk shall not be sold or used for fluid milk or fluid cream.

**15.36.420 Grade A pasteurized milk—Capping.** Capping of milk or milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

**15.36.425 Grade A pasteurized milk—Personnel, health.** The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of health for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

**15.36.430 Grade A pasteurized milk—Personnel, cleanliness.** All persons coming in contact with milk, milk products, containers or equipment shall wear clean, washable, light colored outer garments and shall keep their hands clean at all times while thus engaged.

**15.36.440 Grade A pasteurized milk—Vehicles.** All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for distribution of milk or milk products shall have the name of the distributor prominently displayed.

Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage, and handling requirements of RCW 15.36.365, 15.36.370, 15.36.380, 15.36.385 and 15.36.390. While containing milk or cream they shall be sealed and labeled in an approved manner.

**15.36.450 Grade B pasteurized milk—Standards.** Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip-

cover caps of RCW 15.36.420 and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk for pasteurization of not less than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding forty thousand per milliliter as determined in accordance with RCW 15.36.110.

**15.36.460 Grade C pasteurized milk—Standards.** Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

**15.36.470 Grades of milk and milk products which may be sold.** No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except certified milk pasteurized, certified raw-milk, grade A milk pasteurized, or grade A milk-raw, and the director may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty days or in emergencies during such longer period as he may deem necessary.

**15.36.480 Reinstatement of permit—Supplementary regrading.** If at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with RCW 15.36.100, 15.36.110, and 15.36.120 to 15.36.460, inclusive, the director shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the director, and who is properly labeling his milk and milk products, or whose permit has been suspended may at any time make application for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application, in case the lowered grade or the permit suspension was the result of violation of the bacteriological or cooling temperature standards, the director shall take further samples of the applicant's output, at a rate of not more than two samples per week. The director shall regrade the milk or milk products upward or reinstate the permit on compliance with grade requirements as determined in accordance with the provisions of RCW 15.36.110.

In case the lowered grade of the applicant's product or the permit suspension was due to a violation of an item other than bacteriological standard or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications had been con-

formed with. Within one week of the receipt of such an application and statement the director shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

**15.36.490 Transferring, mixing, or dipping milk or cream—Delivery containers—Cooling—Quarantined residences.** Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle, or store, or in any place except a bottling or milk room especially used for that purpose.

Milk and milk products sold in the distributor's containers in quantities less than one gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, hospitals, and similar establishments to sell or serve any milk or milk products except in the individual original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided*, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty degrees Fahrenheit or less. If milk or milk products are stored in water for cooling, the pouring lip of the container shall not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the director.

The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exists shall be subject to the special requirements of the health officer.

Homogenized milk or homogenized cream shall not be mixed with milk or cream which has not been homogenized if sold or offered for sale as fluid milk or cream.

**15.36.500 Sale of out-of-state milk and milk products.** Milk and milk products from outside the state may not be sold in the

state of Washington unless produced and/or pasteurized under provisions equivalent to the requirements of this chapter: *Provided*, That the director shall satisfy himself that the authority having jurisdiction over the production and processing is properly enforcing such provisions.

**15.36.510 Dairies and milk plants constructed or altered after June 8, 1949.** All dairies and milk plants from which milk or milk products are supplied which are constructed, reconstructed, or extensively altered after June 8, 1949, shall conform in their construction to the grade A requirements of this chapter. Properly prepared plans for all dairies and milk plants which are thereafter constructed, reconstructed or extensively altered shall be submitted to the director for approval before work is begun. In the case of milk plants signed approval shall be obtained from the director.

**15.36.520 Personnel, health—Notification of disease.** No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health officer immediately.

**15.36.530 Personnel, health—Procedure when infection suspected.** When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of the milk supply concerned from distribution and use, (2) the immediate exclusion of that person from milk handling, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

**15.36.540 Federal milk code interpretation to govern.** Save as in this chapter provided this law shall be enforced by the director in accordance with the interpretations contained in the United States public health service milk code as from time to time adopted and amended.

**15.36.550 Rules and regulations—Standards.** The director shall have the power and duty (1) to adopt, issue and promulgate from

time to time necessary rules, regulations and orders for the enforcement of this chapter; (2) with the approval of the state director of health to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the director of health, to approve the issuance of certificates of approval for such local milk inspection service units.

**15.36.560 Local milk inspection service units.** Any city, township, or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the director for a certificate of approval. Upon receipt of such application the director shall investigate and determine whether the city, township, or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the director, with the consent and approval of the director of health, shall issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the director after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this chapter and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be canceled by the director after thirty days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

**15.36.570 Designation of additional inspection units.** Whenever a milk producer or milk distributor intends to deliver or sell fluid milk or fluid cream outside the jurisdiction of his own local milk inspection service unit, the director, on application and after investigation and consultation with the health officer of each local milk inspection service unit concerned, shall designate which local milk inspection service unit shall conduct the inspections. The director, in making such designations, shall in addition to other matters considered by him, take into consideration the geographical convenience of each local milk inspection service unit and the



percentage of fluid milk or fluid cream sold and/or delivered within the jurisdiction of such local milk inspection service units. All fluid milk and fluid milk products so inspected may be sold and delivered within the jurisdiction of any local milk inspection service unit: *Provided*, That applicable ordinances of political subdivisions of government in said jurisdiction more stringent than, and not inconsistent with, the provisions of this chapter are not thereby violated. The local milk inspection service unit designated by the director to render such inspection service shall issue permits in accordance with applicable provisions of all local ordinances of each city, township, or county into which fluid milk or fluid milk products are sold or delivered.

**15.36.580 Hearing of protests—Findings and order—Appeal.** In case of a written protest from any fluid milk producer, fluid milk distributor or health officer, concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or his duly authorized assistant, within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the director or his duly authorized assistant shall make such written findings of fact and order as the circumstances may warrant: *Provided*, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken within ten days of their effective date to the superior court of the county in which the hearing is held upon such notice and in such manner as appeals are taken from judgments rendered in justice court.

**15.36.590 Penalty.** Any person who shall violate or fail to comply with the provisions of this chapter or the rules, regulations or orders, issued under the authority of this chapter shall be guilty of a misdemeanor.

**15.36.900 Chapter to be construed as cumulative.** Except as expressly provided, nothing in this chapter shall be construed as effecting or being intended to effect a repeal of chapter 15.32, or of any part or provision of such chapter 15.32, and if any section or part of a section in this chapter shall be found to contain, cover or effect any matter, topic, or thing which is also contained in, covered in or effected by chapter 15.32, or by any part thereof, the

prohibitions, mandates, directions, and regulations hereof, and the penalties, powers, and duties herein prescribed shall be construed to be additional to those prescribed in chapter 15.32 and not substitutions therefor.

### Chapter 15.38

#### FILLED DAIRY PRODUCTS

**15.38.001 Declaration of purpose.** Filled dairy products resemble genuine dairy products so closely that they lend themselves readily to substitution for and confusion with such dairy products and in many cases cannot be distinguished from genuine dairy products by the ordinary consumer. The manufacture, sale, exchange, purveying, transportation, possession, or offering for sale or exchange or purveyance of filled dairy products creates a condition conducive to substitution, confusion, deception, and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state. It is hereby declared to be the purpose of this chapter to correct and eliminate the condition above referred to; to protect the public from confusion, fraud and deception; to prohibit practices inimical to the general welfare; and to promote the orderly and fair marketing of essential foods.

**15.38.010 Definitions and exclusions.** Whenever used in this chapter:

(1) The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices or arrangements.

(2) The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, skimmed milk, ice cream, whipped cream, flavored milk or skim-milk, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: *Provided, however,* That this term shall not be construed to mean or include:

(a) Oleomargarine;

(b) Any distinctive proprietary food compound not readily mistaken for a dairy product where such compound is customarily

used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labelled;

(c) Any dairy product flavored with chocolate or cocoa where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used; or

(d) Any dairy product in which the vitamin content has been increased and food oil utilized as a carrier of such vitamins provided the quantity of such food oil does not exceed one one-hundredths of one percent of the weight of the finished dairy product.

(3) The term "intrastate commerce" means any and all commerce within the state of Washington subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

**15.38.020 Filled dairy products prohibited.** (1) It shall be unlawful in intrastate commerce for any person to manufacture, sell, exchange, purvey, transport or possess any filled dairy product or to offer or expose for sale or exchange or to be purveyed any such product;

(2) It shall be unlawful for any person owning or operating a bakery, confectionery shop, factory or other place where food products are prepared or manufactured for sale, exchange or purveyance to the public in intrastate commerce to utilize any filled dairy product as an ingredient in any food product so manufactured or prepared;

(3) It shall be unlawful in intrastate commerce for any person knowingly to sell, exchange, purvey, transport or possess any food product in which any filled dairy product is an ingredient.

**15.38.030 Duties of Director of Agriculture.** The director of agriculture is authorized and directed:

(1) To administer and supervise the enforcement of this chapter;

(2) To provide for such periodic inspections and investigations as he may deem necessary to disclose violations;

(3) To receive and provide for the investigation of complaints;

(4) To provide for the institution and prosecution of civil or criminal actions, or both.

**15.38.040 Injunction — Seizure — Products deemed adulterated.** The provisions of this chapter may be enforced by injunction brought by any private person, firm, or corporation or by a municipal corporation or agent or subdivision thereof, in any court having jurisdiction to grant injunctive relief.

Filled dairy products illegally held or otherwise involved in a violation of this chapter shall be subject to seizure and disposition in accordance with an appropriate court order.

In addition, all filled dairy products as defined herein and all food products containing filled dairy products as an ingredient are hereby declared to be adulterated for all purposes of law including all the purposes of the Washington uniform food, drug and cosmetic act, RCW 69.04.001 to 69.04.870, inclusive.

**15.38.050 Penalties.** Any person who shall violate any of the provisions of this chapter, and any officer, agent or employee thereof who directs or knowingly permits such violation or who aids or assists therein, shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That if such violation is committed after a previous conviction of such person hereunder has become final, such person shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars, or to imprisonment for not more than ninety days, or both. Each separate violation shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey the provisions of this chapter, each day of continuance of such failure or neglect shall be deemed a separate offense.

## Chapter 15.40

### OLEOMARGARINE—1949 ACT

**15.40.010 Definitions.** The term "oleomargarine" as used in this chapter includes:

- (1) All substances, mixtures and compounds known as oleomargarine, margarine, oleo or butterine;
- (2) All substances, mixtures and compounds which have a consistency similar to that of butter and which contains any edible oils or fats other than milk fat, if (a) made in imitation or semblance of butter, or purporting to be butter or a butter substitute; or (b) commonly used or intended for common use, in place of or as a substitute for butter; or (c) churned, emulsified or mixed in cream, milk, skim milk, buttermilk, water or other liquid and containing moisture in excess of one percent and commonly used, or suitable for common use, as a substitute for butter.

For the purposes of this chapter "yellow oleomargarine" is oleomargarine as defined in this section, having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement when the Lovibond tintometer is read under conditions similar to those established by the United States bureau of internal revenue.

**15.40.030 Advertising of oleomargarine — Dairy terms prohibited.** It shall be unlawful in connection with the labeling, selling, or advertising of oleomargarine to use dairy terms, or words or designs commonly associated with dairying or dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling.

**15.40.040 Enforcement—Powers and duties of director of agriculture.** The director is authorized and directed to administer and supervise the enforcement of this chapter; to prescribe rules and regulations to carry out its purposes; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions, or both. The provisions of this chapter and the rules and regulations issued in connection therewith may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and yellow oleomargarine illegally held or otherwise involved in a violation of this chapter or of said rules and regulations shall be subject to seizure and disposition in accordance with an order of court.

**15.40.050 Penalty for violations.** Any person, firm, corporation that violates any of the provisions of this chapter, or of the rules and regulations issued in connection therewith, and any officer, agent, or employee thereof who directs or knowingly permits such violation, or who aids or assists therein, shall be guilty of a misdemeanor.

**15.40.900 Preamble.** Yellow oleomargarine resembles butter so closely that it lends itself readily to substitution for or confusion with butter and in many cases cannot be distinguished from butter by the ordinary consumer. The manufacture, sale or serving of yellow oleomargarine creates a condition conducive to substitution, confusion, deception and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state.

It is hereby declared to be the purpose of this chapter to correct and eliminate the condition above referred to, protect the public from confusion, fraud and deception, prohibit practices inimical to the general welfare, and promote the orderly and fair marketing of essential foods, without an additional tax burden.

## Chapter 15.41

### OLEOMARGARINE—1953 ACT

**15.41.010 Declaration of purpose.** The purpose of this chapter is to legalize the manufacture, transportation, handling, possession,

sale, use or serving of yellow oleomargarine. The term oleomargarine shall have the same meaning as given in RCW 15.40.010.

**15.41.020 Repeal of prohibition against manufacture, transportation, sale, etc., of yellow oleomargarine.** Section 15.40.020, RCW, as derived from section 2(a), chapter 13, Laws of 1949 is hereby repealed.

## Chapter 15.44

### DAIRY PRODUCTS COMMISSION

**15.44.010 Definitions.** As used in this chapter:

“Commission” means the Washington state dairy products commission;

To “ship” means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption, industrial or medicinal uses;

“Handler” means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

“Dealer” means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

“Processor” means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

“Producer” means a person who produces milk from cows or goats and sells it for human or animal food, or medicinal or industrial uses.

**15.44.020 Commission created — Composition — Appointment.** There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of seven practical producers of dairy products and the director of agriculture who shall be an ex officio member without vote. The governor shall appoint each producer member.

**15.44.025 Commission districts—Representation.** Each appointed commission member shall represent one of the following districts:

(1) District I, which shall include the counties of Pend Oreille, Spokane and Stevens;

(2) District II, which shall include the counties of Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Whitman and Walla Walla;

(3) District III, which shall include the counties of Benton, Klickitat and Yakima;

(4) District IV, which shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum;

(5) District V, which shall include the counties of King, Pierce and Snohomish;

(6) District VI, which shall include the counties of Island, San Juan, Skagit and Whatcom; and

(7) District VII, which shall include the counties of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston.

**15.44.030 Member qualifications.** Each of the seven producer members of the commission shall:

(1) Be a citizen and resident of this state and the district which he represents; and

(2) Be and for the five years last preceding his appointment have been actually engaged in producing dairy products within this state. These qualifications must continue during each member's term of office.

**15.44.032 Terms—Vacancies.** The regular term of office of each producer member of the commission shall be three years. However, expiration of the term of the respective commission members first appointed after December 1, 1959 shall be as follows:

(1) District I, on December 1, 1961;

(2) District II, III and IV on December 1, 1962; and

(3) District V, VI and VII on December 1, 1963.

The respective terms shall end on December 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the governor, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

**15.44.034 Appointments. Recommendations to governor—Meeting, notice.** Dairymen in the respective districts shall recommend to the governor persons whom they deem desirable for appointment as commission members to represent their district for each ensuing term. To accomplish this the director of agriculture shall cause:

(1) A public meeting of dairymen residing in the district concerned to be held within that district not more than sixty days nor less than thirty days before the expiration date of each term of each commission member; and

(2) Notice of the time, place and purpose of such meeting to be published at least three times in a newspaper or newspapers of general circulation in the district, and by such other means as the director shall determine to be necessary to give reasonable notice of the meeting to dairymen in the particular district.

The notice shall also be mailed to the associations of dairymen that are known to have members in the particular district not

less than thirty days prior to the meeting. The costs of the publication of the notices and meeting shall be paid by the commission.

**15.44.036 ————Place of meeting—Nomination procedure—Number of nominees.** Each meeting shall be held as near the geographical center of the particular district as is reasonably commensurate with available facilities, and the director of agriculture or his duly authorized representative shall act as chairman. Every dairyman shall be entitled to participate and nominate a candidate for membership on the commission upon satisfying the director on the basis of credible evidence that he resides in the district and has, within the sixty days preceding the meeting, produced milk or farm separated cream upon which the assessment provided for in RCW 15.44.080 was paid or is payable. Those attending each meeting shall recommend to the governor at least three persons for the position of commission member.

**15.44.038 Quorum—Compensation—Expenses.** A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed twenty dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

**15.44.040 Copies of records as evidence.** Copies of the proceedings, records and acts of the commission, when certified by the secretary, shall be admissible in any court and be prima facie evidence of the truth of the statements therein contained.

**15.44.050 Manager — Secretary-treasurer — Treasurer's bond.** The commission shall elect a manager, who is not a member, and fix his compensation; and shall appoint a secretary-treasurer, who shall sign all vouchers and receipts for all moneys received by the commission. The treasurer shall file with the commission a fidelity bond in the sum of twenty thousand dollars, executed by a surety company authorized to do business in the state, in favor of the state and the commission, conditioned for the faithful performance of his duties and strict accounting of all funds to the commission.

**15.44.060 Powers and duties.** The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;



(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

**15.44.070 Rules, regulations and orders, publication.** Every rule, regulation, or order made by the commission shall be filed with the director and published in two legal newspapers, one east of the Cascade mountains and one west thereof, within ten days after it is promulgated, and shall become effective ten days after filing and publication.

**15.44.080 Assessments on milk and cream—Limit—Exception.** There is hereby levied upon all milk and cream produced in this state an assessment not to exceed:

(1) Three-fourths of one cent per pound butter fat of wholly or partially farm separated cream; and

(2) Three cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission. This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

**15.44.090 Collection of assessments—Lien.** All assessments shall be collected by the first dealer and deducted from the amount

due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner prescribed for the collection of delinquent taxes.

**15.44.100 Records of dealers, shippers — Preservation — Inspection.** Each dealer or shipper shall keep a complete and accurate record of all milk or cream handled by him. The record shall be in such form and contain such information as the commission shall prescribe, and shall be preserved for a period of two years, and be submitted for inspection at any time upon request of the commission or its agent.

**15.44.110 Reports of dealers, shippers, to commission.** Each dealer and shipper shall at such times as by rule or regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, delivered, and shipped, and the quantity of all milk and cream delivered to or purchased by such person from the various producers of dairy products or their agents in the state during the period or periods prescribed by the commission.

**15.44.120 Collection, payment of assessment prior to shipment — Stamps.** No milk or cream may be carried or shipped until the assessment thereon has been collected by the first dealer and receipt issued. All assessments shall be due and payable on milk or cream before it is shipped out of the state.

The commission shall prescribe the method of collection, and for that purpose may require stamps, to be known as dairy products advertising stamps, to be purchased from the commission and attached to the containers, invoices or shipping documents of all milk and cream shipped from the state. The stamps shall be immediately canceled by the dealer upon being so attached, and date of cancellation shall be placed thereon.

**15.44.130 Research, advertising, educational campaign — Decrease of assessments.** (1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to make such advertising and marketing research and development as extensive as public interest and necessity

require, and to put into force and effect the policy of this chapter, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from the maximum assessment provided for in RCW 15.44.080 is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to effectuate the purposes hereof, but in no case shall any assessment exceed the amount provided in RCW 15.44.080: *Provided*, That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.

**15.44.140 Authority to enter and inspect records.** The commission through its agents may inspect the premises and records of any carrier, handler, dealer, manufacturer, processor, or distributor of dairy products for the purpose of enforcing this chapter.

**15.44.150 Nonliability for commission acts.** The state shall not be liable for the acts or on the contracts of the commission, nor shall any member or employee of the commission be liable on its contracts.

All persons employed or contracting under this chapter shall be limited to, and all salaries, expenses and liabilities incurred by the commission shall be payable only from the funds collected hereunder.

**15.44.160 Enforcement of chapter.** All state and county law enforcement officers and all employees and agents of the department shall enforce this chapter.

**15.44.170 Penalty.** Whoever violates or aids in the violation of the provisions of this chapter shall be guilty of a gross misdemeanor.

**15.44.180 Jurisdiction of courts.** The superior courts are hereby vested with jurisdiction to enforce this chapter and to prevent and restrain violations thereof.

**15.44.900 Purpose of chapter.** This chapter is passed:

(1) In the exercise of the power of the state to protect the public health, to provide for the economic development of the state, to prevent fraudulent practices, to promote the welfare of the state, and stabilize the dairy industry by increasing consumption of dairy products within the state and nation;

(2) Because the dairy products produced in Washington comprise one of the major agricultural crops of Washington, and that therefore the business of marketing and distributing such crop and the expansion of its markets is affected with the public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington dairy products in domestic and national markets;

(4) Because it is necessary to promote the knowledge of health giving qualities, food and dietetic value of the dairy products of the nation and Washington dairy products in particular, and to expanded development of the dairy industry;

(5) Because Washington dairy products are handicapped by eastbound freight rates, therefore the quality of these products must be impressed upon the consumers of the nation, in order that these handicaps may be overcome;

(6) Because the stabilizing of the dairy industry, the enlargement of its markets, and the increased consumption of dairy products are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment, and to provide for higher wage scales for agricultural labor and maintenance of our high standard of living;

(7) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only dairy products of the highest standards of quality, the methods and care used in their preparation for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of marketing and distribution to the extent that the spread between cost to consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(8) To establish a permanent organization to assist and promote the supplying of under-nourished and under-privileged children

with the necessary milk and milk products to insure the development of healthy bodies and minds in order that they may develop into useful citizens of the state and nation in the future;

(9) To protect the general public by educating it in reference to the various market classifications of dairy products, the food value and industrial and medicinal uses thereof.

**15.44.910 Liberal construction.** This chapter shall be liberally construed.

## Chapter 15.48

### AGRICULTURAL AND VEGETABLE SEEDS

**15.48.010 Definitions.** For the purpose of this chapter:

(1) "Director" means the director of agriculture of the state of Washington and his authorized deputies or agents;

(2) "Agricultural seeds" include the seeds of grass, forage, cereal and fiber crops, and any other kind of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds;

(3) "Vegetable seeds" include seeds of those crops grown in gardens or truck farms and generally known and sold in the state as vegetable seeds;

(4) "Certified seeds" include seeds which have been inspected in the field and after harvest, and have been graded and certified by the director as complying with the rules and regulations adopted hereunder;

(5) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state and shall include primary and secondary noxious seeds;

(6) "Primary (prohibited) noxious weed seeds" are seeds of weeds which reproduce by seed or underground roots or stems, and which are highly destructive and difficult to control by ordinary good cultural practices, including, but subject to additions or subtractions by the director as herein provided, the seeds of: bindweed (wild morning glory), (*Convolvulus arvensis* and *C. sepium*), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), white-top (hoary cress) (*Cardaria* spp.), perennial peppergrass (*Lepidium latifolium*), Russian knapweed (*Centaurea repens*, *C. picris*), leafy spurge (*Euphorbia esula*), white horse nettle (silver-leaf nightshade) (*Solanum elaeagnifolium*), camel thorn (*Alhagi camelorum*), Austrian field cress (*Roripa austiraca*), blue flowering lettuce (*Lactua pulchella*), common barberry bushes (rust-susceptible species of barberry and Mahonia) (*Berberis* spp., *Mahonia* spp.), yellow toadflax (butter

and eggs) (*Linaria vulgaris*) and Johnson grass (*Sorghum Halepense*);

(7) "Secondary (restricted), noxious weed seeds" are seeds of weeds which are very objectionable in fields, lawns, or gardens but which can be controlled by good cultural practices including, but subject to additions or subtractions by the director as herein prescribed, the seeds of: Dodder (*Cuscuta* spp.), perennial rag weed (*Ambrosia psilostachya*), poverty weed (deathweed) (*Iva axillaris*), alkali mallow (*Sida hederacea*), corn cockle (*Agrostemma githago*), docks (*Rumex* spp.), sheep sorrel (red sorrel) (*Rumex acetosella*), charlock (wild mustard) (*Brassica kabera*), plantains (*Plantago* spp.), perennial ground cherry (*Physalis longifolia* and *P. subglabrata*), fanweed (*Thlaspi arvense*), yellow starthistle (*Centaurea solstitialis*), perennial nutgrass (nut sedge) (*Cyperus rotundus*), puncturevine (*Tribulus terrestris*); wild garlic (wild onion) (*Allium vineale*), and St. Johnswort (Klamath weed) (*Hypericum perforatum*);

(8) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relating to seed within the scope of this chapter;

(9) "Label" includes labels, tags, invoices and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to seeds whether in bulk or containers;

(10) "Seed grower" means one engaged in agricultural or horticultural pursuits who, at the time of signing a petition for a seed control area or at the time of voting on any proposition in connection therewith, is growing vegetable seed crops or has grown them within one year prior thereto;

(11) "Seed contractor" means a person licensed by the state to contract the growing of vegetable seeds;

(12) "Seed families" means any seed crops which will cross-pollinate;

(13) "Person" includes any individual, firm, corporation, trust, association, cooperative, copartnership, society or other organization of individuals, in any other business unit, device, or arrangement;

(14) "Pure live seed" means the measure of quality of any given quantity of seed which is determined by adding percentage of germination ability and the percentage of hard seed, multiplying that sum by the percentage of pure seed, and dividing the resulting figure by one hundred; and

(15) "Treated" means that the seed has received an application of a substance or has been subjected to a process, which substance or process is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom.

**15.48.020 Power of director to change lists—Notice of changes.**

The director may from time to time add to or subtract from said lists of primary and secondary noxious weed seeds whenever he finds any weed seeds do or do not fall within the respective definitions as herein set out. He shall notify all licensed seed dealers of all changes in such lists thirty days before they become effective.

**15.48.030 Labeling of seed containers.** Each container of agricultural or vegetable seeds sold, offered for sale or exposed for sale within this state for sowing purposes shall have attached thereto or bear thereon in a conspicuous place a plainly written or printed label in the English language, giving the information hereinafter required.

**15.48.040 Contents of agricultural seed labels.** Labels for agricultural seeds shall give:

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(2) Lot number or other lot identification;

(3) Origin, if known, of alfalfa, red clover, and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated;

(4) Percentage by weight of all weed seeds. Rye shall be considered a weed when found in other cereal crop seeds;

(5) The name and approximate number of each kind of secondary (restricted) noxious weed seed, per pound, in groups (a), (b) and (c) of this subsection, when present singly or collectively in excess of:

(a) One seed or bulblet in each ten grams of *Argrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except tall fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(b) One seed or bulblet in each twenty-five grams of ryegrass, tall fescue, millet, alfalfa, red clover, sweet clover, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (a); or

(c) One seed or bulblet in each one hundred grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious weed seeds are subject to tolerances and methods

of determination prescribed in the rules and regulations issued under the authority of this chapter.

(6) Percentage by weight of agricultural seeds other than those required to be named on the label;

(7) Percentage by weight of inert matter;

(8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired;

(9) Name and address of the person who labeled said seeds, or who sells, offers or exposes for sale said seed within this state;

(10) If the seed has been treated, a word or statement so indicating with the commonly accepted chemical or abbreviated chemical (generic) name of the applied substance;

(11) If the substance with which a seed is treated is harmful to human beings or other vertebrate animals in the amount present by application, a statement of caution, such as "do not use for food, feed or oil purposes" must appear. The statement of caution for mercurials and other similarly toxic substances shall be a statement or a symbol indicating that the applied substance is poisonous;

(12) A separate label may be used to show the statements required in subsection (10) and (11), where applicable. However, the requirements in subsections (10) and (11) shall not apply to uncertified wheat, oats, or barley seed sold in bulk.

**15.48.050 Contents of vegetable seed labels.** Labels for vegetable seeds shall give:

(1) The name of the kind and variety of the seed;

(2) For seeds which germinate less than the standard last established by the director, (a) percentage of germination, exclusive of hard seed, (b) the percentage of hard seed, if present, (c) the month and year the test to determine percentages was completed, and (d) the words "below standard";

(3) The name and number per pound of secondary (restricted) noxious weed seeds; and

(4) The name and address of the person who labeled said seed, or who sells, offers or exposes the same for sale within this state.

**15.48.060 Unlawful sale, etc., of seeds.** It shall be unlawful to sell, offer or expose for sale any agricultural or vegetable seed for seeding purposes within this state:

(1) Unless the test to determine the percentage of germination shall have been completed within eighteen months, exclusive of the calendar month in which the test was completed, prior to the sale, offering for sale, or exposure for sale;



(2) Not labeled as required herein, or having a false or misleading label;

(3) Pertaining to which there has been a false or misleading advertisement;

(4) Containing primary (prohibited) noxious weed seeds in excess of the tolerance permitted under the rules and regulations; or

(5) Containing a total of all weed seeds in excess of two percent of the whole by weight: *Provided*, That three percent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found;

(6) Containing in any given unit, less than twenty-five percent pure live seed, as defined in RCW 15.48.010 (14). However, this subsection shall not apply to uncertified wheat, oats, or barley seed.

**15.48.070 Prohibited acts.** It shall be unlawful to detach, alter, deface, or destroy any label required herein or by the rules and regulations made hereunder; to alter or substitute seed in a manner that may defeat the purpose of this chapter; to disseminate any false or misleading advertisement concerning agricultural or vegetable seed; to hinder or obstruct any authorized person in the performance of his duties hereunder; or to fail to comply with a stop sale order.

**15.48.080 Applicability limitation.** The provisions of RCW 15.48.030, 15.48.040, 15.48.050, 15.48.060 and 15.48.070 shall not apply to seed or grain not intended for sowing purposes or to seed stored in or consigned to an establishment for cleaning or processing: *Provided*, That any labeling or advertisement with respect to unclean seed shall be subject to this chapter.

**15.48.090 Screenings. Destruction of or processing for feed purposes—Certificate of authorization.** All screenings and other materials removed in the cleaning or processing of agricultural seeds and vegetable seeds which contain primary (prohibited) noxious weed seeds or secondary (restricted) noxious weed seeds are hereby declared to be a menace to agriculture, and unless they are removed from the processing plant under permit as hereinafter provided within twenty days after notice to the owner that they are ready for his disposition, they shall be destroyed by the processor. It shall be unlawful to sell, offer or expose for sale or to give away or use said screenings or other materials for planting or for feeding purposes in Washington: *Provided*, That they may be sold or used for feeding purposes after they have been ground or treated by a method approved by the director which will destroy the viability of the noxious weed seeds to such an extent that farm lands cannot be reinfested by feeding the same to farm animals.

Every processing or cleaning establishment desiring to grind

or treat screenings to destroy the viability of weed seeds as required herein shall submit evidence satisfactory to the director of the ability of the method selected so to do. After investigation of the adequacy of the method submitted, the director shall issue a certificate of authorization to such processing or cleaning plant to which shall be attached such conditions governing the destruction of weed seeds necessary to protect the agriculture of this state. Such certificate of authorization shall be conspicuously displayed in the place of business for which it is issued.

**15.48.100** ————**Moving when properly labeled.** Screenings and other materials containing noxious weed seeds and not ground or treated may be moved under permit issued by the director in accordance with rules and regulations made by him, to the farm of the owner or to another cleaning or processing plant for further cleaning or processing, when each container thereof is labeled: "Screenings containing noxious weed seeds. Unfit for planting or feeding in Washington".

**15.48.110** **Sampling, inspecting, analyzing seeds—Rules and regulations.** The director shall adopt, publish and enforce rules and regulations governing the sampling, inspecting, analyzing and testing of agricultural and vegetable seeds and the tolerance to be allowed, which shall, when local conditions permit, be in general accord with official interstate commerce practices; and shall sample, analyze and test such seeds as are offered or exposed for sale, sold or transported for sowing purposes whenever he deems it necessary in the performance of his duties. He shall promptly notify the person who offered, sold or transported the same of any violations of law or of said rules and regulations.

**15.48.120** **Director's right of entry—"Stop sale" orders.** The director may enter upon any public or private premises during regular business hours to have access to seeds subject hereto and the rules and regulations hereunder; and may issue and enforce a written or printed stop sale order to the owner or custodian of any lot of agricultural or vegetable seed which he finds or has reason to suspect is in violation of any provision of this chapter or any of the prescribed rules and regulations promulgated under this chapter, which stop sale order shall prohibit further sale of such seed until written permission is given by the director or the superior court. The director shall release the seed subject to the stop sale order when he has evidence that the provisions of the law and rules and regulations promulgated thereunder have been complied with, and all costs and expenses incurred in the stop sale order have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation: *Provided, however,* That if after the issuance of the stop sale order, the director finds that such seed does not involve a violation of this chapter, such

order shall be forthwith removed. Appeal from such order may be taken to a court of competent jurisdiction by the owner or custodian of such seed.

**15.48.130 Seizure and condemnation—Notice to claimant.** Any lot of agricultural or vegetable seed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said seed is located. In the event that the court finds said seed to be in violation of this chapter and orders the condemnation of said seed, it shall be disposed of in any manner consistent with the quality of the seed and the laws of this state: *Provided*, That in no instance shall the disposition of said seed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said seed or for permission to process or relabel said seed to bring it into compliance with this chapter.

**15.48.132 Injunctions.** The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law.

**15.48.134 Minor violations—Warning notices.** Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interest will be best served by suitable notice of warning in writing.

**15.48.136 Damages precluded.** No state court shall allow the recovery of damages from administrative action or for a stop sale order under RCW 15.48.120 if the court finds that there was probable cause for such action.

**15.48.138 Official analysis of seed as evidence of composition.** In all prosecutions under this chapter involving the composition of a lot of agricultural or vegetable seed, a certified copy of the official analysis signed by the official state seed analyst who made the analysis shall be accepted as prima facie evidence of the composition.

**15.48.140 Unlawful use of “certified” or unofficial tags—Exception.** It shall be unlawful to represent agricultural or vegetable seed as “certified” unless it has been inspected, graded, and certified by the director or his duly authorized agent, or to sell, offer for sale, or expose for sale, such seed with a blue tag similar in size to the official state certification tag which could be mistaken for an official tag: *Provided*, That imported seed which has been inspected

and certified by the proper authorities of the state of its origin, may be designated by the official certification tag of that state, as certified seed, when the seed complies with the rules and regulations of the director.

**15.48.150 Director's certification authority.** The director shall have the authority to:

(1) Appoint as agents for the purpose of certifying agricultural or vegetable seeds, persons, organizations and associations to assist in said certification;

(2) Maintain seed testing facilities, employ qualified persons and incur expenses necessary to operate the same;

(3) Provide purity analyses and germination tests on samples of seeds, which may be submitted by any interested person;

(4) Adopt rules and regulations governing the performance of said service, fixing the fees to be charged therefor, and determining the number of samples that may be tested for any one person free of charge.

**15.48.160 ———Growing crops of seeds.** The director shall adopt and enforce rules and regulations for inspecting, grading, and certifying growing crops of agricultural and vegetable seeds, shall inspect, grade and certify them at the request of the grower, and shall fix and collect fees for such service. The methods of making seed analyses and germination tests, shall be designated by the director, such as, but not limited to the "Rules and Methods of Testing" adopted and approved by the association of official seed analysts of North America.

**15.48.165 Use of department name in advertising prohibited.** No person shall, in any manner, use for advertising purposes the name of the Washington state department of agriculture in connection with the sale or distribution of any agricultural or vegetable seeds.

**15.48.170 Licensing—Fees—Exceptions.** No person shall engage in selling, dealing in, or importing for sale or distribution, agricultural, or vegetable seeds without having a license to do so for each regular place of business; except that no license shall be required of merchants who sell seeds only in sealed packages of eight ounces or less, packed by licensed seedsmen and bearing the name and address of the licensee nor shall a license be required of any grower selling seeds of his own production exclusively: *Provided*, That such seed sold by such grower must be properly labeled as provided in this chapter. All licenses shall cost ten dollars, shall be issued by the director, shall bear the date of issue, shall expire on December 31st of each year and shall be prominently displayed in each place of business. The director may publish lists of such licenses.

**15.48.175 Seed cleaning permits.** It is unlawful for any person to engage in the cleaning of agricultural or vegetable seeds entered by growers for certification under the provisions of this chapter without first having obtained a written permit to do so from the director. Upon application for such a permit, it shall be the duty of the director to inspect the seed processing facilities of the applicant to determine that the genetic purity and identity of seeds processed in the applicant's plant can be adequately maintained throughout processing operations in order that the seed owner's interests and investment may be adequately protected. Upon finding that the processing facilities are adequate to maintain the genetic purity and identity of seeds, the permit shall be granted and it shall remain in effect as long as the facilities are maintained in the manner required to obtain the permit. Separate permits shall be issued for each regular place of business and shall be conspicuously displayed in the office of such business.

**15.48.180 Seed control areas—Power of director.** The director may, through the procedure hereafter set forth, establish seed control areas for the purpose of preventing cross-pollination of vegetable seed plants which threaten to be destructive to agricultural or horticultural pursuits. He may apply such measures and methods as may be necessary to accomplish that purpose and may cooperate with county, state and federal agencies to that end.

**15.48.190 ———Petition for—Hearing—Order.** Not less than twenty-five vegetable seed growers producing a seed crop of the same family, and not less than three seed contractors within a county, may petition the director to establish a seed control area, describing its boundaries and giving the reasons therefor, and if such action appears to be in the public interest, the director may order a notice of public hearing to be published in one or more newspapers local to the area, at least once each week for three consecutive weeks prior to the hearing. Upon the hearing, at which all pertinent evidence shall be heard, the director may order any area within the county declared to be a seed control area and it shall remain such until the order is canceled by the director when he deems it in the best interest of the public.

**15.48.200 ———Area restrictions—Permits.** No person shall plant, cultivate, harvest, or contract for any vegetable seed within a seed control area, except upon permit granted by the county horticulturist. The permit shall be granted when, in the judgment of the horticulturist, no cross-pollination will result.

**15.48.205 Director's duty to enforce chapter—Rules and regulations—Notice.** It shall be the duty of the director to enforce and carry out the provisions of this chapter. The director shall be

empowered to adopt such reasonable rules and regulations as may be deemed necessary to secure the efficient enforcement of this chapter after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of the hearing. The notice shall state the date, time and place of the hearing and a brief summary of the regulation the director intends to promulgate.

**15.48.210 Penalties.** Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in the performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, or more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations.

**15.48.220 Exemption from penalties.** No person shall be subject to the penalties of this chapter for having sold, offered for sale or exposed for sale, agricultural or vegetable seeds which were incorrectly labeled or misrepresented as to kind, variety, type, or origin and which cannot be identified by examination, if he possesses an invoice or a declaration from a seller or grower within the jurisdiction of the courts of this state, giving kind, or kind and variety, or kind and type, and origin, if required, and if he has taken such other precautions necessary to insure the identity to be that stated.

**15.48.230 Use of money collected—Seed account.** All moneys collected under this chapter shall be paid into the seed account of the state general fund and shall be expended for necessary expenses hereunder.

**15.48.240 Prosecutions—Prior opportunity for hearing.** No criminal prosecution under this chapter shall be instituted without giving the defendant an opportunity to appear before the director to introduce evidence at a private hearing. If after hearing, or without hearing if the accused fails to appear, the director is of the opinion that the evidence warrants prosecution he shall institute proceedings or file the evidence with the attorney general with the view of prosecution.

**15.48.250 Duty of attorney general, prosecuting attorneys.** The prosecuting attorneys within their respective counties or the attorney general shall institute and prosecute actions under this chapter when in their opinion the evidence submitted warrants such action.

**15.48.260 Publication of information on judgments.** After judgment by the court in any case arising under this chapter, the director shall publish in any media he may designate any information pertinent to the issuance of such judgment.

**15.48.900 Short title.** This chapter shall be cited as the "Washington State Seed Law".

## Chapter 15.50

### IRISH SEED POTATOES

**15.50.010 Definitions.** For the purpose of this chapter:

(1) "Director" means director of agriculture of the state of Washington or his duly authorized representative.

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

(3) "Certificate" means an inspection certificate issued by the the director or any agency of the United States government or another state or the Dominion of Canada or any province thereof authorized to inspect Irish potatoes for diseases and issue certificates stating whether such potatoes are infected with diseases and if so to what extent.

(4) "Potatoes" means Irish potatoes to be used or intended for use as seed, propagating or reproduction purposes.

**15.50.020 Sale, transportation, etc., prohibited unless in new containers and certificated not to be infected.** No person shall sell, offer for sale, hold for sale, barter, trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes are not infected with bacterial ring rot, powdery scab, blackwort, nematode and/or more than one percent net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pest or plant disease or diseases which may impair or endanger the production of Irish potatoes in this state.

**15.50.030 Delivery of copy of certificate to director required.** The owner or handler of potatoes shall forward to the director in Olympia a copy of the certificate accompanying any potatoes being transported within or into this state at the time such transportation begins at the point of origin.

**15.50.040 Inspection.** The director may inspect potatoes at the point of origin, in transit or at the point of destination: *Provided*, That such inspection shall not interfere unduly with the orderly receipt, transportation or deliveries of such potatoes by any common carrier. When potatoes are being transported into this state from another state or foreign country, the director shall be notified of the time and place of entry and such potatoes shall be made available for inspection.

**15.50.050 Exemptions.** Noncommercial plantings which are defined as plantings in home gardens for domestic use, and not for sale; and potato research carried on by Washington State University and/or other approved research agencies are hereby exempted from the provisions of this chapter.

**15.50.060 Quarantine—Disposal.** The director shall quarantine any potatoes found not to meet the requirements provided for in RCW 15.50.020. Such potatoes shall be disposed of in a manner provided for by the director, but shall not be used for seed propagation or reproduction purposes.

**15.50.070 Violation of chapter—Penalty.** Any person violating the provisions of this chapter shall be guilty of a misdemeanor and any subsequent violation shall constitute a gross misdemeanor.

**15.50.080 Rules and regulations.** The director may adopt any rule or regulation necessary to carry out the provisions of this chapter.

## Chapter 15.52

### WASHINGTON ANIMAL REMEDY ACT

**15.52.010 Definitions.** As used in this chapter:

“Domestic animals” includes all species of animals and fowls under control of man and adapted to his use or pleasure;

“Label” means any written, printed, or graphic matter upon any can, sack, or any other container of livestock remedy;

“Livestock remedies” includes all foods, medicines and other substances sold as preventive, inhibitive, or curative medicines, or for their stimulating, invigorating or other powers, for domestic animals, as such remedies are defined in the United States Pharmacopoeia.

Exclusive of the definitions provided herein, the definitions of livestock remedies shall be as defined in the official publication of the Pharmacopoeia of the United States of America as of June 1, 1949. The director is hereby authorized to amend, revise, or add to said definitions and methods of analysis whenever he shall find



the same to be necessary to prevent misbranding, adulteration or other deviation from the standards prescribed by this chapter.

**15.52.020 Official chemists of the department.** The chemist of the agricultural experiment station of Washington State University and the dean of the college of pharmacy of the University of Washington shall be the official chemists of the department and they shall, without compensation other than their expenses necessarily incurred in the performance of such work, analyze all substances that the director may send to them, and report to him without unnecessary delay, the results of an analysis, and when called upon by the director they or any of the additional chemists hereafter provided, shall assist in any prosecution for the violation of any law pertaining to the department.

**15.52.030 Additional chemists.** The director may appoint one or more competent graduate chemists to serve as additional chemists, who may perform any of the duties required of and under the supervision of the official chemists, and whose compensation shall be fixed by the director.

**15.52.040 Preference of chemists.** The director may submit livestock remedies, preferably to the chemist at Washington State University.

**15.52.050 Right of entry—Obstructing, unlawful.** The director shall have access to any factory or establishment selling or offering for sale or distributing any livestock remedy, to inspect and obtain samples. It shall be unlawful to obstruct or interfere with the director in the performance of any of his duties hereunder.

**15.52.060 Sample taking for analysis.** The director may take samples of livestock remedies for analysis as follows:

(1) Where the product is packed in bulk or sack the sample shall not exceed two pounds, shall be taken from a parcel or number of packages which constitute not less than ten percent of the entire lot being sampled, and shall be taken in the presence of the party in interest or his representative. It shall be thoroughly mixed, divided into two equal parts, and one part given to the party in interest or his representative, and the other to a chemist of the department; or

(2) Where the lot to be sampled is not packed in bulk or sack, the sample shall be one or more containers from each lot or parcel to be sampled.

**15.52.070 Labeling Samples—Findings—Copy to owner.** On each such sample shall be placed a label stating the name or brand of material sampled and the time and place of taking the sample. The label shall be signed by the director and party in interest or his representative.

The chemist making the analysis shall return to the director two certified copies of his findings, one of which shall be forwarded to the party in interest.

Such findings shall be admissible in any proceeding involving this chapter as prima facie evidence of the facts therein set forth.

**15.52.080 Brands—When distinct.** Livestock remedies shall be considered as distinct brands when differing either in guaranteed analysis, ingredients, trademark, name, or any other characteristic method of marking.

**15.52.090 Alteration, forgery, unlawful use of brands.** No person shall alter, destroy, or remove, or forge, simulate, or falsely represent or use, without authority, any identification device used by the director in carrying out the provisions of this chapter.

**15.52.100 Injurious, worthless, seized products—Disposal prohibited.** No person shall distribute, sell, display, or offer for sale any livestock remedy which contains injurious ingredients, or which is injurious when used, fed, or applied as directed, or which is known to be of little or no value for the purpose for which it was intended; nor make any false or misleading claims in connection therewith; nor in any manner dispose of any such product seized under RCW 15.52.170.

**15.52.110 Registration of brands—Fees—Renewal.** No person shall sell, offer to sell, or distribute any brand of livestock remedy unless such brand has been registered with the director on a form provided by him, showing the ingredients and the guaranteed analysis, and a registration fee has been paid, in an amount to be fixed by the director not in excess of six dollars for each brand. Each such person shall, on or before the first day of April of each year pay to the director a registration fee in an amount to be fixed by him, not in excess of six dollars, for each brand manufactured or mixed.

**15.52.120 Application for registration—Label contents—Exception.** Application for registration of a livestock remedy shall have attached thereto a true copy of the label to be used on the container and a list of the ingredients contained in the product, except that any livestock remedy licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902, or under the Federal Virus, Serums, Toxins, Antitoxins, and Analogous Products Act of March 4, 1913, shall be exempt from registration under this chapter.

**15.52.130 Investigation period—Sales prohibited during.** The director shall have ninety days after the receipt of the application for registration of such products not previously registered, in which to investigate the claims made by the applicant as to the

efficacy of the product and to conduct experiments to determine whether the product is harmful or is of the claimed value for the purpose intended. At the end of ninety days, if the director has not notified the applicant that a hearing will be held or has not registered the product, the product shall be registered, and a certificate of registration issued. The applicant shall not sell the product until such certificate of registration has been issued.

**15.52.140 Rules, regulations by director.** The director may prescribe and enforce such reasonable rules and regulations and such definitions relating to livestock remedies as he deems necessary to carry into effect the full intent and meaning of this chapter.

**15.52.150 Refusal to register—Notice and hearing.** After due notice to the applicant and a hearing the director may refuse to register the brand of any such product which is detrimental or injurious in effect when applied, fed or used as directed; or which is known to be of little or no value for the purpose intended; or as to which false or misleading claims are made; or which does not comply with the provisions of this chapter or the regulations prescribed by him.

**15.52.160 Cancellation of registration—Notice and hearing.** After due notice to the registrant and a hearing the director may cancel the registration of the brand of any such product which is detrimental or injurious in effect when applied, fed or used as directed; or which product is known to have little or no value for the purpose intended; or as to which false or misleading claims are made or implied; or when the registrant violates any of the provisions of this chapter.

**15.52.170 Seizure of prohibited products—Notice—Contents.** The director may seize and take into his possession any such product the brand of which has not been registered as herein required, or the sale of which is for any reason prohibited hereunder, and apply to the superior court for an order authorizing him to sell or otherwise dispose of the same, and apply the proceeds to the general fund.

He shall give notice to the person in whose possession the seized product was found, or to the consignee thereof if found in the possession of a common carrier, stating the seizure, the reasons therefor, and a day certain when the application will be brought up for a hearing before the court, which day shall not be less than ten days after service of the notice, unless an earlier date is agreed upon by all parties concerned.

**15.52.180 Hearing—Evidence.** At the hearing such person or consignee may show cause why the application should not be

granted. Affidavits and oral testimony may be introduced by any party. Possession of such product shall be prima facie evidence of an intent to keep or ship the product in violation of the provisions of this chapter.

**15.52.320 Use of funds collected.** All money collected as fees for brand registrations hereunder shall be deposited in a special account of the general fund of the state treasury known as the feed and fertilizer account, and used exclusively for the maintenance and enforcement of this chapter, except that not to exceed fifteen percent of said registration fees may, with the consent of the director, be used to purchase equipment and materials to facilitate testing and analyzing required herein.

**15.52.330 Penalty.** Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and fined for the first offense not to exceed one hundred dollars, and for each subsequent offense not to exceed five hundred dollars.

**15.52.340 Duty of prosecuting attorney.** The prosecuting attorneys in their respective counties shall prosecute actions under this chapter on request of the director.

**15.52.900 Short title.** This chapter may be cited as the "Washington animal remedy act".

## Chapter 15.53

### COMMERCIAL FEED

**15.53.010 Definitions.** When used in this chapter:

The term "director" means the director of agriculture of the state, or his authorized agents or representatives.

The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds.

The term "sell" or "sale" includes exchange.

The term "commercial feed" means all materials which are distributed for use as feed for animals other than man except:

(1) Unmixed whole seeds and meals made directly from the entire seeds with no part of the whole removed.

(2) Unground hay.

(3) Whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials.

(4) Wheat flours or other flour.

The term "brand" means the terms, design, or trademark and other specific designation under which an individual commercial feed is distributed in this state, and commercial feed shall be considered as a distinct brand when differing either in guaranteed

analysis, ingredients, trademark name, or any other characteristic method of marking.

The term "label" means a display of written, printed, or graphic matter upon or attached to the container in which a commercial feed is distributed.

The term "ton" means a net weight of two thousand pounds, avoirdupois.

The term "percent" or "percentage" means percentage by weight.

The term "official sample" means any sample of commercial feed taken by the director.

The term "retail" as used in this chapter means the selling or offering for sale of any commercial feed, directly to the consumer.

An "official state lab." shall be a laboratory under the supervision of the chairman of the department of agricultural chemistry of Washington State University or the dean of the college of pharmacy of the University of Washington or the director.

The term "special mix" means a commercial feed prepared in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser.

The term "run of the mill" when used in reference to grain screenings is well established in the industry and means the restoration of the total quantity of such naturally present screenings, when finely ground, to the processed grain in which it was received, or to the total wheat mixed feed produced in the manufacture of wheat flour from the grain in which it was received.

**15.53.020 Enforcement of chapter—Rules and regulations.** The director is charged with the enforcement of this chapter, and after publication and public hearing may promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this chapter. The director is hereby empowered to adopt regulations establishing definitions and standards for commercial feeds and ingredients, and such other regulations as may be necessary for the enforcement of any provisions of this chapter.

**15.53.030 Registration of brands—Application—Fee—Label—Expiration.** Each brand of commercial feed shall be registered before being offered for sale, sold or otherwise distributed in this state, except for brands of commercial feeds which are offered for sale, sold or otherwise distributed by a registrant who has a brand of feed registered having the same formula but which differs only in the physical form in which it is sold. The application for registration shall be submitted to the director on forms furnished by the director, and shall be accompanied by a fee of ten dollars per brand, and shall be also accompanied by a label or other printed matter describing the product. Upon approval by the director a copy of the regis-

tration shall be furnished to the applicant. All registrations expire on December 31st of each year.

**15.53.040 Application for registration—Information required.** The applications provided for in RCW 15.53.030 shall include the following information:

(1) The name and principal address of the person guaranteeing the commercial feed.

(2) The name or brand under which the commercial feed is to be sold.

(3) The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, maximum percentage of crude fibre, maximum percentage of crude ash and maximum percentage of moisture. For mineral feeds or other feeds containing more than a total of five percent of one or more added mineral ingredients the list shall include the following if added: Minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentage of salt (NaCl), and maximum percentage of fluorine. Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the director by and with the advice of Washington State University. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the director. Products sold solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fibre.

(4) The name of each ingredient used in the manufacture of the commercial feed according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this chapter.

**15.53.050 Brands already registered need not be registered by distributor.** A distributor shall not be required to register any brand of commercial feed which is already registered under this chapter by another person.

**15.53.060 Changes in guarantee of composition of feed.** Changes in the guarantee of either chemical or ingredient composition of a feed may be permitted provided satisfactory evidence is submitted showing that:

(1) Such changes would not result in a lowering of the feeding value of the product for the purpose for which designed; or

(2) The requested changes are unavoidable because of the unavailability of guaranteed ingredients.

**15.53.070 When feed registration not permitted—Fibre limitations.** No commercial feed may be registered which has a guaranteed crude fibre content of: (1) More than ten percent for hog and poultry feeds, (2) more than twelve percent for dairy, beef, sheep, goat and horse feeds, or (3) more than twenty-two percent for rabbit feeds: *Provided*, That the fibre limitations stated herein do not apply to commercial feeds which state on their labels the percentages of the various ingredients according to the definitions of ingredients stated in this chapter or regulations issued pursuant to the terms of this chapter.

**15.53.080 Application for registration—Investigation period.** The director shall have ninety days after the receipt of the application for registration of a commercial feed not previously registered, in which to investigate the claims made by the applicant as to the efficacy of the product and to conduct experiments in order to determine whether the said product is harmful, deleterious, or is of the claimed value for the purpose intended, when used as directed. At the end of ninety days, if the director during such period has not notified the applicant that a hearing will be held or has not registered the product, then the product shall be registered, and a certificate of registration issued by the director: *Provided*, That during the ninety-day period provided herein, if the product has not been registered, the applicant shall not sell the product in the state.

**15.53.090 Refusal or cancellation of registration—Hearing.** The director may refuse registration of any application not in compliance with all provisions of this chapter and may cancel any registration when it is subsequently found to be in violation of any provision of the chapter or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of the chapter or regulations thereunder: *Provided, however*, That no registration shall be refused or canceled until the registrant shall have been given an opportunity to be heard before the director.

**15.53.100 Retail feed license required—Applications.** No person shall sell, offer to sell, or distribute within this state any commercial feed at retail without having first obtained a retail feed license for each establishment or vehicle used by such person in selling commercial feed at retail: *Provided*, That the above license shall not be required of any vehicle used by a licensed dealer merely in delivering commercial feed, nor to any dealer as to his sales of foods for domestic pets such as, dogs, cats and birds. Applications for such licenses shall be made in writing and under oath to the director on such forms as he shall prescribe.

**15.53.110 Retail feed license—Annual fee.** There shall be paid to the director with each application for a retail feed license an annual license fee of ten dollars. The money derived therefrom shall be paid by the director into the state treasury for deposit in the commercial feed account.

**15.53.120 Retail feed license—Expiration date—Non-transferable.** Each retail feed license shall expire on the thirty-first day of December following its date of issuance. Such license shall not be transferable to any person or be applicable to any location or vehicle other than that for which originally issued.

**15.53.130 Commercial feed account.** There is hereby created in the state treasury in the general fund a special account to be known as the commercial feed account in which shall be deposited all moneys hereafter or heretofore collected as fees for feed licenses, and for the registration of commercial feed.

**15.53.140 Labels on containers—Information required.** Any brand of commercial feed offered for sale or sold or otherwise distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in stenciled or imprinted form the net weight and the information required by RCW 15.53.040(1), (2), (3) and (4).

**15.53.150 Bulk distribution—Statement—Information required.** If a brand of commercial feed is distributed in bulk, a written or printed statement of the net weight and the information required by RCW 15.53.040(1), (2), (3) and (4), shall accompany delivery and be furnished to the purchaser, and a copy of the statement shall be kept on file in the office of the vendor which shall be available for inspection by the director for a period of not less than six months from the date of the transaction.

**15.53.160 Special mixes — Invoices — Tags — Information required.** Any person who manufactures, processes, or mixes any commercial feed for another in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser (a "special mix") shall furnish to the person for whom such commercial feed is manufactured, processed or mixed, a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this chapter. Copies of all such invoices shall remain on file in the place of business of the vendor for six months, during which time they are subject to inspection by the director. No two invoices issued in one calendar year shall bear the same number. When packaged, each package of such commercial feed (special mix) shall have



attached thereto, in lieu of the information referred to in RCW 15.53.040, a written or printed tag upon which shall be stated: That the product in the container or package is a special mix which is not registered with the director; the name of the mixer, processor or manufacturer; the net weight of the contents; and the invoice of a packaged special mix shall state the numbers of the tags on the packages sold.

**15.53.170 Adulterated commercial feed defined.** No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious, or nonnutritive ingredient has been added in sufficient amount to render it injurious to animal health, or if any dirt, soil, damaged or decayed feed, mill, elevator, or other sweeping or dust is included in commercial feed.

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(3) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(4) If it contains added hulls, screenings, straw, cobs, or other such high fibre material unless the name and percentage of each such material is clearly and prominently stated and underscored on the label.

(5) If it contains viable primary noxious weed seeds in excess of one per pound, or if it contains viable secondary noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the terms of the Washington seed act and regulations issued pursuant thereto.

**15.53.180 Misbranded commercial feed defined.** No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is distributed under the name of another feed.

(3) If its container is not labeled as required in this chapter, and in regulations prescribed under this chapter.

(4) If it purports to be, or is represented as, a commercial feed for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard.

(5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read

and understood by the ordinary individual under customary conditions of purchase and use.

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order to fully inform the purchaser as to its value for such uses.

**15.53.190 Sampling and analysis.** It shall be the duty of the director, who may act through his authorized agents, to sample, inspect, make chemical and microscopic analysis of, and cause to be tested at an official state laboratory commercial feeds distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial feeds are in compliance with the provisions of this chapter. The director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial feeds subject to the provisions of this chapter and the rules and regulations pertaining thereto.

The methods of sampling and analysis shall be those accepted by the director from recognized sources such as the association of official agricultural chemists, or the American association of feed control officials.

The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as above defined and as obtained and as analyzed as provided for above.

**15.53.200 Chemists of the department.** The chairman of the department of agriculture chemistry of Washington State University and the dean of the college of pharmacy of the University of Washington shall when requested by the director act as chemists and microscopists for the department of agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work to make chemical and microscopic analyses of any and all substances that the director may send to them, and report to the director, without unnecessary delay, the results of any analysis so made, and when called upon by said director, any such chemist, or any of the additional chemists as hereafter provided, shall assist, as an expert or otherwise, in prosecutions for the violation of this chapter.

**15.53.210 Additional chemists.** The director may appoint one or more competent graduate chemists to perform any or all of the

duties required of the chemists of the department of agriculture authorized in this chapter.

**15.53.220 Withdrawal from sale for violation—Release—Condemnation.** When the director has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of this chapter or of any of the prescribed regulations under this chapter, he may issue and enforce a written or printed “withdrawal from sale” order warning the distributor not to dispose of the feed in any manner until written permission is given by the director or the superior court. The director shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation.

**15.53.230 Seizure of feed—Condemnation and disposition—Opportunity to comply.** Any lot of commercial feed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: *Provided*, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

**15.53.240 Violation of withdrawal order—Tampering with, misrepresenting, etc., identification device.** It is unlawful for any person:

(1) Without authority to remove or dispose of by sale or otherwise, any commercial feed in respect to which there is in effect a “withdrawal from sale” order,

(2) To alter, mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker, or other identification device used by the director, in carrying out the provisions of this chapter,

(3) To forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, seal, sticker, or other identification device used by the director in carrying out the provisions of this chapter.

**15.53.250 Injunctions.** The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law.

**15.53.260 Warning for minor violations of chapter.** Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.

**15.53.270 Duty of prosecuting attorney—Distributor may present views to director.** It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his views to the director.

**15.53.280 Chemists' reports of analysis as evidence.** The reports of analysis and tests made by the state chemists to the director both as to chemical and microscopic analysis are admissible in evidence as prima facie evidence of the facts therein set forth in any proceeding of either a civil or criminal nature brought pursuant to the terms of this chapter.

**15.53.290 Prosecutions—Copy of official analysis as evidence.** In all prosecutions under this chapter involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the chemist or microscopist who made the analysis shall be accepted as prima facie evidence of the composition.

**15.53.300 Penalties.** Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, or more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations.

**15.53.310 Director to publish sales information, production data and analyses comparison.** The director shall publish at least annually, in such forms as he may deem proper, information con-

cerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label: *Provided*, That the information concerning production and use of commercial feeds shall not disclose the operations of any person.

**15.53.900 Short title.** This chapter shall be known as the "Washington Commercial Feed Law of 1953".

### Chapter 15.54

## FERTILIZERS, AGRICULTURAL MINERALS AND LIMES

### (Washington Fertilizer Act)

**15.54.010 Definitions.** The following definitions apply to words and phrases used in this chapter:

(1) "Fertilizer material" means any substance other than unmanipulated animal or vegetable manures containing not less than five percent of nitrogen, phosphoric acid, or potash, singly or chemically combined, and may contain other plant food elements or compounds.

(2) "Mixed fertilizer" means any physical combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

(3) "Commercial fertilizer" means and includes mixed fertilizers, fertilizer materials and specialty fertilizers.

(4) "Complete fertilizer" means commercial fertilizer which contains nitrogen, phosphoric acid and potash.

(5) The term "specialty fertilizer" means any fertilizer distributed primarily for use on noncommercial crops such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

(6) "Agricultural minerals" means mineral substances, and mixtures of mineral and organic substances containing less than five percent in available form of nitrogen, phosphoric acid, or potash, collectively, or in combination designed for use principally as a source of plant food; provided that animal manures, limes, sand and soil shall not be considered as minerals.

(7) "Lime" means a substance or mixture of substances, the principal constituent of which is calcium and/or hydroxide, magnesium carbonate, or oxide, singly or combined.

(8) "Brand" means a term, design or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers, agricultural minerals or lime.

(9) "Grade" means the minimum percentage of total nitrogen, available phosphoric acid and soluble potash stated in the order given.

(10) "Ton" means a net weight of two thousand pounds avoirdupois.

(11) "Percent" or "percentage" means the percentage by weight. Mixed fertilizers shall always be expressed in whole numbers.

(12) "Ultimate dealer" means a person who sells commercial fertilizer, agricultural mineral or lime direct to the user.

(13) "Department" means the state department of agriculture of the state of Washington.

**15.54.020 Administration of chapter—Rules and regulations.** The administration of this chapter is vested in the department. All rules and regulations for the administration and enforcement of this chapter shall only be promulgated by the department after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of hearing. The notice shall state the date, time and place of the hearing, and a brief summary of the regulations the department intends to promulgate.

**15.54.030 Brand registration required—Application—Fee.** Each brand of commercial fertilizer, agricultural mineral or lime shall be registered with the department before being sold or offered for sale in this state. The application for registration of a brand shall be made to the department and it shall be accompanied by a registration fee of twenty-five dollars for each brand. The application shall be made on forms provided by the department.

**15.54.040 Commercial fertilizer—Brand registration—Information required.** The application for registration of a brand of commercial fertilizer shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) Brand name.
- (4) Declaration of grades intended to be sold.

**15.54.050 Commercial fertilizer—Registration of grade required.** Each grade of commercial fertilizer shall be registered with the department before being sold. No grade of commercial fertilizer can be offered for sale without a registered brand name.

**15.54.060 Commercial fertilizer—Grade registration—Information required.** The application for registration of a grade of commercial fertilizer intended to be sold shall include the following information:

- (1) The name and address of the registrant.

- (2) The name and address of the manufacturer.
- (3) The brand name.
- (4) The guaranteed analysis of total nitrogen, available phosphoric acid and soluble potash in terms of the minimum percentage of such materials in the particular grade. The minimum percentage shall be expressed in the following form:

Total nitrogen, N.	.....percent
Available phosphoric acid, P <sub>2</sub> O <sub>5</sub>	.....percent
Soluble potash, K <sub>2</sub> O	.....percent

- (5) The source from which the nitrogen, phosphoric acid and potash are derived.

(6) In the case of bonemeal, tankage or other natural organic phosphatic materials sold as such, the guaranteed analysis of phosphatic materials may be in terms of total phosphoric acid.

**15.54.070 Agricultural minerals—Registration—Information required.** The application for registration of an agricultural mineral shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) The brand name.
- (4) If an agricultural mineral is derived as a byproduct of the manufacture of sugar or acetylene, or from the byproducts of some other manufacturing process, the principal constituent of which byproduct is a compound of calcium, the minimum percentage of calcium in terms of calcium carbonate, calcium hydroxide or calcium oxide shall be given.
- (5) In an agricultural mineral the principle ingredient of which is sulphur, the minimum percentage of sulphur shall be given.
- (6) In an agricultural mineral the principal constituent of which is calcium sulphate, the percentage of calcium sulphate (CaSO<sub>4</sub>.2H<sub>2</sub>O) shall be given, and the percent of total sulphur.
- (7) In an agricultural mineral the principal constituent of which is calcium phosphate, such as rock phosphate, the guaranteed analysis of calcium phosphate shall be given in terms of the minimum percentage of available phosphoric acid, and total phosphoric acid.
- (8) In the case of an agricultural mineral not specifically or generally mentioned in this section, the minimum percentage of all constituents claimed to be therein in terms of equivalents to be prescribed by the department, shall be given.
- (9) In case of any physical mixture of two or more agricultural minerals, the minimum percentage of each of the principal constituents shall be given.

**15.54.080 Lime—Registration—Information required.** The application for registration of lime shall include the following information:

- (1) The name and address of the manufacturer or producer.
- (2) The name and address of the registrant.
- (3) The brand name and the grade.
- (4) The name of the particular form of the dolomitic or calcic lime (ground limestone, burnt lime, lime hydrate, shells, marl).
- (5) The guaranteed minimum percentage of calcium and/or magnesium expressed as their carbonate; the minimum total neutralizing power expressed in terms of calcium carbonate; the percentage of material that will pass respectively a one hundred mesh, sixty mesh and ten mesh sieve.

**15.54.090 Certificates of registration—Expiration date.** The department shall examine the application for conformance with the requirements of this chapter. If the application is in proper form and contains the required information the particular brand and grade of commercial fertilizer, agricultural mineral or lime shall be registered by the department and a certificate of registration shall be issued to the applicant. The registration shall expire on the thirty-first day of December next following the registration of each annual renewal thereof.

**15.54.100 Refusal or cancellation of registration.** The department shall refuse registration, or cancel the registration, of any brand or grade of commercial fertilizer, agricultural mineral or lime, the sale or offering for sale of which would be in violation of any provisions of this chapter.

**15.54.110 Other plant food elements—Sampling, inspection, analysis.** If plant food elements other than those mentioned in RCW 15.54.060, 15.54.070, and 15.54.080 are guaranteed to be present in a commercial fertilizer, agricultural mineral or lime, they shall be subject to sampling, inspection, and analysis in accordance with regulations promulgated by the department.

**15.54.120 Labels on containers—Information to bulk purchaser.** All the information required by RCW 15.54.060, 15.54.070 and 15.54.080 to be submitted with the application for registration of each brand and grade shall be placed on each bag, barrel or container of commercial fertilizer, agricultural mineral or lime; however, if the registrant of the brand is not the manufacturer, the manufacturer's name and address need not be stated on the container. The information shall be placed on the bag, barrel, or container, with such prominence by reason of size and coloring of lettering as will reasonably assure its being seen by the purchaser under the conditions of retail sale by which it is sold, offered for



sale or exposed for sale. No other form of label nor any other chemical term referring to nitrogen (N), phosphoric acid ( $P_2O_5$ ), potash ( $K_2O$ ), calcium hydroxide, calcium magnesium carbonate, calcium oxide, calcium carbonate, sulphur, calcium sulphate, calcium phosphate, dolomitic lime, calcic lime, ground limestone, burnt lime, lime hydrate, shells, marl, magnesium carbonate shall be used than those specified in this chapter.

If a commercial fertilizer, agricultural mineral or lime is distributed or sold in bulk, the distributor or seller shall deliver to the purchaser a written or printed statement containing the information required to be on bags, barrels, or containers of such materials.

**15.54.130 Inspection fees—Computation—Responsibility.** Each person who sells or offers for sale a commercial fertilizer or agricultural mineral in the state of Washington shall pay to the department an inspection fee of ten cents for each ton of commercial fertilizer or agricultural mineral sold by such person during the year beginning January 1st, and ending December 31st. Each person who sells lime in the state of Washington shall pay to the department an inspection fee of two cents for each ton of lime sold during the year.

In computing the tonnage on which the inspection fee must be paid as required by this section, sales of commercial fertilizers, agricultural minerals or lime to fertilizer manufacturers, sales of commercial fertilizers, agricultural minerals and lime in packages weighing five pounds net or less, and sales of commercial fertilizers, agricultural minerals and lime for shipment to points outside this state, may be excluded.

It is the intent of this chapter that only one person shall be responsible for payment of the inspection fee and when more than one person doing business in this state is involved in the commercial distribution of such materials, then the person who sells to the ultimate dealer is responsible for reporting the tonnage and paying the inspection fees; however, a manufacturer, jobber, broker or wholesaler who sells commercial fertilizer, agricultural mineral or lime directly to the user of such material must also pay the inspection fee on such materials.

**15.54.140 Inspection fees—Reports—Collection.** (1) Each person made responsible by this chapter for the payment of inspection fees for commercial fertilizers, agricultural minerals or lime sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year of the number of tons of such materials sold during the three calendar months immediately preceding the date the report is due. The proper in-

spection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day period of grace immediately following the day the report and payment are due to file the report and pay the fee, and the department may, in its discretion, permit a further reasonable extension of time.

(2) The report required by this section shall be made under oath certifying to the correctness of the report.

(3) The report required by this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of this chapter including any civil action for collection of unpaid inspection fees, which action hereby is authorized and which shall be as an action at law in the name of the director of the department.

**15.54.150 Sampling, inspection, analysis—Notice—Findings.** (1) It shall be the duty of the department to sample, inspect and analyze commercial fertilizers, agricultural minerals and lime sold or offered for sale within this state to determine compliance with the provisions of this chapter. The department may enter upon any private business premises during the regular business hours in order to have access to any substance subject to the provisions of this chapter.

(2) The methods of sampling, inspection and analysis shall be designated by the department, such as but not limited to, those of the association of official agricultural chemists.

(3) Whenever the department takes an official sample of commercial fertilizer, agricultural mineral or lime for analysis, the owner or person in charge of the substance shall be notified, prior to taking the sample. Upon the request of the owner or person in charge of the sample material, the department shall furnish such person one-half of the official sample. The chemist making the analysis shall return to the director two certified copies of his findings, one of which shall be forwarded to the party in interest. Such findings shall be admissible in any proceeding involving this chapter as prima facie evidence of the facts therein set forth.

**15.54.160 Restrictions on sale—Minimum percentages.** No superphosphate containing less than eighteen percent of available phosphoric acid, nor any mixed fertilizer in which the sum of the percentage guarantees for the nitrogen, available phosphoric acid and soluble potash in the mixture is less than twenty percent, shall be sold or offered for sale in this state; except for complete

fertilizers containing twenty-five percent or more of their nitrogen in water insoluble form of plant or animal origin, in which case the total percentage of nitrogen, available phosphoric acid and soluble potash shall not be less than eighteen percent, and except for specialty fertilizers.

**15.54.170 Misbranding—“False and misleading statements.”** For the purposes of this chapter, a commercial fertilizer, agricultural mineral or lime shall be deemed misbranded if it carries any false or misleading statement upon or attached to the container of such substances, or on the purchaser's statement for materials sold in bulk. The term “false and misleading statements” shall include, but not be limited to statements relating to the agricultural value of the particular substance.

**15.54.180 Unlawful acts.** (1) It shall be unlawful for a person to sell or offer for sale a misbranded commercial fertilizer, agricultural mineral, or lime.

(2) It shall be unlawful for a person to fail, refuse or neglect to place upon or attach to each bag, barrel or container of commercial fertilizer, agricultural mineral or lime offered for sale, sold, or mixed or manipulated as a service all of the information required by this chapter to be so placed or attached.

(3) It shall be unlawful for a person to fail, refuse or neglect to deliver to a purchaser of commercial fertilizer, agricultural mineral or lime in bulk a statement containing the information required by this chapter.

(4) It shall be unlawful for a person to sell or offer for sale within this state a commercial fertilizer, agricultural mineral, or lime which has not been registered with the department.

**15.54.190 Sales and production information and analysis comparison to be published—Restrictions.** The department shall publish at least once annually information concerning the production, sales and volume of commercial fertilizer, agricultural mineral and lime. The department shall also publish a report of the results of the official analysis of commercial fertilizer, agricultural minerals and lime as compared with the guaranteed analysis of the particular brand and grade of such fertilizer, mineral or lime, however, the information concerning production and use of commercial fertilizers, agricultural minerals and lime shall be shown separately for the periods of July 1st to December 31st and from January 1st to June 30th of each year, and no disclosure shall be made of the business operations of any person.

**15.54.200 Embargo of articles—Removal.** Whenever the director finds, or has probable cause to believe, that an article subject to this chapter is in intrastate commerce, which was introduced

into such commerce in violation of this chapter, or which is so adulterated or misbranded as to label, that its embargo under this section is required to protect the consuming or purchasing public from substantial injury, he is authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this chapter. But if, after such article has been so embargoed, the director finds that such article does not involve a violation of this chapter, such embargo shall be forthwith removed.

**15.54.210 Embargo—Procedure.** When the director has embargoed an article, he shall forthwith and without delay, in no event later than ten days after the affixing of notice of its embargo, petition the superior court for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such article, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for bond, as the court deems proper in the circumstances.

**15.54.220 Embargo Petitions—Consolidation.** Two or more petitions under RCW 15.54.210, which are pending at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by the claimant.

**15.54.230 Damages from administrative action or for embargo.** No state court shall allow the recovery of damages from administrative action or for embargo under RCW 15.54.200, if the court finds that there was probable cause for such action.

**15.54.240 Penalty—Violation warnings—Duty of prosecuting attorney—Court jurisdiction.** (1) A person who violates any provision of this chapter shall be guilty of a misdemeanor, and the fines collected shall be disposed of as provided under RCW 15.54-.250.

(2) Nothing in this chapter shall be considered as requiring the department to report for prosecution, or to cancel the registration of a brand or grade, or to embargo goods for violations of this chapter, of a minor character, when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

(3) It shall be the duty of each prosecuting attorney to whom any violation is reported to institute and prosecute without delay.

(4) Justice courts and superior courts shall have concurrent jurisdiction for the enforcement of this chapter.

**15.54.250 Fertilizer, agricultural mineral and lime fund created.** There is created in the general fund of the state treasury a special account to be known as the fertilizer, agricultural mineral and lime account in which shall be deposited all money hereafter collected under the provisions of this chapter.

**15.54.900 Short title.** This act shall be known and may be cited as the "Washington Fertilizer Act".

## Chapter 15.56

### ECONOMIC POISONS

**15.56.010 Definitions.** As used in this chapter:

"Economic poisons" include any substance or mixture of substances intended to be used to prevent, destroy, or control any form of plant or animal life which is or which the director may declare to be a pest detrimental to vegetation, man, animals, or households;

"Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter," or "trade."

*Note: See also section 42, chapter 244, Laws of 1961.*

**15.56.020 Economic poison, adulterated when.** Economic poison is adulterated when:

(1) Its strength or purity falls below the standard or quality which it is represented to have;

(2) Any ingredient necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted therefor; or

(3) It is intended for use on vegetation and contains any substance which is seriously injurious to vegetation, except weeds, when used according to the directions furnished therewith.

*Note: See also section 42, chapter 244, Laws of 1961.*

**15.56.030 Economic poison, misbranded when.** Economic poison is misbranded when:

(1) The package or label thereon bears any false or misleading statement, design, or device regarding the article or the ingredients thereof;

(2) The package or label is falsely branded as to the place of manufacture or production;

(3) It is an imitation or offered for sale under the name of another article;

(4) The contents of the original package have been removed in whole or in part and other contents placed therein, or the con-

tents of the package are of a quality below that of the guarantee on the label or on the application for registration or of the analysis of the sample delivered in connection with the application;

(5) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package; or

(6) It consists partially or completely of inert ingredients which are not effective as economic poisons, and does not have the name and percentage of each inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each inert ingredient, the producer may state the correct name and percentage of each active ingredient which is effective as economic poisons, and the total percentage of inert ingredients present, except that the name and percentage of every ingredient of an economic poison intended for use on or sold for application to a food crop in such a way as to leave a residue declared deleterious to health by the United States Food and Drug Administration or by the director, must be plainly stated on the label.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.040 Sale of adulterated, misbranded poisons prohibited—**  
**Defense.** No person shall sell any adulterated or misbranded economic poison, provided, that in any prosecution under this section of an agent or dealer, proof that the economic poison which is the basis of the action was guaranteed by the party from whom such accused purchased the poison to be not adulterated nor misbranded shall constitute a complete defense to the charge.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.050 Board to make rules and regulations.** The director shall consult with a board consisting of himself, the professor of entomology and head of the department of zoology, the professor and head of the department of plant pathology, the professor and head of the department of horticulture, all of Washington State University, and the state chemist, to make rules and regulations for carrying out the provisions of this chapter. No rule or regulation shall be made except by a majority vote of the board, nor become effective until thirty days after it is published by proclamation of the director. A copy of the rules and regulations shall be mailed to each person registered under this chapter, on the day they are published. The failure to receive such copy shall be no defense to a violation of such rules and regulations.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.060 Registration and licenses required.** No manufacturer or importer of, or dealer in any economic poison shall offer the same for sale until the poison has been registered with the director and a license issued by him authorizing its manufacture or sale.

Each applicant must have complied with the provisions of this chapter and the rules and regulations adopted hereunder, paid the fees hereinafter fixed, and filed a statement of the brands, trademarks or kinds of economic poisons he intends to manufacture or sell and the correct name and percentage of active ingredients and total percentage of inert ingredients in each poison. In lieu of the correct name and percentage of active ingredients and total percentage of inert ingredients in the statement he may deliver to the director a representative sample of not less than one pound of each poison to be registered. Additions and corrections to said statement may be submitted at any time. The director may call a hearing on any application.

This section does not apply to dealers or agents selling economic poisons which have been registered by the manufacturer or wholesaler, nor to persons selling raw materials to manufacturers of economic poisons.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.070 Fees—Expiration—Reregistration fees with penalties—Exception.** The annual fee for registration and license is ten dollars for one definitely labeled poison or definite composition, and five dollars for each additional such variety, registered by any one registrant.

All registrations and licenses expire on December 31st of each year.

If reregistration is not obtained within one calendar month of expiration there shall be added to said fee a penalty of ten percent of the original amount for the first month, and an additional penalty for each succeeding month of five percent of the original fee: *Provided*, That the total penalty shall not exceed fifty percent of the original amount due.

No penalty shall be added if the applicant for reregistration makes an affidavit that no business was done during the period of nonregistration.

Payment of the fee and penalty shall not bar a prosecution for doing business without proper registration.

County, state and federal officers selling economic poisons at cost shall not be required to pay any license fee.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.080 Manufacture, sale without license and registration prohibited.** No person shall manufacture, sell, or deliver any economic poison, or any substance or mixture of substances represented to be an economic poison, nor retail any formula for an economic poison in conjunction with the sale or gift of any materials represented to be essential ingredients of an economic poison, without first registering the same hereunder and having a license so to do.

This section shall not apply to economic poisons which are produced by a registrant solely for export and which are actually exported outside this state.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.090 Refusal to register—Cancellation—Director's powers—Hearing.** The director may, after a hearing, refuse to register, or may cancel the registration of, any economic poison:

(1) Which is of little or no value for the purpose for which it is intended; or

(2) Which is detrimental to the public health or safety when properly used, or to domestic animals or vegetation except weeds; or

(3) Concerning which false or misleading statements have been made or implied by the registrant or his agent, either verbally or in writing, or in advertising literature.

He may require such practical demonstration as may be necessary to determine said facts.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.100 Refusal to license or cancellation for repeated violations.** The director may refuse to license, or may cancel the license of, any manufacturer, importer of, or dealer in economic poisons who repeatedly violates any of the provisions of this chapter or the rules and regulations of the director.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.110 Labeling containers—Sales from open containers prohibited.** The registrant shall attach to each separate lot and each closed container of economic poison which he intends to sell, a plainly printed label stating the name, brand, or trademark, if any, under which sold, and the name and address of the registered manufacturer, importer, or vendor.

Sales of economic poisons, other than nonpoisonous insecticides for spraying animals, in any other than the registrant's closed container are prohibited, except that the director may authorize sales to be made out of opened but properly labeled containers. The director shall give notice of his proposed action by mailing a copy of his ruling to each registrant at his address on file with the department, and allow fifteen days during which any protest may be filed. In the case of sales from opened containers the purchaser must be furnished with tag, label, or statement setting forth all of the information required to be stated on labels or packages.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.120 Samples, analyses, investigations by director.** The director shall take samples of economic poisons, make analyses or examinations thereof, and make such investigations as are necessary for the full enforcement of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.



**15.56.130 Publication of results.** The director shall periodically, at least annually, print and distribute the results of examinations or chemical analyses of samples of economic poisons taken by him and such additional information as he deems advisable.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.140 Suspected violations—Hearings.** When the director learns of a violation of any provision of this chapter or of any rule or regulation hereunder, he may cause notice of such fact together with a copy of the charges, to be served on the suspected person, who shall be given an opportunity to be heard. The provisions of this section shall not be a condition precedent to the institution of an action to prosecute a violation of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.150 Seizure of contraband products—Unlawful disposition of.** The director may seize and impound any economic poison which does not comply with the provisions of this chapter. It shall be unlawful to transport, destroy, or dispose of any impounded economic poison without permission of the director.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.160 Interest in economic poison industry prohibited.** No person charged with the enforcement of any of the provisions of this chapter shall have any interest in the sale, manufacture, or distribution of any economic poison.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.170 Use of money collected—Enforcement of chapter.** All moneys received by the director hereunder shall be paid into the state treasury and expended by the director in carrying out the provisions of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.180 Duty of prosecuting attorney.** Upon the request of any enforcing officer hereunder or any interested person, the prosecuting attorneys shall prosecute violations hereunder within their respective counties.

Note: See also section 42, chapter 244, Laws of 1961.

**15.56.190 Nonapplicability to toilet and medicinal products.** The provisions of this chapter do not apply to preparations, drugs, or chemicals manufactured or sold for toilet or medicinal purposes which conform to the standard tests prescribed by the United States Pharmacopoeia or the National Formulary.

Note: See also section 42, chapter 244, Laws of 1961.

## Chapter 15.60

### APIARIES

**15.60.005 Definitions.** As used in this chapter:

(1) "Director" means the director of agriculture of the state of Washington;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Apiary" includes bees, hives and appliances, wherever they are kept, located or found;

(4) "Apiarist" means any person who owns bees or is a keeper of bees;

(5) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary;

(6) "Bees" means honey producing insects of the species *apis mellifica* and include the adults, eggs, larvae, pupal, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

(7) "Colony" or "colonies of bees" refers to any hive occupied by bees;

(8) "Disease" means American or European foul brood, or any other disease or any condition affecting bees in their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

(10) "Location" means any premises upon which an apiary is located;

(11) "Person" includes any individual, firm, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities subject to the provisions of this chapter, in the regular course of business;

(12) "Combless packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees.

**15.60.010 Division of apiculture created—Compensation, expenses of director.** There is hereby created a division of apiculture in the department of agriculture, which shall consist of the director of agriculture and of such apiary inspectors as he may appoint. The director shall receive no additional salary for performance of his duties under this chapter but shall be paid his actual traveling expenses incurred in performing such duties.

**15.60.015 Inspection—Disease control—Rules, regulations, orders.** The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reason-

able rules, regulations and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state.

**15.60.020 Reciprocal agreements—Inspectors, appointment, duties, compensation.** The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases, or any other such duties as the director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and his actual and necessary traveling expenses incurred in the performance of his duties.

**15.60.030 Registration of apiaries.** Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a notice containing similar information, on or before April 1st each year.

**15.60.040 Inspection—Eradication of disease—Quarantine—Permit for removal.** (1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering eradication of such disease within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey

and wax, and by burying the ashes and disinfecting the hive by means approved by the director.

(4) Any apiary which is found to be infected with American foul brood and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists. During the quarantine period, no bees, honey, appliances, equipment, or other materials may be removed from the apiary without first procuring a permit from the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

**15.60.050 Right of entry to inspect.** Inspectors shall have access to all apiaries and places where bees are kept, and it shall be unlawful to resist, impede, or hinder such officers in the discharge of their duties.

**15.60.060 Disinfection of person, clothing, appliances.** Any person who has inspected an infected apiary or knowingly comes in contact with any diseased bees, shall, before proceeding to another apiary, thoroughly disinfect his person, clothing, tools, and appliances used by him which have come in contact with any infected bees or material.

**15.60.080 Diseased bees—Immovable combs—Public nuisance.** Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon written permission or upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15.60-.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order dis-

posal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department as provided in RCW 69.28.160.

**15.60.100 Importation of bees.** It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease and without having obtained a permit so to do from the director: *Provided*, That a permit shall not be necessary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and written notice shall be given the director within three days after such date of arrival, giving the date of arrival, destination and/or location of bees or appliances and a copy of the inspection certificate issued by the state of origin. Each hive or colony shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees or appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances.

**15.60.110 Certain importation prohibited.** No person shall import into this state any used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives.

**15.60.115 Out of state movement, importation—Inspection costs.** When an inspection is requested by any person for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for such certificate shall pay the cost of such inspection, including per diem and traveling expense of the inspector. Any person importing bees or appliances into this state shall pay the cost of such inspection, including per diem and traveling expense of the inspector.

**15.60.120 Queen bee rearing apiaries, inspection—Certificate.** Every person rearing queen bees for sale shall have each queen rearing apiary inspected whenever necessary and when conditions are favorable for inspection. If the inspection discloses any contagious or infectious disease in any apiary the owner, lessee, or person in charge of such apiary shall not ship any queen bees therefrom until he receives a certificate in writing from the inspector that such apiary is free from all disease.

**15.60.130 Use of honey for candy manufacture—Boiling requirement.** No person rearing queen bees for sale shall use honey in making candy for use in mailing cages unless such honey has been boiled for at least thirty minutes.

**15.60.140 Penalty.** Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars. Upon a second and subsequent violation and conviction, the same shall constitute a gross misdemeanor.

**15.60.150 Malicious, wilful killing or injuring bees—Penalty.** No person shall wilfully or maliciously kill honey bees, or, for the purpose of injuring honey bees, place any poisonous or sweetened substance in a place where it is accessible to them within this state.

Any person who violates any provision of this section shall be fined not less than ten nor more than one hundred dollars.

**15.60.160 Annual report of director.** The director shall annually report to the governor concerning the operation of the division of apiculture, giving the number of apiaries inspected, the number of colonies treated or destroyed and such other information as he deems necessary or of value to the beekeeping industry.

## Chapter 15.64

### FARM MARKETING

**15.64.010 Director's duties and powers.** The director shall investigate and promote the economical and efficient distribution of farm products, and in so doing may cooperate with federal agencies and agencies of this and other states engaged in similar activities. For such purposes he may:

(1) Maintain a market news service by bulletins and through newspapers, giving information as to prices, available supplies of different farm products, demand in local and foreign markets, freight rates, and any other data of interest to producers and consumers;

(2) Aid producers and consumers in establishing economical and efficient methods of distribution, promoting more direct business relations by organizing cooperative societies of buyers and sellers and by other means reducing the cost and waste in the distribution of farm products;

(3) Investigate the methods of middlemen handling farm products, and in so doing, he may hear complaints and suggestions and may visit places of business of all such middlemen and may examine under oath, the officers and employees thereof;

(4) If he finds further legislation on this subject advisable, he

shall make recommendations thereon to the governor not later than the fifteenth of November of each even-numbered year;

(5) Investigate the possibilities of direct dealing between the producer and consumer by parcel post and other mail order methods;

(6) Assist in the obtaining and employment of farm labor, and to that end cooperate with federal, state and municipal agencies engaged in similar work;

(7) Investigate the methods, charges and delays of transportation of farm products and assist producers in relation thereto.

**15.64.020 Annual report of director.** On or before the first day of December of each year the director shall submit to the director of the agricultural experiment station a report of the activities of his department hereunder and such other facts, suggestions, or recommendations as he deems of value to the people.

**15.64.030 Studies of farm marketing problems—Rules.** The director shall enact rules and regulations governing the pursuit of technical studies of farm marketing problems. Said studies shall be under the supervision of the director of the experimental station of Washington State University. The extension service of Washington State University shall provide for dissemination to the public of knowledge gained by such studies.

**15.64.040 Use of funds for studies—Joint studies with other agencies.** Moneys appropriated to the department for agricultural marketing research shall be expended by the department to further studies by the department, the experiment station of Washington State University and the extension service of Washington State University. The studies shall be made jointly or in conjunction with those made by the United States Department of Agriculture as provided for in the Flannigan-Hope Act, Title II "The Agricultural Marketing Act of 1946" Public Law 733. All funds appropriated shall be expended jointly and as matching funds with any federal funds made available for such purposes.

## Chapter 15.66

### WASHINGTON AGRICULTURAL ENABLING ACT

**15.66.010 Definitions.** For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 and chapters 9.16, 19.24, 19.77, 19.80, 19.84, 19.89, 19.90, and 36.91, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U. S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U. S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.



(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

**15.66.020 Declaration of purpose.** The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this chapter to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities.

**15.66.030 Marketing orders authorized.** Marketing orders may be made for any one or more of the following purposes:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for any agricultural commodity grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of any agricultural commodity;

(3) To provide for improving standards and grades by defining, establishing and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices.

**15.66.040 Prerequisites to marketing orders—Director's duties.** Marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director only after the director has done the following:

(1) Received a petition as provided for in RCW 15.66.050;

(2) Given notice of hearing as provided for in RCW 15.66.060;

(3) Conducted a hearing as provided for in RCW 15.66.070;

(4) Made findings and decision as provided for in RCW 15.66.080;

(5) Determined assent of affected producers as provided for in RCW 15.66.090.

**15.66.050 Petition for marketing order—Fee.** Petitions for issuance, amendment or termination of a marketing order shall be signed by not less than five percent or one hundred of the producers alleged to be affected, whichever is less, and shall be filed with the director. Such petition shall be accompanied by a filing fee of one hundred dollars payable to the state treasurer; and shall desig-

nate some person as attorney-in-fact for the purpose of this section. Upon receipt of such a petition, the director shall prepare a budget estimate for handling such petition which shall include the cost of the preparation of the estimate, the cost of the hearings and the cost of the proposed referendum. The petitioners, within thirty days after receipt of the budget estimate by their attorney-in-fact shall remit to the director the difference between the filing fee of one hundred dollars already paid and the total budget estimate. If the petitioners fail to remit the difference, or if for any other reason the proceedings for the issuance, amendment or termination of the marketing order are discontinued, the filing fee, including any additional amount paid in accordance with such budget estimates shall not be refunded. If the petition results, after proper proceedings, in the issuance, amendment, or termination of a marketing order, said petitioners shall be reimbursed for the amount paid for said total filing fee out of funds of the commodity commission as they become available.

**15.66.060 Lists of affected producers—Notice—Hearing notice.** Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such existing list current. In establishing or making current such a list of producers, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a certified report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the five years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to

be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

**15.66.070 Public hearing.** At the public hearing the director shall receive evidence and testimony offered in support of, or opposition to, the proposed issuance of, amendment to, or termination of a marketing order and concerning the terms, conditions, scope, and area thereof. Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearings shall be made and maintained on file in the office of the director, which file shall be open to public inspection. The director shall base his findings upon the testimony and evidence received at the hearing, together with any other relevant facts available to him from official publications of institutions of recognized standing. The director shall describe in his findings such official publications upon which any finding is based.

For such hearings and for any other hearings under this chapter, the director shall have the power to subpoena witnesses and to issue subpoenas for the production of any books, records or documents of any kind.

The superior court of the county in which any hearing or proceeding may be had may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. The director, in case of the refusal of any witness to attest or testify or produce any papers required by the subpoena, shall report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this chapter and that he has failed to attend or produce the papers required by the subpoena at the hearing, cause or proceeding specified in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, cause or proceeding, and shall ask an order of the court to compel a witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued, it shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

**15.66.080 Findings and decision of the director.** The director shall make and publish findings upon every material point controverted at the hearing and required by this chapter and upon such other matters and things as he may deem fitting and proper. He shall also issue a recommended decision based upon his findings and shall cause copies of the findings and recommended decision to be delivered or mailed to all parties of record appearing at the hearing, or their attorneys of record. The recommended decision shall contain the text in full of any order, or amendment or termination of existing order, and may deny or approve the proposal in its entirety, or it may recommend a marketing order containing other or different terms or conditions from those contained in the proposal: *Provided*, That the same shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The director shall not approve the issuance, amendment, or termination of any marketing order unless he shall find with respect thereto:

(1) That the proposed issuance, amendment or termination thereof is reasonably calculated to attain the objective sought in such marketing order;

(2) That the proposed issuance, amendment, or termination is in conformity with the provisions of this chapter and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of this chapter;

(3) That the interests of consumers of such commodity are protected in that the powers of this chapter are being exercised only to the extent necessary to attain such objectives.

After the issuance of a recommended decision all interested parties shall have a period of not less than ten days to file objections with the director. The director shall consider the objections and shall issue his final decision which may be the same as the recommended decision or may be revised in the light of said objections. The final decision shall set out in full the text of the order. The director shall deliver or mail copies of the final decision to the same parties to whom copies of the findings and recommended decision are required to be sent. If the final decision denies the proposal in its entirety, no further action shall be taken by the director.

**15.66.090 Determined assent of affected producers.** After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected producers assent to the proposed action or not. The director shall conduct the referendum among the affected producers based on the list as provided for in RCW 15.66.060, and the affected producers

shall be deemed to have assented to the proposed order if fifty-one percent or more by number reply to the referendum within the time specified by the director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of RCW 15.66.060, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: *Provided*, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

**15.66.100 Contents of marketing order.** A marketing order shall define the area of the state to be covered by the order which may be all or any portion of the state; shall contain provisions for establishment of a commodity commission and administration and operation and powers and duties of same; shall provide for assessments as provided for in this chapter and shall contain one or more of the provisions as set forth in RCW 15.66.030. The order may provide that its provisions covering standards, grades, labels and trade practices apply with respect to the affected commodity marketed or sold within such area regardless of where produced. A marketing order may provide that one commodity commission may administer marketing orders for two or more affected commodities, if approved by a majority, as provided in this chapter for the creation of a marketing order, of the affected producers of each affected commodity concerned.

**15.66.110 Commodity commission—Composition—Terms.** Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission. Commission members shall be citizens and residents of this state, over the age of twenty-five years. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Two-thirds of the commission members shall be

elected by the affected producers and such elected members shall all be affected producers. The remaining one-third shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity or persons not so related.

**15.66.120 ———Nominations—Elections—Vacancies.** Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, the director shall give notice by mail to all affected producers of the vacancy and call for nominations in accordance with this section and with the provisions of the marketing order and shall give notice of the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. Such notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, such number as such order provides.

Not less than sixty days nor more than seventy-five days prior to the commencement of such commission member term, the director shall submit by mail ballots to all affected producers, which ballots shall be required to be returned to the director not less than thirty days prior to the commencement of such term. Such mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations in the notice of his decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

Said elected members may be elected from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy.

**15.66.130 ———Meeting — Quorum — Compensation.** Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon

reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission.

No member of the commission shall receive any salary or other compensation from the commission except that each member shall receive a specified sum as provided in the marketing order not in excess of twenty dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

**15.66.140 ——— Powers and duties.** Every marketing commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

(1) To elect a chairman and such other officers as determined advisable;

(2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor;

(8) Borrow money and incur indebtedness;

(9) Make necessary disbursements for routine operating expenses;

(10) Such other powers and duties that are necessary to carry out the purposes of this chapter.

**15.66.150 Annual assessments — Rate — Collection.** There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified

in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed:

- (1) In the case of wheat, one-half cent per bushel;
- (2) In the case of all other commodities, three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members.

To collect such assessment each order may require:

- (1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to



be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

**15.66.160** ————**Disposition of revenue.** Moneys collected by any commodity commission pursuant to any marketing order from any assessment for marketing purposes or as an advance deposit thereon shall be used by the commission only for the purpose of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of such agreement or order.

Upon the termination of any marketing order any and all moneys remaining with the commodity commission operating under that marketing order and not required to defray expenses or repay obligations incurred by that commission shall be returned to the affected producers in proportion to the assessments paid by each in the two year period preceding the date of the termination order.

**15.66.170** ————**Payments—Civil action to enforce.** Any due and payable assessment herein levied, and every sum due under any marketing order in a specified amount shall constitute a per-

sonal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission when payment is called for by the commission. In the event any person fails to pay the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

**15.66.180 Expenditure of funds collected.** All moneys which are collected or otherwise received pursuant to each marketing order created under this chapter shall be used solely by and for the commodity commission concerned and shall not be used for any other commission nor the department. Such moneys shall be deposited in a separate account or accounts in the name of the individual commission in any bank which is a state depository. All expenses and disbursements incurred and made pursuant to the provisions of any marketing order shall be paid from moneys collected and received pursuant to such order without the necessity of a specific legislative appropriation and all moneys deposited for the account of any order shall be paid from said account by check or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the commission. None of the provisions of RCW 43.01.050 shall be applicable to any such account or any moneys so received, collected or expended.

**15.66.190 Official bonds required.** Every administrator, employee or other person occupying a position of trust under any marketing order and every member actually handling or drawing upon funds shall give a bond in such penal amount as may be required by the affected commission or by the order, the premium for which bond or bonds shall be paid by the commission.

**15.66.200 Petition for modification or exemption—Hearing—Appeal from ruling.** An affected producer subject to a marketing order may file a written petition with the director stating that the order, agreement or program or any part thereof is not in accordance with the law, and requesting a modification thereof or exemption therefrom. He shall thereupon be given a hearing, which hearing shall be conducted in the manner provided by RCW

15.66.070, and thereafter the director shall make his ruling which shall be final.

Appeal from any ruling of the director may be taken to the superior court of the county in which the petitioner resides or has his principal place of business, by serving upon the director a copy of the notice of appeal and complaint within twenty days from the date of entry of the ruling. Upon such application the court may proceed in accordance with RCW 7.16.010 through 7.16.140. If the court determines that the ruling is not in accordance with law, it shall remand the proceedings to the director with directions to make such ruling as the court determines to be in accordance with law or to take such further proceedings as in its opinion are required by this chapter.

**15.66.210 Unlawful acts — Penalties — Injunctions — Investigations.** It shall be a misdemeanor for:

(1) Any person wilfully to violate any provision of this chapter or any provision of any marketing order duly issued by the director pursuant to this chapter.

(2) Any person wilfully to render or furnish a false or fraudulent report, statement of record required by the director or any commission pursuant to the provisions of this chapter or any provision of any marketing order duly issued by the director pursuant to this chapter or wilfully to fail or refuse to furnish or render any such report, statement or record so required.

In the event of violation or threatened violation of any provision of this chapter or of any marketing order duly issued or entered into pursuant to this chapter, the director, the affected commission, or any affected producer on joining the affected commission, shall be entitled to an injunction to prevent further violation and to a decree of specific performance of such order, and to a temporary restraining order and injunction pending litigation upon filing a verified complaint and sufficient bond.

All persons subject to any order shall severally from time to time, upon the request of the director, furnish him with such information as he finds to be necessary to enable him to effectuate the policies of this chapter and the purposes of such order or to ascertain and determine the extent to which such order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemptions from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director. For the purpose of ascertaining the correctness of any report made to the director pursuant to this section or for the purpose of obtaining the information required in any such report where it has

been requested and has not been furnished, the director is authorized to examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents or memoranda as he deems relevant and which are within the control of any such person from whom such report was requested, or of any person having, either directly or indirectly, actual or legal control of or over such person or such records, or of any subsidiary of any such person. To carry out the purposes of this section the director, upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind, and RCW 15.66.070 shall apply with respect to any such hearing, together with such other regulations consistent therewith as the director may from time to time prescribe.

**15.66.220 Compliance with chapter a defense in any action.** In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this chapter or a marketing order issued under this chapter, and in furtherance of the purposes and provisions of this chapter, shall be a complete defense to such action or proceeding.

**15.66.230 Liability of commission, state, etc.** Obligations incurred by any commission and any other liabilities or claims against the commission shall be enforced only against the assets of such commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to this chapter or the assets thereof or against any member officer, employee or agent of the board in his individual capacity. The members of any such commission, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of any such commission. The liability of the members of such commission shall be several and not joint and no member shall be liable for the default of any other member.

**15.66.240 Marketing agreements.** Marketing agreements shall be created upon written application filed with the director by not less than five commercial producers of an agricultural com-

modity and upon approval of the director. The director shall hold a public hearing upon such application. Not less than five days prior thereto he shall give written notice thereof to all producers whom he determines may be proper parties to such agreement and shall publish such notice at least once in a newspaper of general circulation in the affected area. The director shall approve an agreement so applied for only if he shall find:

(1) That no other agreement or order is in force for the same commodity in the same area or any part thereof;

(2) That such agreement will tend to effectuate its purpose and the declared policies of this chapter and conforms to law;

(3) That enough persons who produce a sufficient amount of the affected commodity to tend to effectuate said policies and purposes and to provide sufficient moneys to defray the necessary expenses of formulation, issuance, administration and enforcement have agreed in writing to said agreement.

Such agreement may be for any of the purposes and may contain any of the provisions that a marketing order may contain under the provisions of this chapter but no other purposes and provisions. A commodity commission created by such agreement shall in all respects have all powers and duties as a commodity commission created by a marketing order. Such agreement shall be binding upon, and only upon, persons who have signed the agreement: *Provided*, That a cooperative association may, in behalf of its members, execute any and all marketing agreements authorized hereunder, and upon so doing, such agreement so executed shall be binding upon said cooperative association and its members. Such agreements shall go into force when the director endorses his approval in writing upon the agreement and so notifies all who have signed the agreement. Additional signatories may be added at any time with the approval of the director. Every agreement shall remain in force and be binding upon all persons so agreeing for the period specified in such agreement but the agreement shall provide a time at least once in every twelve months when any or all such persons may withdraw upon giving notice as provided in the agreement. Such an agreement may be amended or terminated in the same manner as herein provided for its creation and may also be terminated whenever after the withdrawal of any signatory the director finds on the basis of evidence presented at such hearing that not enough persons remain signatory to such agreement to effectuate the purposes of the agreement or the policies of the act or to provide sufficient moneys to defray necessary expenses. However, in the event that a cooperative association is signatory to the marketing agreement in behalf of its members, the action of the cooperative association

shall be considered the action of its members for the purpose of determining withdrawal or termination.

**15.66.250 Price fixing and product limiting prohibited.** Nothing contained in this chapter shall permit fixing of prices not otherwise permitted by law or any limitation on production and no marketing order or agreement or any rule or regulation thereunder shall contain any such provisions.

**15.66.260 Administrative expenses.** All general administrative expenses of the director in carrying out the provisions of this chapter shall be borne by the state.

**15.66.270 Exemptions.** Nothing in this chapter contained shall apply to:

(1) Any order, rule, or regulation issued or issuable by the Washington public service commission or the interstate commerce commission with respect to the operation of common carriers;

(2) Any provision of the statutes of the state of Washington relating to the apple advertising commission (chapter 15.24 RCW), to the soft tree fruits commission (chapter 15.28 RCW) or to the dairy products commission (chapter 15.44 RCW). No marketing agreement or order shall be issued with respect to apples, soft tree fruits or dairy products for the purposes specified in RCW 15.66.030 (1) or 15.66.030(2).

**15.66.900 Short title.** This chapter shall be known and may be cited as the "Washington Agricultural Enabling Act."

## Chapter 15.67

### AGRICULTURAL CONSERVATION PLANS—1953 ACT

**15.67.010 Soil conservation and domestic allotment act—Designation of agency to administer state plan.** To carry out the provisions of the soil conservation and domestic allotment act enacted by the congress of the United States, the governor may designate any existing agency of the state to administer any state plan authorized by said act which may be approved by the secretary of agriculture of the United States, hereinafter referred to as the "secretary."

**15.67.020 State plan—Formulation and submission—Purposes—Required provisions.** The agency designated by the governor may formulate and submit to the secretary in conformity with the provisions of said soil conservation and domestic allotment act a state plan for each calendar year beginning with the year 1954. It shall be the purpose of each such plan to promote the utilization of land and farming practices which the designated agency finds will tend, in conjunction with the operation of other plans which

may be approved for other states by the secretary to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, to promote the economic use of land, and to re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of section 7 of said act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for inducement payments in connection therewith, and also for methods of administration, and for such reports as the secretary finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

**15.67.030 Federal grants-in-aid—Acceptance, uses.** Upon the acceptance of each such plan by the secretary, the agency designated by the governor, may accept all grants of money made available by the United States for the purpose of enabling the state to carry out the provisions of such plan, and all such funds shall be made available to the designated agency for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the program, and inducement payments.

**15.67.040 Agricultural contingent receipts fund.** There is hereby created a fund to be known as the "Agricultural Contingent Receipts Fund" into which shall be paid all moneys received from the federal government to carry out the provisions of the act. None of the provisions of RCW 43.01.050 shall be applicable to the agricultural contingent receipts fund, nor to any of the moneys so received and collected.

**15.67.050 Employment of agents—Establishment of subordinate agencies—Purposes.** To carry out the provisions of each plan approved by the secretary the agency designated by the governor may employ agents or agencies and establish such agencies as found necessary;

(1) to cooperate with local and state agencies and with agencies of other states and of the federal government;

(2) to conduct research and educational activities in connection with the formulation and operation of each plan;

(3) to enter into agreements with producers, and to provide by other voluntary methods for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the designated agency finds to be fair and reasonable.

**15.67.060 Delegation of powers.** For the purpose of carrying out each such plan according to its terms, the designated agency is authorized to delegate any of the powers herein conferred to such agents or agencies as it may designate which are approved by the secretary.

**15.67.070 Annual report.** The designated agency shall render for each year an annual report to the governor, who shall transmit a copy thereof to each house of the legislature, governing the administration of such plan or plans and all operations thereof, including also the expenditures of funds, and each such report shall be printed as a public document promptly upon its transmittal to the governor.

### Chapter 15.68

#### AGRICULTURAL CONSERVATION PLANS—1937 ACT

**15.68.010 Acceptance of federal act—Limitations on powers.** The state hereby assents to and accepts the provisions of the act of the seventy-fourth congress entitled "Soil Conservation and Domestic Allotment Act," and adopts the policy and purpose of cooperating with the government and agencies of other states and territories and of the United States in the accomplishment of the policy and purposes specified in section seven of said act, subject to the following limitations:

(1) The powers conferred in this chapter shall be used to assist voluntary action calculated to effectuate such purposes; and

(2) In carrying out the purposes of this chapter due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers;

(3) Such powers shall not be used to discourage the production of supplies of food sufficient, when taken together with the production thereof in other states and territories of the United States, to maintain normal domestic human consumption, as determined by the secretary of agriculture of the United States from records of consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, the quantities of commodities forced into domestic consumption by decline in exports of particular commodities and the quantities of substitutes available for domestic consumption within any general class of food commodities.

**15.68.020 Washington State University named sole state agent.** Washington State University, through the agricultural extension service, is hereby designated as the state agency to carry out the policy and purposes of this chapter and to formulate and administer state plans pursuant to the terms hereof.



The university shall perform its duties and functions as such agency separately and distinctly from the performance of its duties and functions under any other law or in any other capacity, except that it may utilize the service and the assistance of its personnel and facilities normally used in the performance of such other functions if it finds that the utilization of such services and assistance is necessary to, or is calculated to assist substantially in, the effective administration of this chapter and that such facilities may be utilized without interference with the effective performance of such other duties and functions.

**15.68.030 Duty to formulate state plans annually.** The university shall formulate for each calendar year and submit to the secretary of agriculture of the United States a state plan to carry out the purposes of this chapter. It may modify or revise any plan in any manner consistent with the provisions hereof which it finds necessary to substantially accomplish said purposes.

**15.68.040 Plan contents—Voluntary organization participation—Education.** Each plan shall provide for such participation in its administration by such voluntary county and community committees, or organizations of producers organized for such purposes as the university determines is necessary or proper in such administration; and such educational programs as it determines are necessary or proper in accomplishing the purpose hereof.

**15.68.050 Plan contents — Acreage utilization — Agreements.** Each plan shall provide, through agreements with agricultural producers or through other voluntary methods, for such adjustments in the utilization of land, in farming practices, and in the acreage or in the production for market, or both, of agricultural commodities as the university determines to be calculated to effectuate the purposes of this chapter as may reasonably be achieved through action of this state, and for payments to agricultural producers in connection with such agreements or methods in such amounts as the university determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this chapter without depriving such producers of a voluntary choice of action.

**15.68.060 Plan contents—Expenditure estimates—Federal aid.** Each plan shall contain an estimate of expenditures necessary to carry it out, together with a statement of such amount as the university determines to be necessary to be paid by the secretary of agriculture of the United States as a grant in aid of the plan under section seven of the federal allotment act, in order to provide for the effective carrying out of the plan, and shall designate the amount and due date of each installment of such grant, the

period to which the installment relates, and the amount determined by the university to be necessary for carrying out the plan during such period.

**15.68.070 Use of funds by university—Limitations.** The university may receive and disburse all grants of money or other aid made available from any source to assist in carrying out the purposes of this chapter. All money or other aid, together with any money appropriated or other provision made by this state for such purpose, shall be forthwith available to the university subject to the conditions upon which the funds or other aid is received, for the purpose of administering this chapter and may be expended by the university only in carrying out the plans or in otherwise effectuating the purposes of this chapter, and no funds made available to the university for purposes other than the administration of this chapter shall be expended in connection with the administration of this chapter except in providing services and assistance in the administration of this chapter and in such case only to the extent that the funds are properly available for such purpose and subject to reimbursement of the funds so expended.

**15.68.080 Administration expenses.** Subject to any conditions upon which any money or other aid is made available to the state and to the terms of any applicable plan, such expenditures may include expenditures for administrative expenses, equipment, cost of research and investigation, cost of educational activities, compensation and expenses of members of the state advisory board, reimbursement to other state agencies or to voluntary committees or associations of agricultural producers for costs to them in the administration of this chapter, requested in writing by the university and rendered to the university, reimbursement of any other fund from which it has made expenditures in providing services in the administration of this chapter, payments to agricultural producers provided for in any plan, salaries of employees, and all other expenditures requisite to carrying out the provisions of this chapter.

**15.68.090 Separate system of accounts by university.** The university shall provide for the keeping of full and accurate accounts as such state agency, separate from its accounts kept in its other capacities, showing all receipts and expenditures of money, securities, or other property received, held, or expended under this chapter and shall provide for the auditing of all such accounts and for the execution of surety bonds for all employees entrusted with money or securities.

**15.68.100 Services of other state agencies.** The university shall utilize such available services and assistance of other state agencies

and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist in the effective administration of this chapter.

All other agencies of the state may assist the university in carrying out the provisions of this chapter upon written request of the university, in any manner determined by the university to be necessary or appropriate.

**15.68.110 Administrative rules—Employees—Duties—Compensation.** The university may make such rules and regulations, consistent herewith, as it determines may be necessary or proper for the administration of this chapter.

It may lease or purchase such office space, equipment, or supplies, and employ such experts and other employees as it deems necessary to carry out the provisions of this chapter, and fix the duties and compensation of such persons.

**15.68.120 Districts — Communities — Revising boundaries.** The university shall divide the state into not to exceed five agricultural districts, each of which shall be composed of one county or of two or more neighboring counties. As far as practicable, the districts shall be so constituted as to contain approximately equal numbers of agricultural producers.

It shall designate within each county such geographic units, which shall be called "communities," as it determines to be the most convenient for the administration of this chapter and of agricultural plans and shall establish the boundaries of such communities.

It may revise the boundaries of the districts and the communities in conformity with the respective standards prescribed herein at such times as it is found that revision is necessary either to cause the districts or communities, or both, to conform to the standards or to provide for the more substantial or more efficient accomplishment of the purposes of this chapter.

**15.68.130 Community and district committees.** The university shall by regulation provide:

(1) For the organization within each community of a voluntary association, in which all agricultural producers who are citizens of the state and residents in the communities shall be entitled to equal participation; for the selection by each association of a community committee, composed of three members of the association and for the selection of a chairman of each committee; and

(2) For the selection by the members of the committees within each county of a county committee for the county, composed of three members of the community committees and for the selection of a chairman of each county committee.

**15.68.140 Farmer advisory board—Member election and qualifications.** The university shall, by regulation, provide for the selection of not to exceed five persons of legal age, resident in the state, selected for their qualifications by actual farming experience and comprehensive understanding of the agricultural problems of the state, to act as farmer members of the state advisory board. No two residents of the same agricultural district shall be members of the advisory board at the same time.

The board, upon the request of the university shall advise the university with regard to all matters of major importance in carrying out the provisions of this chapter, and may in the absence of such request, submit advice and information to the university.

**15.68.150 Reports by university—Investigations.** The university shall compile or require to be made such reports as it deems necessary or proper to ascertain whether any agricultural plans are being carried out according to their terms. The university shall provide for compliance on the part of all persons and agencies participating in the administration of any such agricultural plan, with such requirements, and may make, or cause to be made, such investigations as it deems necessary or proper to assure the correctness of and to make possible the verification of such reports.

**15.68.900 Short title.** This chapter shall be known and cited as the "Washington agricultural conservation and adjustment act".

## Chapter 15.69

### CONSERVATION—NORTHWEST WASHINGTON NURSERY

**15.69.010 Agreements for soil conservation and land use authorized.** The director of agriculture is hereby authorized to enter into agreements with local, state and federal agencies, agencies of other states and associations of agricultural producers, such as, but not limited to the crop improvement association, for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture on such property or properties known as the northwest Washington nursery located near Bellingham, Washington. Such agreements shall provide for payment of reasonable fees to cover the cost of such growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture.

**15.69.020 Northwest nursery fund.** There is created a fund to be known as the northwest nursery fund into which shall be paid all moneys received as payment to cover the costs of production for growing and/or testing plant materials and other types of

plant vegetation having value for soil conservation and proper land use for agriculture in this state and such other money as shall be received from services rendered on such premises not otherwise provided for by law. None of the provisions of RCW 43.01.050 shall be applicable to the northwest nursery fund, nor to any of the moneys received and collected.

**15.69.030** ————**Depositary.** The northwest nursery fund shall be deposited by the director in such banks and financial institutions as may be selected which shall give to the director surety bonds executed by surety companies authorized to do business in this state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution.

All moneys received by the director or any employee, shall be deposited each day, and as often during the day as advisable, in the authorized depositary selected by the director under the terms of this section.

**15.69.040** ————**Expenditures.** Moneys in the northwest nursery fund shall be expended by the director for defraying expenses of carrying out the agreements for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture and necessary expenses of operation and administration.

## Chapter 15.70

### RURAL REHABILITATION

**15.70.010 Director may receive federal funds for rural rehabilitation corporation.** The director of the state department of agriculture is hereby designated as the state official of the state of Washington to make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of public law 499, 81st congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Washington rural rehabilitation corporation.

**15.70.020 Director may delegate certain powers to secretary of agriculture.** The director of agriculture is authorized, in his discretion, to enter into agreements with the secretary of agriculture of the United States pursuant to section 2(f) of the aforesaid act of the congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the secretary of agriculture of the United States to accept, administer, expend and use in the state of Washington all or any part of such trust assets or any other funds of the state of Washington

which may be appropriated for such uses for carrying out the purposes of titles I and II of the Bankhead-Jones farm tenant act, in accordance with the applicable provisions of title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

**15.70.030 Deposit and use of funds.** Notwithstanding any other provisions of law, funds and the proceeds of the trust assets which are not authorized to be administered by the secretary of agriculture of the United States under the provisions of RCW 15.70.020 shall be received by the director of agriculture and by him deposited with the treasurer of the state. Such funds are hereby appropriated and may be expended or obligated by the director of agriculture for the purposes of RCW 15.70.020 or for use by the director of agriculture for such of the rural rehabilitation purposes permissible under the charter of the now dissolved Washington rural rehabilitation corporation as may from time to time be agreed upon by the director of agriculture and the secretary of agriculture of the United States, subject to the applicable provisions of said public law 499.

**15.70.040 Powers of director—In general.** The director of agriculture is authorized and empowered to:

(1) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this chapter or under any mortgage, lease, contract or agreement entered into or administered pursuant to this chapter and if, in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

(2) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which the director of agriculture has a lien by reason of judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the director of agriculture under this chapter, and

(3) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this chapter.

The authority herein contained may be delegated to the secretary of agriculture of the United States with respect to funds or assets authorized to be administered and used by him under agreements entered into pursuant to RCW 15.70.020.

**15.70.050 No liability as to United States.** The United States and the secretary of agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the director of agriculture of the state of Washington pursuant to this chapter.

### Chapter 15.73

#### STATE TRADE FAIRS

**15.73.010 Definitions.** "Director" means the director of agriculture of the state of Washington.

**15.73.020 State aid eligibility requirements.** For the purpose of RCW 15.73.010 through 15.73.040 and 67.16.100, state trade fairs held in this state to be eligible for state financial aid shall have been in existence for two or more years and have been in participation with and general competition among persons from five or more countries during such period.

**15.73.030 Development and operation—Allotments, qualifications and limitation.** The board of trustees of any state trade fair sponsored by any public agency, that qualifies hereunder, may apply to the director for moneys to carry on the continued development and operation of said fair. It shall be the duty of the director of agriculture to make annual allotments to participating state trade fairs and to issue vouchers for such purpose to be paid by the state treasurer out of the state trade fair fund. The division in payment of said fund shall occur at such times as the director shall fix, but in no event shall payment to any one state trade fair exceed thirty thousand dollars during any one year. Any state trade fair, before being able to qualify and participate in allocation herein provided must be able to match the amount of such allocation from its own local state trade fair resources derived either from general admission or otherwise.

**15.73.040 Rules and regulations.** The director shall establish rules and regulations by which the state trade fair fund is prorated.

### Chapter 15.76

#### AGRICULTURAL FAIRS, 4-H CLUB AND STUDENT EXHIBITIONS

**15.76.011 Agricultural fairs classified.** For the purpose of this chapter all agricultural fairs held in the state of Washington wherein 4-H clubs or Smith-Hughes students participate and which may become eligible for state financial aid, shall be divided into classes, to wit:

Special youth shows, A, B and C fairs.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.021 Special youth shows designated.** There is hereby created four special youth shows, to wit:

- (1) A junior livestock show;
- (2) A Washington state 4-H fair;
- (3) A Washington state junior poultry exposition; and
- (4) A Washington state junior dairy show.

The director of agriculture may designate any additional special youth show not herein designated.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.031 Class A fairs—Qualifications.** There may ten class A fairs to be allocated by the director of agriculture and before any fair may be eligible for such classification it must have been in existence for two or more years and have had 4-H or Smith-Hughes students and general competition among persons from two or more counties during such period.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.041 Class B fairs—Qualifications.** Any county not holding a class A fair may hold a class B fair and qualify hereunder for state aid: *Provided*, That such fair is open to all exhibitors in the county and has sponsored classifications for 4-H club work or Smith-Hughes vocational work for two or more years.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.050 Class C fairs—Qualifications.** Class C fair is one which has held open competitions, 4-H or Smith-Hughes vocational competition or all of these, but wherein said competition is restricted to an area smaller than a county, or restricts its classes to less than those of a class A or B fair. There may be more than one class C fair in a county.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.060 Class C fair not to conflict with class A or B fair.** It shall be a condition precedent before any class C fair may qualify for state aid hereunder that such class C fair must not be held at a time to conflict with any class A or B fair held in such county or at a time which does not give exhibitors at its show ample time to attend and exhibit at such class A and B fairs.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.070 State aid to fairs—Allocation—Matching funds.** For the purpose of encouraging 4-H club and Smith-Hughes work in county, community and other fairs or youth shows where such competition is permitted, the board of trustees of any fair or youth show that qualifies hereunder may apply to the director of agriculture of the state of Washington for an amount of money as hereinafter set out. It shall be the duty of the director of agriculture to allot annually to participating fairs and to issue vouchers to be paid by the state treasurer out of the state fair fund the following amounts: Fifteen percent of such fund to be paid pro rata to the



special youth shows; thirty-five percent of the amount of such fund to be paid pro rata to class A fairs; thirty-five percent of said fund to be paid pro rata to class B fairs; ten percent of said amount to be available for class C fairs, but no allocation to class C fairs shall exceed fifty percent of the total value of premiums or prizes awarded by any such class C fair. Five percent of such fair fund is to be available for administrative costs, including expenditures incurred by the fair commission and approved by the director of agriculture. Any money remaining in such fund shall be disbursed by the director of agriculture by making an additional payment to the special or class A, B and C fairs as he may deem necessary and appropriate for continued development and operation of said fairs. The division and payment of said fund shall occur at such times as the director of agriculture shall fix. Any class A, B or C fairs, before being able to qualify and participate in any allocation herein provided must be able to match the amount of such allocation from its own local fair resources, derived either from general admission or otherwise.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.080 Proration of state aid fund—Rules and regulations.** The director of agriculture, with the advice of the commission, shall set up rules and regulations by which this fund is prorated.

Note: See also section 10, chapter 61, Laws of 1961.

**15.76.090 Fair commission created—Members—Expenses—Duties.** There is hereby created a fair commission to consist of five members to be appointed by the director of agriculture to be persons who are interested in fair activities, at least two of whom shall be from opposite sides of the Cascade mountains. The first appointments shall be two for a one year term; two for a two year term, and one for a three year term and thereafter the appointments shall be for a three year term. The director of agriculture shall at all times be an ex officio member thereof and chairman of the commission. Members of the commission shall serve without pay except reimbursement for actual expenses payable upon voucher submitted and approved by the director of agriculture payable from the five percent allocation fund referred to herein, and shall meet at the call of the chairman, but shall meet at least once a year. It shall be the duty of such commission to act as an advisory committee, to counsel with and make recommendations to the director of agriculture and perform such other duties from time to time as may be required by the director.

Note: See also section 10, chapter 61, Laws of 1961.

**Chapter 15.80****WEIGHING COMMODITIES IN HIGHWAY  
TRANSPORT—WEIGHMASTERS**

**15.80.010 “Director.”** The term “director” as used in this chapter means the director of agriculture or his authorized representative.

**15.80.020 “Retail merchant.”** “Retail merchant” as used in this chapter means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

**15.80.030 “Bona fide fixed or permanent location.”** “Bona fide fixed or permanent location” as used in this chapter shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters, occupied pursuant to any temporary arrangement.

**15.80.040 Application of chapter—Exceptions.** This chapter shall not apply to the following:

(1) The transportation or sale of produce by the producer thereof;

(2) An agriculturist hauling hay, straw or grain for use in his own growing, or animal or poultry husbandry endeavors;

(3) Warehousemen or grain dealers licensed under the grain warehouse laws with respect to their operations as such licensee;

(4) Retail merchants as defined herein, except for the provisions of RCW 15.80.180, 15.80.190, 15.80.250, and 15.80.260, which apply to retail merchants;

(5) Shipments of grain from a warehouse licensed under the grain warehouse laws when consigned directly to a public terminal warehouse.

**15.80.050 Highway transport of commodities sold by weight—Weighing required.** It is unlawful to transport by highway any hay, straw or grain which is sold by weight unless it is weighed by, and a weight certificate certifying the correct gross and net weight is issued by, a licensed weighmaster at the first motor truck

scale maintained by a licensed weighmaster encountered on the ordinary route to its destination where it is to be unloaded.

**15.80.060 Administration of chapter—Regulations—Weighing fees.** The director shall adopt and publish reasonable rules and regulations necessary for the administration of this chapter, and may, in his discretion, establish reasonable fees for weighing.

**15.80.070 Weighmaster's license—Applications—Fee—Qualifications.** Any person may make application to the director for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application together with satisfactory evidence of qualifications, on or before July 1st of any year, accompanied by a fee of fifteen dollars, the director shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant unless he owns or has under lease a motor truck scale of at least fifteen tons capacity, or to any applicant under the age of eighteen years, or to any person whose license issued under this chapter has been revoked: *Provided*, That a weighmaster's license shall be issued to any licensed renderer who meets all the requirements set out in this section except that of having a fifteen ton motor truck scale, whose business is the wholesaling of grease and tallow and by necessity must have a certified weight on each fifty gallon drum of grease or tallow sold or shipped. For this exception only, a one thousand pound scale shall be deemed sufficient.

**15.80.080 Surety bond.** Each application shall be accompanied by a bond in the penal sum of one thousand dollars executed by the applicant as principal and a surety company authorized to do business in this state as a surety. The bond shall run for a period of one year and shall be conditioned upon the faithful performance by the principal of his duties under the provisions of this chapter. Upon approval, the bond shall be filed in the office of the director. Any person who may suffer loss or damage from any wrongful acts of the weighmaster in his capacity as such, shall in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars suffered by such person by reason of such loss or damage; however, the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

**15.80.090 Report of change of business organization—License nontransferable.** Any change in the organization of any firm, association, exchange, corporation or copartnership licensed under

this chapter shall be reported immediately to the director. Licenses issued under this chapter shall not be transferable.

**15.80.100 License to be posted.** All weighmasters licensed under the provisions of this chapter shall post the original or certified copy of the weighmaster's license in a conspicuous place on the premises where the weighmaster is engaged in weighing.

**15.80.110 Certified copy of license—Fee.** A certified copy of a weighmaster's license may be procured by the holder of the original upon payment of a fee of one dollar.

**15.80.120 Licenses, revocation, suspension, etc.—Hearing—Subpoenas—Oaths.** A license issued under the provisions of this chapter may be revoked, suspended or the renewal thereof refused by the director for dishonesty, incompetency, inaccuracy, for any false statement made in any part of the application for a weighmaster's license, or for violation of any of the provisions of this chapter. If the director refuses to grant any license provided for herein, or refuses to grant a renewal thereof to any applicant, or revokes any license previously granted by him, he shall give the applicant, or licensee, fifteen days' notice of his intended action in writing by registered mail, giving reasons therefor. Upon the request of the applicant or licensee he shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days after receipt of such request. Upon such hearing, the director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the license.

**15.80.130 Appeal from order of revocation.** From an order of the director revoking any license issued under this chapter, the licensee has the right to appeal to the superior court of the county of his residence, in which case the procedure shall as nearly as practicable conform to that upon civil appeals from justice courts.

**15.80.140 Duties of weighmaster.** A licensed weighmaster shall:

(1) Keep the scale or scales upon which he weighs any truck, trailer, wagon, commodity, hay, straw, grain or thing, in conformity with the standards of weights and measures authorized and established by the laws of the state relating to weights and measures;

(2) Carefully and correctly weigh and certify the gross, tare and net weights of any load of any commodity or thing required to be weighed; and

(3) Without charge, weigh any truck, trailer, wagon, commodity, hay, straw, grain or thing brought to his scale by any inspector authorized by the director, and issue a certificate of the weights thereof.

**15.80.150 Certification of weights—Impression seal—Records.** Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the licensed weighmaster upon the weights shown on the weight ticket. The weighmaster shall keep a record of each certificate of weight issued by him, which record shall be open at all times to inspection by any inspector authorized by the director. The impression seal shall be of a form and design prescribed by the director. It shall be procured from the director upon payment of an annual rental equal to the cost of the press and seal. It shall remain the property of the state, and shall be returned to the director upon the termination or revocation of the weighmaster's license.

**15.80.160 Empty weight of vehicle—Certificate.** Certificates shall be issued by licensed weighmasters for empty weights of vehicles, trucks or trailers which shall be valid for a period not exceeding ninety days. The empty weight shall be determined when the vehicle, truck or trailer is fully equipped to operate and with fuel tanks not less than one-half full. Vehicles, trucks, or trailers transporting loads, for which certificates of empty weights have been issued, shall carry such certificate at all times. The empty weight of a vehicle, truck or trailer shall not vary more than three percent from the certified empty weight.

**15.80.170 Weight certification tickets—Form—Distribution of copies.** Weight certification tickets shall be of a form and design approved by the director. They shall be made in triplicate, one copy of which shall be delivered to the consignee, purchaser or person receiving the load at the time of delivery, one copy shall be retained by the person, driver or owner of the vehicle making the delivery, and one copy shall be retained by the licensed weighmaster to be kept as his record.

**15.80.180 Certificates and invoices to be carried with load.** Certificates of weight issued by licensed weighmasters and invoices for sales by retailers, if the commodity is being hauled by or for a retailer, shall be carried with all loads of hay, straw or grain when in transit.

**15.80.190 Reweighing—Weighing—Variance from invoiced weight.** The driver of any vehicle previously weighed by a licensed weighmaster may be required to reweigh the vehicle and load at the nearest scale. The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to weigh the vehicle and load at the nearest scale, and if the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the truck, the director shall report the finding to the consignee and may cause the

retailer to be prosecuted in accordance with the provisions of this chapter.

**15.80.200 Alteration of weight unlawful—Carriage, delivery, of certificate—Multiple deliveries from load.** It is unlawful to alter, vary or lessen the weight of any load of any commodity after the weight of such load has been certified by a licensed weighmaster before the load has been delivered to the person, consignee, or buyer of a load. The certificate of weight issued by a licensed weighmaster shall be carried with the vehicle until delivery, and shall be delivered to the person, consignee or buyer at the time of delivery: *Provided*, That when two or more deliveries are made from one load for which a certificate of weight has been issued, the driver or person in charge of the load shall issue, at the time of delivery to each vendee an invoice containing the vendor's name and address, date, and a true statement of the quantity and weight delivered and the kind or commodity delivered.

**15.80.210 Unauthorized signing of weighmaster's name.** No person shall sign the name of a weighmaster licensed under the provisions of this chapter except the person to whom the weighmaster's license is issued, or his employee.

**15.80.220 Writing, etc., false ticket or certificate—Influence—Penalty.** Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to influence any licensed weighmaster in the performance of his official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year in the county jail, or both such fine and imprisonment.

**15.80.230 Unauthorized use, etc., of name of state, department, or officer.** It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure, or statement of weight or measure of any kind upon which in whole or in part is impressed or stamped by a seal, or otherwise, or printed or written, or set forth in any manner, the words "State of Washington" or the name of any department or division, office or officer or employee of the state unless issued pursuant to the provisions of this chapter.

**15.80.240 Assuming to act as licensed weighmaster—Penalty.** Any person not licensed and qualified who assumes to act as a licensed weighmaster, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars, or by imprisonment for

not less than fifteen days nor more than ninety days in the county jail or both such fine and imprisonment.

**15.80.250 Prosecutions—Venue.** Prosecutions brought under this chapter shall be instituted in the county wherein the alleged violation occurred.

**15.80.260 Retailers—Weight less than invoice—Penalty. General Penalty.** Any retailer whose load of hay, grain, commercial feed or straw weighs less than that shown on the invoice is guilty of a misdemeanor. Any person violating any provisions of this chapter for which no other penalty is herein prescribed shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation of this chapter shall constitute a separate offense.

## Chapter 15.98

### CONSTRUCTION

**15.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**15.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**15.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**15.98.040 Repeals and saving.** The following acts or parts of acts are repealed:

- (1) Sections 1, 2 and 3, page 328, Laws of 1869;
- (2) Chapter 9, Laws of 1891;
- (3) Chapter 134, Laws of 1893;
- (4) Chapter 45, Laws of 1895;
- (5) Chapter 51, Laws of 1895;
- (6) Chapter 104, Laws of 1895;
- (7) Chapter 12, Laws of 1897;
- (8) Chapter 15, Laws of 1897;
- (9) Chapter 109, Laws of 1897;
- (10) Chapter 43, Laws of 1899;
- (11) Chapter 50, Laws of 1899;
- (12) Chapter 113, Laws of 1899;

- (13) Chapter 127, Laws of 1899;
- (14) Chapter 22, Laws of 1901;
- (15) Chapter 94, Laws of 1901;
- (16) Chapter 160, Laws of 1901;
- (17) Chapter 54, Laws of 1903;
- (18) Chapter 133, Laws of 1903;
- (19) Chapter 174, Laws of 1903;
- (20) Chapter 51, Laws of 1905;
- (21) Chapter 92, Laws of 1905;
- (22) Chapter 111, Laws of 1905;
- (23) Chapter 176, Laws of 1905;
- (24) Chapter 162, Laws of 1907;
- (25) Chapter 211, Laws of 1907;
- (26) Chapter 234, Laws of 1907;
- (27) Chapter 62, Laws of 1909;
- (28) Chapter 135, Laws of 1909;
- (29) Chapter 152, Laws of 1909;
- (30) Chapter 175, Laws of 1909;
- (31) Chapter 201, Laws of 1909;
- (32) Chapter 237, Laws of 1909;
- (33) Chapter 39, Laws of 1911;
- (34) Chapter 112, Laws of 1911;
- (35) Section 11, chapter 60, Laws of 1913;
- (36) Chapter 18, Laws of 1913;
- (37) Chapter 101, Laws of 1915;
- (38) Chapter 102, Laws of 1915;
- (39) Chapter 166, Laws of 1915;
- (40) Chapter 119, Laws of 1917;
- (41) Chapter 65, Laws of 1919;
- (42) Chapter 101, Laws of 1919;
- (43) Chapter 116, Laws of 1919;
- (44) Chapter 145, Laws of 1919;
- (45) Chapter 183, Laws of 1919;
- (46) Chapter 192, Laws of 1919;
- (47) Chapter 193, Laws of 1919;
- (48) Chapter 195, Laws of 1919;
- (49) Chapter 104, Laws of 1921;
- (50) Chapter 141, Laws of 1921;
- (51) Chapter 153, Laws of 1921;
- (52) Chapter 27, Laws of 1923;
- (53) Chapter 37, Laws of 1923;
- (54) Chapter 55, Laws of 1923;
- (55) Chapter 137, Laws of 1923;
- (56) Chapter 49, Laws of 1925, extraordinary session;
- (57) Chapter 67, Laws of 1925, extraordinary session;



- (58) Chapter 108, Laws of 1925, extraordinary session;
- (59) Chapter 175, Laws of 1925, extraordinary session;
- (60) Chapter 176, Laws of 1925, extraordinary session;
- (61) Chapter 151, Laws of 1927;
- (62) Chapter 164, Laws of 1927;
- (63) Chapter 192, Laws of 1927;
- (64) Chapter 311, Laws of 1927;
- (65) Chapter 150, Laws of 1929;
- (66) Chapter 166, Laws of 1929;
- (67) Chapter 175, Laws of 1929;
- (68) Chapter 213, Laws of 1929;
- (69) Chapter 23, Laws of 1931;
- (70) Chapter 27, Laws of 1931;
- (71) Chapter 23, Laws of 1933;
- (72) Chapter 84, Laws of 1933;
- (73) Chapter 188, Laws of 1933;
- (74) Chapter 46, Laws of 1933; extraordinary session;
- (75) Chapter 59, Laws of 1933, extraordinary session;
- (76) Chapter 140, Laws of 1935;
- (77) Chapter 168, Laws of 1935;
- (78) Chapter 37, Laws of 1937;
- (79) Chapter 49, Laws of 1937;
- (80) Chapter 71, Laws of 1937;
- (81) Chapter 136, Laws of 1937;
- (82) Chapter 148, Laws of 1937;
- (83) Chapter 175, Laws of 1937;
- (84) Chapter 195, Laws of 1937;
- (85) Chapter 204, Laws of 1937;
- (86) Chapter 43, Laws of 1939;
- (87) Chapter 211, Laws of 1939;
- (88) Chapter 219, Laws of 1939;
- (89) Chapter 222, Laws of 1939;
- (90) Chapter 224, Laws of 1939;
- (91) Chapter 20, Laws of 1941;
- (92) Chapter 56, Laws of 1941;
- (93) Chapter 130, Laws of 1941;
- (94) Chapter 189, Laws of 1941;
- (95) Chapter 230, Laws of 1941;
- (96) Chapter 64, Laws of 1943;
- (97) Chapter 90, Laws of 1943;
- (98) Chapter 150, Laws of 1943;
- (99) Chapter 248, Laws of 1943;
- (100) Chapter 263, Laws of 1943;
- (101) Chapter 113, Laws of 1945;
- (102) Chapter 63, Laws of 1947;

- (103) Chapter 73, Laws of 1947;
- (104) Chapter 280, Laws of 1947;
- (105) Chapter 13, Laws of 1949;
- (106) Chapter 40, Laws of 1949;
- (107) Chapter 89, Laws of 1949;
- (108) Sections 1 through 5, and section 7, chapter 105, Laws of 1949;
- (109) Chapter 167, Laws of 1949;
- (110) Chapter 168, Laws of 1949;
- (111) Chapter 185, Laws of 1949;
- (112) Chapter 191, Laws of 1949;
- (113) Chapter 193, Laws of 1949;
- (114) Chapter 20, Laws of 1951;
- (115) Chapter 60, Laws of 1951;
- (116) Chapter 169, Laws of 1951;
- (117) Chapter 1, Laws of 1953;
- (118) Chapter 43, Laws of 1953;
- (119) Chapter 80, Laws of 1953;
- (120) Chapter 85, Laws of 1953;
- (121) Chapter 98, Laws of 1953;
- (122) Chapter 119, Laws of 1953;
- (123) Chapter 146, Laws of 1953;
- (124) Chapter 153, Laws of 1953;
- (125) Chapter 170, Laws of 1953;
- (126) Chapter 204, Laws of 1953;
- (127) Chapter 222, Laws of 1953;
- (128) Chapter 246, Laws of 1953;
- (129) Chapter 263, Laws of 1953;
- (130) Chapter 47, Laws of 1955;
- (131) Sections 1 through 4, chapter 106, laws of 1955;
- (132) Chapter 191, Laws of 1955;
- (133) Chapter 227, Laws of 1955;
- (134) Chapter 233, Laws of 1955;
- (135) Chapter 238, Laws of 1955;
- (136) Chapter 271, Laws of 1955;
- (137) Chapter 306, Laws of 1955;
- (138) Chapter 308, Laws of 1955;
- (139) Chapter 343, Laws of 1955;
- (140) Chapter 368, Laws of 1955;
- (141) Chapter 122, Laws of 1957;
- (142) Chapter 133, Laws of 1957;
- (143) Chapter 151, Laws of 1957;
- (144) Chapter 163, Laws of 1957;
- (145) Chapter 192, Laws of 1957;
- (146) Chapter 65, Laws of 1959;

- (147) Chapter 152, Laws of 1959;
- (148) Chapter 163, Laws of 1959;
- (149) Chapter 174, Laws of 1959;
- (150) Chapter 222, Laws of 1959;
- (151) Chapter 223, Laws of 1959;
- (152) Chapter 230, Laws of 1959.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

**15.98.050 Emergency.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

#### EXPLANATORY NOTE

Explanatory  
note.

#### I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 15. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 15, and the subsequent ratification by the legislature of parts of the Title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 15 has been in use for a period of eleven years, the codifications subcommittee of the Statute Law Committee, upon conferring with representatives of the Department of Agriculture and of the various boards and commissions affected thereby, herewith presents for enactment as primary law the provisions of RCW Title 15, incorporating therein such corrections as may be made without changing the substance of the law.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

#### II. Section Comment

##### Chapter 15.04 General provisions.

##### Chapter 15.04 General provisions.

- 15.04.010 Source—RCW 15.04.010 [(i) 1941 c 56 § 3; Rem. Supp. 1941 § 2828-4. (ii) 1941 c 56 § 4; Rem. Supp. 1941 § 2828-5. (iii) 1943 c 150 § 1, part, last am'ds 1915 c 166 § 1; Rem. Supp. 1943 § 2839, part.]  
"As used in this title" changed to "As used in this title except where otherwise defined".
- 15.04.020 Source—RCW 15.04.020 [(i) 1943 c 150 § 2, part, last am'ds 1919 c 195 § 1; Rem. Supp. 1943 § 2840, part. (ii) 1941 c 20 § 15; Rem. Supp. 1941 § 2849-2f.]
- 15.04.030 Source—RCW 15.04.030 [1943 c 150 § 2, part, last am'ds 1919 c 195 § 1; Rem. Supp. 1943 § 2840, part.]

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- 15.04.040 Source—RCW 15.04.040 [1957 c 163 § 3. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.050 Source—RCW 15.04.050 [1921 c 141 § 14; RRS § 2873.]  
c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.04.060 Source—RCW 15.04.060 [1957 c 163 § 4. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.070 Source—RCW 15.04.070 [1957 c 163 § 5. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.080 Source—RCW 15.04.080 [1957 c 163 § 6. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.090 Source—RCW 15.04.090 [1953 c 119 § 1.] “special trust fund provided in RCW 15.72.050” changed to “‘fair fund’ provided in RCW 67.16.100”.
- RCW 15.04.090 is a codification of 1953 c 119 § 1. 1955 c 257 § 2 repealed all of chapter 15.72 providing for a state fair, including RCW 15.72.050, which provided for a special fund for receipts from or appropriations for the fair. The existing fund which supports such fairs as are provided for in Title 15 (through the administration of the director of agriculture) is set up in RCW 67.16.100 [1955 c 106 § 5].
- 15.04.100 Source—RCW 15.04.100 [1959 c 152 § 1; 1957 c 163 § 1.]

#### Chapter 15.08 Horticultural pests and diseases

- 15.08.010 Source—RCW 15.08.010 [(i) 1943 c 150 § 1; part, last am'ds 1915 c 166 § 1; Rem. Supp. 1943 § 2839, part. (ii) 1941 c 20 § 2; Rem. Supp. 1941 § 2849-1b. (iii) 1941 c 20 § 3; Rem. Supp. 1941 § 2849-1c. (iv) 1941 c 20 § 4; Rem. Supp. 1941 § 2849-1d. (v) 1923 c 37 § 3, part, last am'ds 1915 c 166 § 5; RRS § 2843, part.]
- 15.08.020 Source—RCW 15.08.020 [1923 c 37 § 3, part, last am'ds 1915 c 166 § 5; RRS § 2843, part.]
- 15.08.030 Source—RCW 15.08.030 [(i) 1927 c 311 § 3, part, last am'ds 1915 c 166 § 4; RRS § 2842. (ii) 1921 c 141 § 8; 1915 c 166 § 18; RRS § 2856.]
- In the second sentence, “this title” changed to “this chapter” as “disinfection” is defined herein.
- 15.08.040 Source—RCW 15.08.040 [1915 c 166 § 9; RRS § 2847.]
- 15.08.050 Source—RCW 15.08.050 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.060 Source—RCW 15.08.060 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.070 Source—RCW 15.08.070 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.080 Source—RCW 15.08.080 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.090 Source—RCW 15.08.090 [(i) 1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part. (ii) 1943 c 150 § 5, last am'ds 1915 c 166 § 11; Rem. Supp. 1943 § 2849.]
- 15.08.100 Source—RCW 15.08.100 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.110 Source—RCW 15.08.110 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.120 Source—RCW 15.08.120 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.130 Source—RCW 15.08.130 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.140 Source—RCW 15.08.140 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.150 Source—RCW 15.08.150 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.160 Source—RCW 15.08.160 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.170 Source—RCW 15.08.170 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.180 Source—RCW 15.08.180 [(i) 1941 c 20 § 5; Rem. Supp. 1941

- § 2849-1e. (ii) 1941 c 20 § 7, part; Rem. Supp. 1941 § 2849-1g, part.] Explanatory note.
- 15.08.190 Source—RCW 15.08.190 [(i) 1941 c 20 § 6; Rem. Supp. 1941 § 2849-1g, part. (iii) 1941 c 20 § 8; Rem. Supp. 1941 § 2849-1h.] “RCW 15.08.050, 15.08.60, 15.08.070, 15.08.080 and 15.08.090” changed to “RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090 and 15.08.180”.
- The session law [1941 c 20 § 8], basis for the RCW section reads in part as follows: “proceedings had under section 5 of this act; sections 10 and 11, chapter 166, Laws of 1915, as amended (sections 2847 and 2849 of Remington’s Revised Statutes; sections 2715 and 2717 of Pierce’s Code),”
- Sections 10 and 11, chapter 166, Laws of 1915 are codified as divided and combined in RCW sections 15.08.050 through 15.08.090.
- It appears the 1941 Code Committee inadvertently overlooked the reference to section 5 of the 1941 act (codified in RCW 15.08.180)
- 15.08.200 Source—RCW 15.08.200 [(i) 1941 c 20 § 9; 1937 c 71 § 2; Rem. Supp. 1941 § 2849-2. (ii) 1937 c 71 § 3; RRS § 2849-3.]
- 15.08.210 Source—RCW 15.08.210 [(i) 1941 c 20 § 10; Rem. Supp. 1941 § 2849-2a. (ii) 1937 c 71 § 4; RRS § 2849-4.] “RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080 and 15.08.090” changed to “15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090 and 15.08.180”, to conform to 15.08.190.
- 15.08.220 Source—RCW 15.08.220 [(i) 1941 c 20 § 11; Rem. Supp. 1941 § 2849-2b. (ii) 1941 c 20 § 12; Rem. Supp. 1941 § 2849-2c.]
- 15.08.230 Source—RCW 15.08.230 [1915 c 166 § 19; RRS § 2857.]
- 15.08.240 Source—RCW 15.08.240 [1943 c 150 § 6; 1941 c 20 § 14; Rem. Supp. 1943 § 2849-2e.]
- 15.08.250 Source—RCW 15.08.250 [1941 c 20 § 13; Rem. Supp. 1941 § 2849-2d.]
- 15.08.260 Source—RCW 15.08.260 [1919 c 195 § 3, part; 1915 c 166 § 13; RRS § 2851, part.]
- 15.08.270 Source—RCW 15.08.270 [1919 c 195 § 3, part; 1915 c 166 § 13; RRS § 2851, part.]
- Chapter 15.12 Nursery stock inspection and licensing
- 15.12.010 Source—RCW 15.12.010 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.] “No person shall sell, deal in or import into the state for sale or distribution any nursery stock, or act as agent” changed to “It shall be unlawful for any person to sell, deal in or import into the state for sale or distribution any nursery stock, or to act as agent”, to reflect session law language.
- 15.12.020 Source—RCW 15.12.020 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.] “special fund of the state treasury known as the nursery inspection fund” changed to “special account of the general fund of the state treasury known as the nursery inspection account”. See RCW 43.79.330. [1957 c 115 § 6; 1955 c 370 § 1.]
- 15.12.030 Source—RCW 15.12.030 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.]
- 15.12.040 Source—RCW 15.12.040 [(i) 1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part. (ii) 1927 c 311 § 10; 1915 c 166 § 23; RRS § 2861.] “No person shall” to “It shall be unlawful for any person to”, to reflect session law language.
- 15.12.045 Source—RCW 15.12.045 [1957 c 122 § 1.]
- 15.12.050 Source—RCW 15.12.050 [1915 c 166 § 22, part; RRS § 2860, part.]
- 15.12.060 Source—RCW 15.12.060 [1915 c 166 § 22, part; RRS § 2860, part.]
- 15.12.070 Source—RCW 15.12.070 [(i) 1943 c 150 § 7, last am’d’s 1915 c

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- 166 § 25; Rem. Supp. 1943 § 2863. (ii) 1943 c 150 § 8; 1915 c 166 § 26; Rem. Supp. 1943 § 2864.]
- 15.12.080 Source—RCW 15.12.080 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.090 Source—RCW 15.12.090 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.100 Source—RCW 15.12.100 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.110 Source—RCW 15.12.110 [1955 c 308 § 1.]

Chapter 15.16 Standards of grades and packs

- 15.16.010 Source—RCW 15.16.010 [(i) 1943 c 150 § 2, part, last am'ds 1915 c 166 § 2; Rem. Supp. 1943 § 2840, part. (ii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.] In second paragraph, "properties" to "proprieties" to correct manifest clerical error.
- 15.16.020 Source—RCW 15.16.020 [1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.030 Source—RCW 15.16.030 [1931 c 27 § 4, part; last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.035 Source—RCW 15.16.035 [1959 c 152 § 2; 1957 c 163 § 13.]
- 15.16.040 Source—RCW 15.16.040 [1959 c 152 § 3; 1957 c 163 § 9. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.050 Source—RCW 15.16.050 [1959 c 152 § 4; 1957 c 163 § 10. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.] "RCW 15.16.035" changed to "RCW 15.04.100" to correct error in translation.
- 15.16.060 Source—RCW 15.16.060 [1959 c 152 § 5; 1957 c 163 § 11. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.070 Source—RCW 15.16.070 [1957 c 163 § 12. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.080 Source—RCW 15.16.080 [1959 c 230 § 1; 1939 c 222 § 1; RRS § 2867-1.]
- 15.16.085 Source—RCW 15.16.085 [1959 c 230 § 2.]
- 15.16.090 Source—RCW 15.16.090 [1953 c 263 § 1. Prior: (i) 1915 c 166 § 15; RRS § 2853. (ii) 1931 c 27 § 3, part, last am'ds 1915 c 166 § 16; RRS § 2854, part. (iii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17, part; RRS § 2855, part.]
- 15.16.100 Source—RCW 15.16.100 [(i) 1931 c 27 § 3, part, last am'ds 1915 c 166 § 16; RRS § 2854, part. (ii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.110 Source—RCW 15.16.110 [1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.120 Source—RCW 15.16.120 [1927 c 311 § 11; 1915 c 166 § 24; RRS § 2862.]
- 15.16.130 Source—RCW 15.16.130 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 2; Rem. Supp. 1941 § 2867b. (iii) 1943 c 150 § 11; 1941 c 189 § 3; Rem. Supp. 1943 § 2867c. (iv) 1941 c 189 § 5; Rem. Supp. 1941 § 2867e. (v) 1921 c 141 § 11; 1915 c 166 § 30; RRS § 2868.]
- 15.16.140 Source—RCW 15.16.140 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 1; Rem. Supp. 1941 § 2867a. (iii) 1939 c 222 § 3; RRS § 2867-3. (iv) 1939 c 222 § 4; RRS § 2867-4.]
- 15.16.150 Source—RCW 15.16.150 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 4; Rem. Supp. 1941 § 2867d.]
- 15.16.160 Source—RCW 15.16.160 [(i) 1939 c 222 § 2; RRS § 2867-2. (ii) 1939 c 222 § 6; RRS § 2867-6.]

- 15.16.170 Source—RCW 15.16.170 [1943 c 150 § 9, part, last am'ds 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.] Explanatory note.
- 15.16.180 Source—RCW 15.16.180 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.16.190 Source—RCW 15.16.190 [1939 c 222 § 5; RRS § 2867-5.]  
 “RCW 15.16.130” changed to “RCW 15.16.140” throughout, as 15.16.140 is the section which provides for the issuance of permits and certificates.  
 “RCW 15.24.100” to “chapter 15.24” as a more appropriate translation of “chapter 195 of the Laws of 1937”.  
 “in addition thereto” added to conform to session law text.
- 15.16.200 Source—RCW 15.16.200 [1939 c 222 § 7; RRS § 2867-7.]
- 15.16.210 Source—RCW 15.16.210 [1939 c 222 § 7a; RRS § 2867-7a.]  
 “this chapter” changed to “RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 and 15.16.250” which is a specific translation of the sections contained in 1939 c 222. The session law used “this act”.
- 15.16.220 Source—RCW 15.16.220 [1921 c 141 § 12; 1915 c 166 § 31; RRS § 2869.]
- 15.16.230 Source—RCW 15.16.230 [1915 c 166 § 32; RRS § 2870.]
- 15.16.240 Source—RCW 15.16.240 [1915 c 166 § 33; RRS § 2871.]
- 15.16.250 Source—RCW 15.16.250 [1939 c 222 § 8; RRS § 2867-8.]  
 “this chapter” changed to “RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 or 15.16.210, insofar as the contents thereof relate to apples.”. The session law language is “this act”. The 1941 Code Committee translation to “this chapter” appears to be too broad, especially since this is a penalty section.
- 15.16.260 Source—RCW 15.16.260 [1953 c 98 § 1.]
- 15.16.270 Source—RCW 15.16.270 [1953 c 98 § 2.]
- 15.16.280 Source—RCW 15.16.280 [1953 c 98 § 3.]
- 15.16.290 Source—RCW 15.16.290 [1953 c 98 § 4.]
- 15.16.300 Source—RCW 15.16.300 [1953 c 98 § 5.]
- 15.16.310 Source—RCW 15.16.310 [1953 c 170 § 1.]
- 15.16.320 Source—RCW 15.16.320 [1953 c 170 § 2.]
- 15.16.330 Source—RCW 15.16.330 [1953 c 170 § 3.]
- 15.16.340 Source—RCW 15.16.340 [1953 c 170 § 4.]  
 “RCW 15.16.310 through 15.16.340” changed to “RCW 15.16.310 through 15.16.330”.
- 15.16.350 Source—RCW 15.16.350 [1953 c 204 § 1.]  
 “and other documents” changed to “or other document”.
- 15.16.360 Source—RCW 15.16.360 [1953 c 204 § 2.]
- 15.16.370 Source—RCW 15.16.370 [1953 c 204 § 3.]
- 15.16.380 Source—RCW 15.16.380 [1953 c 204 § 4.]
- 15.16.390 Source—RCW 15.16.390 [1953 c 204 § 6.]  
 “RCW 15.16.350 through 15.16.390” changed to “RCW 15.16.350 through 15.16.380”.
- 15.16.400 Source—RCW 15.16.400 [1953 c 246 § 1.]
- 15.16.410 Source—RCW 15.16.410 [1953 c 246 § 2.]
- 15.16.420 Source—RCW 15.16.420 [1955 c 227 § 1.]
- 15.16.430 Source—RCW 15.16.430 [1955 c 227 § 2.]
- 15.16.440 Source—RCW 15.16.440 [1955 c 227 § 3.]
- 15.16.450 Source—RCW 15.16.450 [1957 c 192 § 1.]
- 15.16.460 Source—RCW 15.16.460 [1957 c 192 § 2.]
- 15.16.470 Source—RCW 15.16.470 [1957 c 192 § 3.]
- 15.16.480 Source—RCW 15.16.480 [1957 c 192 § 4.]
- 15.16.490 Source—RCW 15.16.490 [1957 c 192 § 5.]  
 “RCW 15.16.450 through 15.16.490” changed to “RCW 15.16.450 through 15.16.480”.
- Chapter 15.24 Apple advertising commission
- 15.24.010 Source—RCW 15.24.010 [1937 c 195 § 2; RRS § 2874-2.]
- 15.24.020 Source—RCW 15.24.020 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]

- Explanatory note.
- 15.24.030 Source—RCW 15.24.030 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.040 Source—RCW 15.24.040 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.050 Source—RCW 15.24.050 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.060 Source—RCW 15.24.060 [1937 c 195 § 4, part; RRS § 2874-4, part.]
- 15.24.070 Source—RCW 15.24.070 [(I) 1937 c 195 § 8; RRS § 2874-8. (II) 1937 c 195 § 5; RRS § 2874-5. (III) 1937 c 195 § 4, part; RRS § 2874-4, part.]  
 In first paragraph: "The Washington state apple advertising commission is hereby declared and created a corporate body". Also "include" to "shall include the following"; added to supply omitted session law language.  
 In subdivision (3): "Their pleasure" to "its pleasure"; to harmonize with use of "it" in rest of section.  
 In subdivision (4): "and to create such liabilities as may be reasonable"; added to supply omitted session law language.  
 Subdivision (8) added to supply omitted session law language.
- 15.24.080 Source—RCW 15.24.080 [1937 c 195 § 13, part; RRS § 2874-13, part.]
- 15.24.085 Source—RCW 15.24.085 [1953 c 222 § 1.]
- 15.24.086 Source—RCW 15.24.086 [1953 c 222 § 2.]
- 15.24.090 Source—RCW 15.24.090 [1953 c 43 § 1; 1937 c 195 § 13, part; RRS § 2874-13, part.]
- 15.24.100 Source—RCW 15.24.100 [1937 c 195 § 9; RRS § 2874-9.]  
 "purpose" to "purpose and objects" to reflect session law language.
- 15.24.110 Source—RCW 15.24.110 [1937 c 195 § 12; RRS § 2874-12.]  
 In first sentence: "transported" and "by any person or by any carrier, railroad, truck or other conveyance" added to supply omitted session law language.
- 15.24.120 Source—RCW 15.24.120 [1937 c 195 § 10; RRS § 2874-10.]
- 15.24.130 Source—RCW 15.24.130 [1937 c 195 § 11; RRS § 2874-11.]
- 15.24.140 Source—RCW 15.24.140 [1937 c 195 § 19; RRS § 2874-19.]
- 15.24.150 Source—RCW 15.24.150 [1937 c 195 § 6; RRS § 2874-6.]  
 "None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter." Added to reflect session law language.
- 15.24.160 Source—RCW 15.24.160 [1947 c 280 § 3; Rem. Supp. 1947 § 2909-3.]
- 15.24.170 Source—RCW 15.24.170 [1937 c 195 § 18; RRS § 2874-18.]
- 15.24.180 Source—RCW 15.24.180 [1937 c 195 § 16; RRS § 2874-16.]
- 15.24.190 Source—RCW 15.24.190 [1937 c 195 § 7; RRS § 2874-7.]
- 15.24.200 Source—RCW 15.24.200 [1937 c 195 § 14; RRS § 2874-14.]
- 15.24.210 Source—RCW 15.24.210 [1937 c 195 § 15; RRS § 2874-15.]
- 15.24.900 Source—[1937 c 195 § 1; RRS § 2874-1.]  
 Purpose section, carried in RCW as footnote to RCW 15.24.010.
- 15.24.910 Source—[1937 c 195 § 17, part; RRS § 2874-17, part.]  
 Liberal construction, carried in RCW as footnote to RCW 15.24.010. Severability portion omitted as covered herein by Sec. 15.98.030.

## Chapter 15.28 Soft tree fruits

- 15.28.010 Source—RCW 15.28.010 [1955 c 47 § 1; 1947 c 73 § 1; Rem. Supp. 1947 § 2909-10.]
- 15.28.020 Source—RCW 15.28.020 [(i) 1947 c 73 § 2; Rem. Supp. 1947 § 2909-11. (ii) 1947 c 73 § 9; Rem. Supp. 1947 § 2909-18. (iii) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part.]
- 15.28.030 Source—RCW 15.28.030 [1947 c 73 § 3; Rem. Supp. 1947 § 2909-12.]
- 15.28.040 Source—RCW 15.28.040 [1947 c 73 § 4; Rem. Supp. 1947 § 2909-13.]



- 15.28.050 Source—RCW 15.28.050 [1947 c 73 § 5; Rem. Supp. 1947 § 2909-14.] note. Explanatory
- 15.28.060 Source—RCW 15.28.060 [1947 c 73 § 6; Rem. Supp. 1947 § 2909-15.]
- 15.28.070 Source—RCW 15.28.070 [1947 c 73 § 7; Rem. Supp. 1947 § 2909-16.]
- 15.28.080 Source—RCW 15.28.080 [1947 c 73 § 8; Rem. Supp. 1947 § 2909-17.]
- 15.28.090 Source—RCW 15.28.090 [1947 c 73 § 10; Rem. Supp. 1947 § 2909-19.]
- 15.28.100 Source—RCW 15.28.100 [(i) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part. (ii) 1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part. (iii) 1947 c 73 § 17, part; Rem. Supp. 1947 § 2909-26, part.]  
 In first paragraph: "The Washington state fruit commission is hereby declared and created a corporate body."; added to supply omitted session law language.  
 Subdivisions (7) and (8) added to supply omitted session law language.
- 15.28.110 Source—RCW 15.28.110 [(i) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part. (ii) 1947 c 73 § 14; Rem. Supp. 1947 § 2909-23. (iii) 1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part. (iv) 1947 c 73 § 17, part; Rem. Supp. 1947 § 2909-26, part.]  
 In subdivision (7) "and quality" added to reflect session law language.
- 15.28.120 Source—RCW 15.28.120 [1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part.]
- 15.28.130 Source—RCW 15.28.130 [1947 c 73 § 16; Rem. Supp. 1947 § 2909-25.]
- 15.28.140 Source—RCW 15.28.140 [1947 c 73 § 11; Rem. Supp. 1947 § 2909-20.]
- 15.28.150 Source—RCW 15.28.150 [1947 c 73 § 12; Rem. Supp. 1947 § 2909-21.]
- 15.28.160 Source—RCW 15.28.160 [1947 c 73 § 18; Rem. Supp. 1947 § 2909-27.]
- 15.28.170 Source—RCW 15.28.170 [1947 c 73 § 25; Rem. Supp. 1947 § 2909-34.]
- 15.28.180 Source—RCW 15.28.180 [1947 c 73 § 26; Rem. Supp. 1947 § 2909-35.]
- 15.28.190 Source—RCW 15.28.190 [1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part.]
- 15.28.200 Source—RCW 15.28.200 [1947 c 73 § 19; Rem. Supp. 1947 § 2909-28.]
- 15.28.210 Source—RCW 15.28.210 [1947 c 73 § 20; Rem. Supp. 1947 § 2909-29.]
- 15.28.220 Source—RCW 15.28.220 [1947 c 73 § 21; Rem. Supp. 1947 § 2909-30.]
- 15.28.230 Source—RCW 15.28.230 [1955 c 47 § 2; 1947 c 73 § 22; Rem. Supp. 1947 § 2909-31.]
- 15.28.240 Source—RCW 15.28.240 [1947 c 73 § 23; Rem. Supp. 1947 § 2909-32.]
- 15.28.250 Source—RCW 15.28.250 [1947 c 73 § 24; Rem. Supp. 1947 § 2909-33.]
- 15.28.260 Source—RCW 15.28.260 [1947 c 73 § 27; Rem. Supp. 1947 § 2909-36.]
- 15.28.270 Source—RCW 15.28.270 [1947 c 73 § 28; Rem. Supp. 1947 § 2909-37.]
- 15.28.280 Source—RCW 15.28.280 [1947 c 73 § 29; Rem. Supp. 1947 § 2909-38.]
- 15.28.290 Source—RCW 15.28.290 [1947 c 73 § 30; Rem. Supp. 1947 § 2909-39.]
- 15.28.300 Source—RCW 15.28.300 [1947 c 73 § 31; Rem. Supp. 1947 § 2909-40.]

- Explanatory  
note.
- 15.28.310 Source—RCW 15.28.310 [1947 c 73 § 32; Rem. Supp. 1947 § 2909-41.]
- 15.28.900 Source—[1947 c 73 Preamble.]  
Omitted from RCW.
- 15.28.910 Source—[1947 c 73 § 33, part; Rem. Supp. 1947 § 2909-42, part.]  
Liberal construction, carried in RCW as footnote to RCW 15.28.010.  
Severability portion omitted as covered herein by Sec. 15-98.030.

## Chapter 15.32 Dairies and dairy products

- 15.32.010 Source—RCW 15.32.010 [1955 c 238 § 71. Prior: (i) 1943 c 90 § 1, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part. (ii) 1929 c 213 § 6, part, last am'ds 1919 c 192 § 41; RRS § 6203, part.]
- 15.32.020 Source—RCW 15.32.020 [1955 c 238 § 72. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.030 Source—RCW 15.32.030 [1955 c 238 § 73. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.040 Source—RCW 15.32.040 [1955 c 238 § 74. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1, part; Rem. Supp. 1943 § 6164, part.]
- 15.32.050 Source—RCW 15.32.050 [1955 c 238 § 75. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.060 Source—RCW 15.32.060 [(i) 1943 c 90 § 2, part, last am'ds 1919 c 192 § 2; Rem. Supp. 1943 § 6165, part. (ii) 1927 c 192 § 20; 1919 c 192 § 73; RRS § 6235.]
- 15.32.070 Source—RCW 15.32.070 [1943 c 90 § 2, part, last am'ds 1919 c 192 § 2; Rem. Supp. 1943 § 6165, part.]
- 15.32.080 Source—RCW 15.32.080 [1923 c 27 § 1; 1919 c 192 § 3; RRS § 6166.]
- 15.32.090 Source—RCW 15.32.090 [(i) 1919 c 192 § 34; RRS § 6196. (ii) 1919 c 192 § 35; RRS § 6197. (iii) 1919 c 192 § 36; RRS § 6198. (iv) 1927 c 192 § 13; 1919 c 192 § 37; RRS § 6199. (v) 1927 c 192 § 14; 1919 c 192 § 38; RRS § 6200. (vi) 1927 c 192 § 15, part; 1919 c 192 § 39; RRS § 6201, part. (vii) 1919 c 192 § 75; RRS § 6237. (viii) 1919 c 192 § 81; RRS § 6243. (ix) 1899 c 43 § 10; 1895 c 45 § 10; RRS § 6255.]
- 15.32.100 Source—RCW 15.32.100 [(i) 1929 c 213 § 5, last am'ds 1919 c 192 § 31; RRS § 6193. (ii) 1923 c 27 § 9; 1919 c 192 § 32; RRS § 6194.]
- 15.32.110 Source—RCW 15.32.110 [(i) 1927 c 192 § 11, last am'ds 1919 c 192 § 29; RRS § 6192. (ii) 1919 c 192 § 33; RRS § 6195.]
- 15.32.120 Source—RCW 15.32.120 [(i) 1919 c 192 § 67; RRS § 6229. (ii) 1919 c 192 § 69; RRS § 6231.]
- 15.32.130 Source—RCW 15.32.130 [(i) 1919 c 192 § 47; RRS § 6209. (ii) 1919 c 192 § 58; RRS § 6220. (iii) 1919 c 192 § 62; RRS § 6224. (iv) 1919 c 192 § 66; RRS § 6228. (v) 1919 c 192 § 68; RRS § 6230.]
- 15.32.140 Source—RCW 15.32.140 [(i) 1929 c 213 § 12, last am'ds 1919 c 192 § 70; RRS § 6232.]
- 15.32.150 Source—RCW 15.32.150 [(i) 1929 c 213 § 8, last am'ds 1919 c 192 § 48; RRS § 6210.]
- 15.32.160 Source—RCW 15.32.160 [1929 c 213 § 9; 1919 c 192 § 49; RRS § 6211.]
- 15.32.170 Source—RCW 15.32.170 [1919 c 192 § 51; RRS § 6213. (ii) 1919 c 192 § 52; RRS § 6214.]
- 15.32.180 Source—RCW 15.32.180 [1949 c 168 § 21, last am'ds 1919 c 192 § 53; Rem. Supp. 1949 § 6215.]
- 15.32.190 Source—RCW 15.32.190 [1933 c 188 § 4; 1919 c 192 § 54; RRS § 6216.]
- 15.32.200 Source—RCW 15.32.200 [(i) 1919 c 192 § 5; RRS § 6168. (ii) 1919 c 192 § 6; RRS § 6169.]
- 15.32.210 Source—RCW 15.32.210 [1933 c 188 § 7; 1929 c 213 § 15; RRS § 6268-1.]

- 15.32.220 Source—RCW 15.32.220 [(i) 1929 c 213 § 17; 1911 c 39 § 1; RRS § 6282. (ii) 1911 c 39 § 2; RRS § 6283. (iii) 1911 c 39 § 3; RRS § 6284.] Explanatory note.
- 15.32.230 Source—RCW 15.32.230 [(i) 1919 c 192 § 8; RRS § 6171. (ii) 1923 c 27 § 2, part; 1919 c 192 § 9; RRS § 6172, part.]
- 15.32.240 Source—RCW 15.32.240 [1923 c 27 § 2, part; 1919 c 192 § 9; RRS § 6172, part.]
- 15.32.250 Source—RCW 15.32.250 [1919 c 192 § 4; RRS § 6167.]
- 15.32.260 Source—RCW 15.32.260 [1919 c 192 § 7; RRS § 6170.]
- 15.32.270 Source—RCW 15.32.270 [(i) 1919 c 192 § 55; RRS § 6217. (ii) 1919 c 192 § 61; RRS § 6223.]
- 15.32.280 Source—RCW 15.32.280 [1919 c 192 § 57; RRS § 6219.]
- 15.32.290 Source—RCW 15.32.290 [1955 c 238 § 76. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.300 Source—RCW 15.32.300 [1955 c 238 § 77. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1, part; Rem. Supp. 1943 § 6164, part.]
- 15.32.310 Source—RCW 15.32.310 [1919 c 192 § 50; RRS § 6212.]
- 15.32.330 Source—RCW 15.32.330 [1933 c 188 § 5; RRS § 6225-1.]
- 15.32.340 Source—RCW 15.32.340 [1919 c 192 § 45; RRS § 6207.]
- 15.32.360 Source—RCW 15.32.360 [1899 c 43 § 30; RRS § 6251.]
- 15.32.370 Source—RCW 15.32.370 [1929 c 213 § 7; 1919 c 192 § 44; RRS § 6206.]  
Session law language restored.
- 15.32.380 Source—RCW 15.32.380 [1921 c 104 § 5; 1919 c 192 § 63; RRS § 6225.]
- 15.32.390 Source—RCW 15.32.390 [1955 c 238 § 81. Prior: (i) 1949 c 168 § 20, last am'ds 1919 c 192 § 11; Rem. Supp. 1949 § 6174. (ii) 1919 c 192 § 13; RRS § 6176.]
- 15.32.400 Source—RCW 15.32.400 [(i) 1919 c 192 § 14; RRS § 6177. (ii) 1933 c 188 § 3, last am'ds 1919 c 192 § 15; RRS § 6178. (iii) 1919 c 192 § 16; RRS § 6179. (iv) 1919 c 192 § 40; RRS § 6202.]
- 15.32.410 Source—RCW 15.32.410 [1919 c 192 § 12; RRS § 6175.]
- 15.32.420 Source—RCW 15.32.420 [1919 c 192 § 71; RRS § 6233.]
- 15.32.430 Source—RCW 15.32.430 [1933 c 23 § 1; RRS § 6260-1. (ii) 1933 c 23 § 2; RRS § 6260-2. (iii) 1933 c 23 § 3; RRS § 6260-3.]
- 15.32.440 Source—RCW 15.32.440 [(i) 1927 c 192 § 22, part, last am'ds 1915 c 101 § 1; RRS § 6259, part. (ii) 1915 c 101 § 2; RRS § 6260.]
- 15.32.450 Source—RCW 15.32.450 [(i) 1927 c 192 § 22, part, last am'ds 1915 c 101 § 1; RRS § 6259, part. (ii) 1915 c 101 § 3; RRS § 6261. (iii) 1927 c 192 § 22a; 1915 c 101 § 4; RRS § 6262. (iv) 1927 c 192 § 22b; 1915 c 101 § 5; RRS § 6263.]
- 15.32.460 Source—RCW 15.32.460 [1927 c 192 § 23, last am'ds 1915 c 101 § 6; RRS § 6264.]
- 15.32.470 Source—RCW 15.32.470 [(i) 1905 c 92 § 2; RRS § 6252. (ii) 1905 c 92 § 3; RRS § 6253.]
- 15.32.480 Source—RCW 15.32.480 [1927 c 192 § 17; 1919 c 192 § 64; RRS § 6226.]
- 15.32.490 Source—RCW 15.32.490 [1919 c 192 § 46, part; RRS § 6208, part.]
- 15.32.500 Source—RCW 15.32.500 [(i) 1919 c 192 § 46, part; RRS § 6208, part. (ii) 1927 c 192 § 17, part; 1919 c 192 § 64; RRS § 6226, part. (iii) 1927 c 192 § 18; 1919 c 192 § 65; RRS § 6227.]
- 15.32.510 Source—RCW 15.32.510 [(i) 1929 c 213 § 13; 1907 c 234 § 1; RRS § 6267. (ii) 1929 c 213 § 14; 1907 c 234 § 2; RRS § 6268.]
- 15.32.520 Source—RCW 15.32.520 [1907 c 234 § 14; RRS § 6280.]
- 15.32.530 Source—RCW 15.32.530 [1907 c 234 § 12; RRS § 6278.]
- 15.32.540 Source—RCW 15.32.540 [1907 c 234 § 11; RRS § 6277.]
- 15.32.550 Source—RCW 15.32.550 [1907 c 234 § 9; RRS § 6275.]
- 15.32.560 Source—RCW 15.32.560 [1907 c 234 § 10; RRS § 6276.]
- 15.32.570 Source—RCW 15.32.570 [1919 c 192 § 56; RRS § 6218.]
- 15.32.580 Source—RCW 15.32.580 [(i) 1943 c 90 § 4, last am'ds 1919 c 192 § 26; Rem. Supp. 1943 § 6189.]  
Restored to session law language.

- Explanatory note.
- 15.32.582 Source—[1943 c 90 § 5, last am'ds 1919 c 192 § 27; Rem. Supp. 1943 § 6190.]  
Part of this section is presently included in RCW 15.32.580 and part was omitted from RCW.
- 15.32.584 Source—[1943 c 90 § 6, last am'ds 1919 c 192 § 28; Rem. Supp. 1943 § 6191.]  
Presently omitted from RCW. Old dates retained for continuity. Prior to the 1943 amendment such licenses were issued for life.
- 15.32.590 Source—RCW 15.32.590 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.600 Source—RCW 15.32.600 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.610 Source—RCW 15.32.610 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.620 Source—RCW 15.32.620 [(i) 1927 c 192 § 5; 1919 c 192 § 21; RRS § 6184. (ii) 1929 c 213 § 4; 1919 c 192 § 23; RRS § 6186.]
- 15.32.630 Source—RCW 15.32.630 [1927 c 192 § 4; 1919 c 192 § 17; RRS § 6180.]
- 15.32.640 Source—RCW 15.32.640 [(i) 1919 c 192 § 18; RRS § 6181. (ii) 1921 c 104 § 1, part; 1919 c 192 § 19; RRS § 6182, part.]
- 15.32.650 Source—RCW 15.32.650 [(i) 1921 c 104 § 1, part; 1919 c 192 § 19; RRS § 6182, part. (ii) 1919 c 192 § 20; RRS § 6183.]
- 15.32.660 Source—RCW 15.32.660 [1927 c 192 § 15, part; 1919 c 192 § 39; RRS § 6201, part.]
- 15.32.670 Source—RCW 15.32.670 [1899 c 43 § 12; RRS § 6257.]
- 15.32.680 Source—RCW 15.32.680 [1899 c 43 § 28; RRS § 6250.]
- 15.32.690 Source—RCW 15.32.690 [1955 c 238 § 78. Prior: (i) 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part. (ii) 1929 c 213 § 6, part, last am'ds 1919 c 192 § 41; RRS § 6203.]
- 15.32.692 Source—RCW 15.34.010 [1955 c 343 § 1.]
- 15.32.694 Source—RCW 15.34.020 [1955 c 343 § 2.]
- 15.32.696 Source—RCW 15.34.030 [1955 c 343 § 3.]
- 15.32.698 Source—RCW 15.34.040 [1955 c 343 § 4.]
- 15.32.700 Source—RCW 15.32.700 [1919 c 192 § 72; RRS § 6234.]
- 15.32.710 Source—RCW 15.32.710 [1899 c 43 § 27; RRS § 6249.]
- 15.32.720 Source—RCW 15.32.720 [1919 c 192 § 82; RRS § 6244.]
- 15.32.730 Source—RCW 15.32.730 [1919 c 192 § 76; RRS § 6238.]
- 15.32.740 Source—RCW 15.32.740 [(i) 1919 c 192 § 43; RRS § 6205. (ii) 1919 c 192 § 77; RRS § 6239. (iii) 1915 c 101 § 7; RRS § 6265.]
- 15.32.750 Source—RCW 15.32.750 [1919 c 192 § 78; RRS § 6240.]
- 15.32.760 Source—RCW 15.32.760 [1899 c 43 § 22; RRS § 6258.]
- 15.32.770 Source—RCW 15.32.770 [1919 c 192 § 79; RRS § 6241.]
- 15.32.780 Source—RCW 15.32.780 [1919 c 192 § 80; RRS § 6242.]
- 15.32.790 Source—RCW 15.32.790 [1927 c 192 § 6; 1919 c 192 § 22; RRS § 6185.]
- 15.32.900 Source—[1919 c 192 § 83; RRS 6245.] Presently omitted from RCW.
- 15.32.910 Source—[1919 c 192 § 88; RRS 6266.] Presently omitted from RCW.  
“sections 5449 to 5466, both inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington,” to “chapter 6904 or RCW 69.40.010 through 69.40.025”.  
Rem. & Bal. §§ 5449 through 5452 are codified as RCW 69.40.010 through 69.40.030 and Rem. & Bal. §§ 5453 through 5466 were repealed and superseded by 1945 c 257, the Uniform Washington Food, Drug and Cosmetic act, codified in RCW as chapter 69.04.

## Chapter 15.34 Milk and milk products

RCW 15.34.010—15.34.040 [1955 c 343 §§ 1-4] Herein Secs. 15.32.692, 15.32.694, 15.32.696 and 15.32.698.

## Chapter 15.36 Fluid milk

- 15.36.010 Source—RCW 15.36.010 [1955 c 238 § 2. Prior: 1949 c 168 § 1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l); Rem. Supp. 1949 § 6266-30 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l).] Explanatory note.  
 “other culture, or pasteurized” changed to “other culture, of pasteurized” in definition of “cultured milk”.
- 15.36.020 Source—RCW 15.36.020 [1955 c 238 § 3. Prior: 1949 c 168 § 1 (m); Rem. Supp. 1949 § 6266-30 (m).]
- 15.36.030 Source—RCW 15.36.030 [1955 c 238 § 4. Prior: 1949 c 168 § 1 (n); Rem. Supp. 1949 § 6266-30 (n).]
- 15.36.040 Source—RCW 15.36.040 [1955 c 238 § 5. Prior: 1949 c 168 § 1(o), (p), (q), and (r). Rem. Supp. 1949 § 6266-30(o), (p), (q), and (r).]
- 15.36.050 Source—RCW 15.36.050 [1955 c 238 § 6. Prior: 1949 c 168 § 1 (t); Rem. Supp. 1949 § 6266-30(t).]
- 15.36.060 Source—RCW 15.36.060 [1955 c 238 § 7. Prior: 1949 c 168 § 1 (s), (u), (v), and (w); Rem. Supp. 1949 § 6266-30(s), (u), (v), and (w).]
- 15.36.070 Source—RCW 15.36.070 [1949 c 168 § 2; Rem. Supp. 1949 § 6266-31.]
- 15.36.080 Source—RCW 15.36.080 [1955 c 238 § 8; 1949 c 168 § 3; Rem. Supp. 1949 § 6266-32.]
- 15.36.090 Source—RCW 15.36.090 [1955 c 238 § 9; 1949 c 168 § 4; Rem. Supp. 1949 § 6266-33.]
- 15.36.100 Source—RCW 15.36.100 [1949 c 168 § 5; Rem. Supp. 1949 § 6266-34.]
- 15.36.110 Source—RCW 15.36.110 [1955 c 238 § 10; 1949 c 168 § 6; Rem. Supp. 1949 § 6266-35.]
- 15.36.120 Source—RCW 15.36.120 [1955 c 238 § 12. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.130 Source—RCW 15.36.130 [1955 c 238 § 13. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.140 Source—RCW 15.36.140 [1955 c 238 § 14. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.150 Source—RCW 15.36.150 [1955 c 238 § 15. Prior: 1949 c 168 § 7(1r); Rem. Supp. 1949 § 6266-36(1r).]
- 15.36.155 Source—RCW 15.36.155 [1955 c 238 § 16. Prior: 1949 c 168 § 7(2r); Rem. Supp. 1949 § 6266-36(2r).]
- 15.36.160 Source—RCW 15.36.160 [1955 c 238 § 17. Prior: 1949 c 168 § 7(3r); Rem. Supp. 1949 § 6266-36(3r).]
- 15.36.165 Source—RCW 15.36.165 [1955 c 238 § 18. Prior: 1949 c 168 § 7(4r); Rem. Supp. 1949 § 6266-36(4r).]
- 15.36.170 Source—RCW 15.36.170 [1955 c 238 § 19. Prior: 1949 c 168 § 7(5r); Rem. Supp. 1949 § 6266-36(5r).]
- 15.36.175 Source—RCW 15.36.175 [1955 c 238 § 20. Prior: 1949 c 168 § 7(6r); Rem. Supp. 1949 § 6266-36(6r).]
- 15.36.180 Source—RCW 15.36.180 [1955 c 238 § 21. Prior: 1949 c 168 § 7(7r); Rem. Supp. 1949 § 6266-36(7r).]
- 15.36.185 Source—RCW 15.36.185 [1955 c 238 § 22. Prior: 1949 c 168 § 7(8r); Rem. Supp. 1949 § 6266-36(8r).]
- 15.36.190 Source—RCW 15.36.190 [1955 c 238 § 23. Prior: 1949 c 168 § 7(9r); Rem. Supp. 1949 § 6266-36(9r).]
- 15.36.195 Source—RCW 15.36.195 [1955 c 238 § 24. Prior: 1949 c 168 § 7(10r); Rem. Supp. 1949 § 6266-36(10r).]
- 15.36.200 Source—RCW 15.36.200 [1955 c 238 § 25. Prior: 1949 c 168 § 7(11r); Rem. Supp. 1949 § 6266-36(11r).]
- 15.36.205 Source—RCW 15.36.205 [1955 c 238 § 26. Prior: 1949 c 168 § 7(12r); Rem. Supp. 1949 § 6266-36(12r).]
- 15.36.210 Source—RCW 15.36.210 [1955 c 238 § 27. Prior: 1949 c 168 § 7(13r); Rem. Supp. 1949 § 6266-36(13r).]

Explanatory note.	15.36.215	Source—RCW 15.36.215 [1955 c 238 § 28. Prior: 1949 c 168 § 7(14r); Rem. Supp. 1949 § 6266-36(14r).]
	15.36.220	Source—RCW 15.36.220 [1955 c 238 § 29. Prior: 1949 c 168 § 7(15r); Rem. Supp. 1949 § 6266-36(15r).]
	15.36.225	Source—RCW 15.36.225 [1955 c 238 § 30. Prior: 1949 c 168 § 7(16r); Rem. Supp. 1949 § 6266-36(16r).]
	15.36.230	Source—RCW 15.36.230 [1955 c 238 § 31. Prior: 1949 c 168 § 7(17r); Rem. Supp. 1949 § 6266-36(17r).]
	15.36.235	Source—RCW 15.36.235 [1955 c 238 § 32. Prior: 1949 c 168 § 7(18r); Rem. Supp. 1949 § 6266-36(18r).]
	15.36.240	Source—RCW 15.36.240 [1955 c 238 § 33. Prior: 1949 c 168 § 7(19r); Rem. Supp. 1949 § 6266-36(19r).]
	15.36.245	Source—RCW 15.36.245 [1955 c 238 § 34. Prior: 1949 c 168 § 7(20r); Rem. Supp. 1949 § 6266-36(20r).]
	15.36.250	Source—RCW 15.36.250 [1955 c 238 § 35. Prior: 1949 c 168 § 7(21r); Rem. Supp. 1949 § 6266-36(21r).]
	15.36.255	Source—RCW 15.36.255 [1955 c 238 § 36. Prior: 1949 c 168 § 7(22r); Rem. Supp. 1949 § 6266-36(22r).]
	15.36.260	Source—RCW 15.36.260 [1955 c 238 § 37. Prior: 1949 c 168 § 7(23r); Rem. Supp. 1949 § 6266-36(23r).]
	15.36.265	Source—RCW 15.36.265 [1955 c 238 § 38. Prior: 1949 c 168 § 7(24r); Rem. Supp. 1949 § 6266-36(24r).]
	15.36.270	Source—RCW 15.36.270 [1955 c 238 § 39. Prior: 1949 c 168 § 7(25r); Rem. Supp. 1949 § 6266-36(25r).]
	15.36.280	Source—RCW 15.36.280 [1955 c 238 § 40. Prior: 1949 c 168 § 7(26r, part); Rem. Supp. 1949 § 6266-36(26r, part).]
	15.36.290	Source—RCW 15.36.290 [1955 c 238 § 41. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.300	Source—RCW 15.36.300 [1955 c 238 § 42. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.310	Source—RCW 15.36.310 [1955 c 238 § 43. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.320	Source—RCW 15.36.320 [1955 c 238 § 44. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.325	Source—RCW 15.36.325 [1955 c 238 § 45. Prior: 1949 c 168 § 7(1p); Rem. Supp. 1949 § 6266-36(1p).]
	15.36.330	Source—RCW 15.36.330 [1955 c 238 § 46. Prior: 1949 c 168 § 7(2p); Rem. Supp. 1949 § 6266-36(2p).]
	15.36.335	Source—RCW 15.36.335 [1955 c 238 § 47. Prior: 1949 c 168 § 7(3p); Rem. Supp. 1949 § 6266-36(3p).]
	15.36.340	Source—RCW 15.36.340 [1955 c 238 § 48. Prior: 1949 c 168 § 7(4p); Rem. Supp. 1949 § 6266-36(4p).]
	15.36.345	Source—RCW 15.36.345 [1955 c 238 § 49. Prior: 1949 c 168 § 7(5p); Rem. Supp. 1949 § 6266-36(5p).]
	15.36.350	Source—RCW 15.36.350 [1955 c 238 § 50. Prior: 1949 c 168 § 7(6p); Rem. Supp. 1949 § 6266-36(6p).]
	15.36.355	Source—RCW 15.36.355 [1955 c 238 § 51. Prior: 1949 c 168 § 7(7p); Rem. Supp. 1949 § 6266-36(7p).] “by state board of health” changed to “by the state board of health” to conform to session law language.
	15.36.360	Source—RCW 15.36.360 [1955 c 238 § 52. Prior: 1949 c 168 § 7(8p); Rem. Supp. 1949 § 6266-36(8p).]
	15.36.365	Source—RCW 15.36.365 [1955 c 238 § 53. Prior: 1949 c 168 § 7(9p); Rem. Supp. 1949 § 6266-36(9p).]
	15.36.370	Source—RCW 15.36.370 [1955 c 238 § 54. Prior: 1949 c 168 § 7(10p); Rem. Supp. 1949 § 6266-36(10p).]
	15.36.375	Source—RCW 15.36.375 [1955 c 238 § 55. Prior: 1949 c 168 § 7(11p); Rem. Supp. 1949 § 6266-36(11p).]
	15.36.380	Source—RCW 15.36.380 [1955 c 238 § 56. Prior: 1949 c 168 § 7(12p); Rem. Supp. 1949 § 6266-36(12p).]
	15.36.385	Source—RCW 15.36.385 [1955 c 238 § 57. Prior: 1949 c 168 § 7(13p); Rem. Supp. 1949 § 6266-36(13p).]

- 15.36.390 Source—RCW 15.36.390 [1955 c 238 § 58. Prior: 1949 c 168 § 7(14p); Rem. Supp. 1949 § 6266-36(14p).] Explanatory note.
- 15.36.395 Source—RCW 15.36.395 [1955 c 238 § 59. Prior: 1949 c 168 § 7(15p); Rem. Supp. 1949 § 6266-36(15p).]
- 15.36.400 Source—RCW 15.36.400 [1955 c 238 § 60. Prior: 1949 c 168 § 7(16p); Rem. Supp. 1949 § 6266-36(16p).]
- 15.36.405 Source—RCW 15.36.405 [1955 c 238 § 61. Prior: 1949 c 168 § 7(17p); Rem. Supp. 1949 § 6266-36(17p).]
- 15.36.410 Source—RCW 15.36.410 [1955 c 238 § 62. Prior: 1949 c 168 § 7(18p); Rem. Supp. 1949 § 6266-36(18p).]
- 15.36.415 Source—RCW 15.36.415 [1955 c 238 § 63. Prior: 1949 c 168 § 7(19p); Rem. Supp. 1949 § 6266-36(19p).]
- 15.36.420 Source—RCW 15.36.420 [1955 c 238 § 64. Prior: 1949 c 168 § 7(20p); Rem. Supp. 1949 § 6266-36(20p).]
- 15.36.425 Source—RCW 15.36.425 [1955 c 238 § 65. Prior: 1949 c 168 § 7(21p); Rem. Supp. 1949 § 6266-36(21p).]  
“or the state department of health for” changed to “or by the state department of health for”.
- 15.36.430 Source—RCW 15.36.430 [1955 c 238 § 66. Prior: 1949 c 168 § 7(22p); Rem. Supp. 1949 § 6266-36(22p).]
- 15.36.440 Source—RCW 15.36.440 [1955 c 238 § 67. Prior: 1949 c 168 § 7(23p); Rem. Supp. 1949 § 6266-36(23p).]
- 15.36.450 Source—RCW 15.36.450 [1955 c 238 § 68. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.460 Source—RCW 15.36.460 [1955 c 238 § 69. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.470 Source—RCW 15.36.470 [1949 c 168 § 8; Rem. Supp. 1949 § 6266-37.]
- 15.36.480 Source—RCW 15.36.480 [1949 c 168 § 9; Rem. Supp. 1949 § 6266-37a.]
- 15.36.490 Source—RCW 15.36.490 [1949 c 168 § 10; Rem. Supp. 1949 § 6266-38.]
- 15.36.500 Source—RCW 15.36.500 [1949 c 168 § 11; Rem. Supp. 1949 § 6266-39.]
- 15.36.510 Source—RCW 15.36.510 [1949 c 168 § 12; Rem. Supp. 1949 § 6266-40.]  
In first sentence: “are hereafter constructed, reconstructed, or extensively altered” to “are constructed, reconstructed, or extensively altered after June 8, 1949” to preserve time context of original 1949 enactment.  
In second sentence: “hereafter” to “thereafter”.
- 15.36.520 Source—RCW 15.36.520 [1949 c 168 § 13; Rem. Supp. 1949 § 6266-41.]
- 15.36.530 Source—RCW 15.36.530 [1949 c 168 § 14; Rem. Supp. 1949 § 6266-42.]
- 15.36.540 Source—RCW 15.36.540 [1949 c 168 § 15; Rem. Supp. 1949 § 6266-43.]
- 15.36.550 Source—RCW 15.36.550 [1949 c 168 § 16; Rem. Supp. 1949 § 6266-44.]
- 15.36.560 Source—RCW 15.36.560 [1949 c 168 § 17; Rem. Supp. 1949 § 6266-45.]
- 15.36.570 Source—RCW 15.36.570 [1949 c 168 § 18(a); Rem. Supp. 1949 § 6266-46(a).]
- 15.36.580 Source—RCW 15.36.580 [1949 c 168 § 18(b); Rem. Supp. 1949 § 6266-46(b).]
- 15.36.590 Source—RCW 15.36.590 [1949 c 168 § 19; Rem. Supp. 1949 § 6266-48.]
- 15.36.600 Source—RCW 15.36.600 [1949 c 168 § 23; Rem. Supp. 1949 § 6266-49.]  
Decodified and redecodified as 15.36.900, present RCW codification for construction sections.

Explanatory  
note.

- 15.36.900 Source—RCW 15.36.600 [1949 c 168 § 23; Rem. Supp. 1949 § 6266-49.]  
See 15.36.600 above.

Chapter 15.38 Filled dairy products

- 15.38.001 Source—RCW 15.38.001 [1951 c 20 § 1.]  
15.38.010 Source—RCW 15.38.010 [1951 c 20 § 2.]  
15.38.020 Source—RCW 15.38.020 [1951 c 20 § 3.]  
15.38.030 Source—RCW 15.38.030 [1951 c 20 § 5.]  
15.38.040 Source—RCW 15.38.040 [1951 c 20 § 6.]  
“to 69.04.850” changed to “to 69.04.870” to conform to organization of chapter 69.04 as restored to session law language.  
15.38.050 Source—RCW 15.38.050 [1951 c 20 § 4.]

Chapter 15.40 Oleomargarine—1949 Act

- 15.40.010 Source—RCW 15.40.010 [1949 c 13 § 1; Rem. Supp. 1949 § 6248-1.]  
15.40.030 Source—RCW 15.40.030 [1949 c 13 § 2(b); Rem. Supp. 1949 § 6248-2(b).]  
15.40.040 Source—RCW 15.40.040 [1949 c 13 § 3; Rem. Supp. 1949 § 6248-3.]  
15.40.050 Source—RCW 15.40.050 [1949 c 13 § 4; Rem. Supp. 1949 § 6248-4.]  
15.40.900 Source—[1949 c 13 Preamble.]  
Presently footnoted to RCW 15.40.010.

Chapter 15.41 Oleomargarine—1953 Act

- 15.41.010 Source—[1953 c 1 § 1; Initiative measure No. 180 § 1.]  
Presently footnoted to RCW 15.41.020 Memorial.  
15.41.020 Source—[1953 c 1 § 2; Initiative measure No. 180 § 2.]  
The section repealed [1949 c 13 § 2(a); RCW 15.40.020], provided as follows:  
“The manufacture, transportation, handling, possession, sale, use or serving of yellow oleomargarine is hereby prohibited: PROVIDED, HOWEVER, That nothing herein contained shall be construed to prohibit the use of yellow oleomargarine in private homes.”

Chapter 15.44 Dairy products commission

- 15.44.010 Source—RCW 15.44.010 [1939 c 219 § 2; RRS § 6266-2.]  
15.44.020 Source—RCW 15.44.020 [1959 c 163 § 2. Prior: (i) 1939 c 219 § 3, part; RRS § 6266-3, part. (ii) 1939 c 219 § 4, part; RRS § 6266-4, part.]  
15.44.025 Source—RCW 15.44.025 [1959 c 163 § 3.]  
15.44.030 Source—RCW 15.44.030 [1959 c 163 § 4. Prior: 1939 c 219 § 3, part; RRS § 6266-3, part.]  
15.44.032 Source—RCW 15.44.032 [1959 c 163 § 5.]  
“after the effective date of this act” changed to “after December 1, 1959”.  
15.44.034 Source—RCW 15.44.034 [1959 c 163 § 6.]  
15.44.036 Source—RCW 15.44.036 [1959 c 163 § 7.]  
15.44.038 Source—RCW 15.44.038 [1959 c 163 § 8.]  
15.44.040 Source—RCW 15.44.040 [1959 c 163 § 9. Prior: 1939 c 219 § 4, part; RRS § 6266-4, part.]  
15.44.050 Source—RCW 15.44.050 [(i) 1939 c 219 § 5; RRS § 6266-5. (ii) 1939 c 219 § 6; RRS § 6266-6.]  
“shall appoint” added to reflect session law language.  
15.44.060 Source—RCW 15.44.060 [1959 c 163 § 13; 1939 c 219 § 8; RRS § 6266-8.]  
15.44.070 Source—RCW 15.44.070 [1939 c 219 § 18; RRS § 6266-18.]  
15.44.080 Source—RCW 15.44.080 [1959 c 163 § 11. Prior: 1949 c 185 § 1; 1939 c 219 § 9(a); Rem. Supp. 1949 § 6266-9(a).]



- 15.44.090 Source—RCW 15.44.090 [1959 c 163 § 12. Prior: 1949 c 185 § 1; 1939 c 219 § 9(b); Rem. Supp. 1949 § 6266-9(b).] Explanatory note.
- 15.44.100 Source—RCW 15.44.100 [1959 c 163 § 14; 1939 c 219 § 10; RRS § 6266-10.]
- 15.44.110 Source—RCW 15.44.110 [1959 c 163 § 15; 1939 c 219 § 11; RRS § 6266-11.]
- 15.44.120 Source—RCW 15.44.120 [1959 c 163 § 16; 1939 c 219 § 12; RRS § 6266-12.]
- 15.44.130 Source—RCW 15.44.130 [1959 c 163 § 17, last am'ds 1939 c 219 § 13; Rem. Supp. 1949 § 6266-13.]
- 15.44.140 Source—RCW 15.44.140 [1939 c 219 § 19; RRS § 6266-19.]
- 15.44.150 Source—RCW 15.44.150 [1939 c 219 § 7; RRS § 6266-7.]
- 15.44.160 Source—RCW 15.44.160 [1939 c 219 § 16; RRS § 6266-16.]
- 15.44.170 Source—RCW 15.44.170 [1939 c 219 § 14; RRS § 6266-14.]
- 15.44.180 Source—RCW 15.44.180 [1939 c 219 § 15; RRS § 6266-15.]
- 15.44.900 Source—[1939 c 219 § 1; Rem. Supp. § 6266-1.]  
Not codified in RCW.
- 15.44.910 Source—[1939 c 219 § 17, part; Rem. Supp. § 6266-17, part.]  
Declaration of liberal construction. Severability portion omitted as covered herein by Sec. 15.98.030.

## Chapter 15.48 Agricultural and vegetable seeds

- 15.48.010 Source—RCW 15.48.010 [1959 c 222 § 1; 1955 c 233 § 2. Prior: (i) 1941 c 56 § 5, last am'ds 1919 c 183 § 1, part; Rem. Supp. 1941 § 2828-6. (ii) 1941 c 56 § 6, last am'ds 1919 c 183 § 1, part; Rem. Supp. 1941 § 2828-7. (iii) 1941 c 56 § 7; Rem. Supp. 1941 § 2828-8. (iv) 1941 c 56 § 10; Rem. Supp. 1941 § 2828-11. (v) 1941 c 56 § 11; Rem. Supp. 1941 § 2828-12. (vi) 1941 c 56 § 13; Rem. Supp. 1941 § 2828-14. (vii) 1943 c 248 § 3; Rem. Supp. 1943 § 2828-52.]
- 15.48.020 Source—RCW 15.48.020 [1955 c 233 § 3. Prior: 1941 c 56 § 12; Rem. Supp. 1941 § 2828-13.]
- 15.48.030 Source—RCW 15.48.030 [1955 c 233 § 4. Prior: 1941 c 56 § 15; Rem. Supp. 1941 § 2828-16.]
- 15.48.040 Source—RCW 15.48.040 [1959 c 222 § 2; 1955 c 233 § 5. Prior: 1941 c 56 § 16, last am'ds 1919 c 183 § 5; Rem. Supp. 1941 § 2828-17.]
- 15.48.050 Source—RCW 15.48.050 [1955 c 233 § 6. Prior: 1941 c 56 § 17; Rem. Supp. 1941 § 2828-18.]
- 15.48.060 Source—RCW 15.48.060 [1959 c 222 § 3; 1955 c 233 § 7. Prior: 1941 c 56 § 18, last am'ds 1919 c 183 § 2; Rem. Supp. 1941 § 2828-19.]
- 15.48.070 Source—RCW 15.48.070 [1955 c 233 § 8. Prior: 1941 c 56 § 19; Rem. Supp. 1941 § 2828-20.]
- 15.48.080 Source—RCW 15.48.080 [1955 c 233 § 9. Prior: 1941 c 56 § 20; Rem. Supp. 1941 § 2828-21.]
- 15.48.090 Source—RCW 15.48.090 [1955 c 233 § 10. Prior: 1941 c 56 § 22; Rem. Supp. 1941 § 2828-23.]
- 15.48.100 Source—RCW 15.48.100 [1955 c 233 § 11. Prior: 1941 c 56 § 23; Rem. Supp. 1941 § 2828-24.]
- 15.48.110 Source—RCW 15.48.110 [1955 c 233 § 12. Prior: (i) 1941 c 56 § 24; Rem. Supp. 1941 § 2828-25. (ii) 1941 c 56 § 25; Rem. Supp. 1941 § 2828-26.]
- 15.48.120 Source—RCW 15.48.120 [1955 c 233 § 13. Prior: 1941 c 56 § 26; Rem. Supp. 1941 § 2828-27.]
- 15.48.130 Source—RCW 15.48.130 [1955 c 233 § 14. Prior: 1941 c 56 § 29; Rem. Supp. 1941 § 2828-30.]
- 15.48.132 Source—RCW 15.48.132 [1955 c 233 § 15.]
- 15.48.134 Source—RCW 15.48.134 [1955 c 233 § 16.]
- 15.48.136 Source—RCW 15.48.136 [1955 c 233 § 17.]
- 15.48.138 Source—RCW 15.48.138 [1955 c 233 § 18.]

Explanatory  
note.

- 15.48.140 Source—RCW 15.48.140 [1955 c 233 § 19. Prior: 1941 c 56 § 37; Rem. Supp. 1941 § 2828-38.]
- 15.48.150 Source—RCW 15.48.150 [1955 c 233 § 20. Prior: (i) 1941 c 56 § 27; Rem. Supp. 1941 § 2828-28. (ii) 1941 c 56 § 28; Rem. Supp. 1941 § 2828-29.]
- 15.48.160 Source—RCW 15.48.160 [1955 c 233 § 21. Prior: 1943 c 64 § 1; 1941 c 56 § 36; Rem. Supp. 1943 § 2828-37.]
- 15.48.165 Source—RCW 15.48.165 [1955 c 233 § 22.]
- 15.48.170 Source—RCW 15.48.170 [1955 c 233 § 23. Prior: (i) 1941 c 56 § 34; Rem. Supp. 1941 § 2828-35. (ii) 1941 c 56 § 35; Rem. Supp. 1941 § 2828-36.]
- 15.48.175 Source—RCW 15.48.175 [1955 c 233 § 24.]
- 15.48.180 Source—RCW 15.48.180 [1955 c 233 § 25. Prior: (i) 1943 c 248 § 1; Rem. Supp. 1943 § 2828-50. (ii) 1943 c 248 § 2; Rem. Supp. 1943 § 2828-51.]
- 15.48.190 Source—RCW 15.48.190 [1955 c 233 § 26. Prior: (i) 1943 c 248 § 4; Rem. Supp. 1943 § 2828-53. (ii) 1943 c 248 § 6; Rem. Supp. 1943 § 2828-55.]
- 15.48.200 Source—RCW 15.48.200 [1955 c 233 § 27. Prior: 1943 c 248 § 5; Rem. Supp. 1943 § 2828-54.]
- 15.48.205 Source—RCW 15.48.205 [1955 c 233 § 28.]
- 15.48.210 Source—RCW 15.48.210 [1955 c 233 § 29. Prior: 1941 c 56 § 30; Rem. Supp. 1941 § 2828-31.]
- 15.48.220 Source—RCW 15.48.220 [1955 c 233 § 30. Prior: 1941 c 56 § 21; Rem. Supp. 1941 § 2828-22.]
- 15.48.230 Source—RCW 15.48.230 [1955 c 233 § 31. Prior: 1943 c 64 § 2; 1941 c 56 § 38; Rem. Supp. 1943 § 2828-39.]
- “a special fund which is hereby created in the state treasury and designated the ‘seed fund’, which” to “the seed account of the state general fund and” to harmonize with chapter 43.79 RCW which abolished the seed fund and transferred its moneys to the seed account.
- Last sentence omitted as obsolete, see also chapter 43.79 RCW.
- 15.48.240 Source—RCW 15.48.240 [1955 c 233 § 32. Prior: 1941 c 56 § 31; Rem. Supp. 1941 § 2828-32.]
- 15.48.250 Source—RCW 15.48.250 [1955 c 233 § 33. Prior: 1941 c 56 § 32; Rem. Supp. 1941 § 2828-33.]
- 15.48.260 Source—RCW 15.48.260 [1955 c 233 § 34. Prior: 1941 c 56 § 33; Rem. Supp. 1941 § 2828-34.]
- 15.48.900 Source—RCW 15.48.900 [1955 c 233 § 1.]
- “act” changed to “chapter”.

Chapter 15.50 Irish seed potatoes

- 15.50.010 Source—RCW 15.50.010 [1959 c 65 § 1.]
- 15.50.020 Source—RCW 15.50.020 [1959 c 65 § 2.]
- 15.50.030 Source—RCW 15.50.030 [1959 c 65 § 3.]
- 15.50.040 Source—RCW 15.50.040 [1959 c 65 § 4.]
- 15.50.050 Source—RCW 15.50.050 [1959 c 65 § 5.]
- “State College of Washington” changed to “Washington State University” (see RCW 28.80.010 as amended by 1959 c 77).
- 15.50.060 Source—RCW 15.50.060 [1959 c 65 § 6.]
- 15.50.070 Source—RCW 15.50.070 [1959 c 65 § 7.]
- 15.50.080 Source—RCW 15.50.080 [1959 c 65 § 8.]

Chapter 15.52 Washington animal remedy act  
(Formerly Feed, fertilizers and livestock remedies)

Note 1: Laws of 1939 c 211, session law basis for chapter 15.52, originally pertained to feed, fertilizers and livestock remedies (see former chapter designation); chapter 80, Laws of 1953 (chapter 15.53 RCW) supersedes this chapter as it relates to commercial feeds (see 1953 c 80 § 32); chapter 85, Laws of 1953

- (chapter 15.54 RCW) supersedes this chapter insofar as it relates to fertilizers, agricultural minerals and limes (see 1953 c 85 § 27); herein chapter 15.52 RCW has been edited by removing portions thereof superseded by the 1953 acts mentioned above, and retaining only the provisions relating to livestock remedies, thus rendering the chapter an animal remedy act, in accordance with the short title enacted by 1959 c 223 § 1 (RCW 15.52.900).
- 15.52.010 Source—RCW 15.52.010 [(i) 1939 c 211 § 5; RRS § 7016-5. (iii) 1949 c 167 § 1, part; 1939 c 211 § 9; Rem. Supp. 1949 § 7016-9, part. (v) 1939 c 211 § 39, part; RRS § 7016-39, part. Omitted in reenactment: (ii) 1939 c 211 § 6; RRS § 7016-6. (iii) 1949 c 167 § 1, part; 1939 c 211 § 9; Rem. Supp. 1949 § 7016-9, part. (iv) 1949 c 167 § 2, part; 1939 c 211 § 33; Rem. Supp. 1949 § 7016-33, part. (vi) 1939 c 211 § 42; RRS § 7016-42. (vii) 1939 c 211 § 43; RRS § 7016-43. (viii) 1939 c 211 § 44; RRS § 7016-44.]  
Substantial omissions as noted above. The definition of "label" is presently omitted from RCW.
- 15.52.020 Source—RCW 15.52.020 [1939 c 211 § 16; RRS § 7016-16.]  
"the state college" changed to "Washington State University".
- 15.52.030 Source—RCW 15.52.030 [1939 c 211 § 17; RRS § 7016-17.]
- 15.52.040 Source—RCW 15.52.040 [1939 c 211 § 18; RRS § 7016-18.]  
Substantial omissions as noted above.
- 15.52.050 Source—RCW 15.52.050 [(i) 1939 c 211 § 19; RRS § 7016-19. (ii) 1939 c 211 § 20, part; RRS § 7016-20, part.]  
"distributing any concentrated commercial feeding stuff, fertilizer, or livestock remedy," changed to "distributing any livestock remedy."
- 15.52.060 Source—RCW 15.52.060 [1939 c 211 § 21, part; RRS § 7016-21, part.]  
"samples of commercial feeding stuffs, fertilizers, or livestock remedies" changed to "samples of livestock remedies".
- 15.52.070 Source—RCW 15.52.070 [1939 c 211 § 21, part; RRS § 7016-21, part.]
- 15.52.080 Source—RCW 15.52.080 [1939 c 211 § 10; RRS § 7016-10.]  
"Concentrated commercial feeding stuff, fertilizer, and livestock remedies shall" changed to "Livestock remedies shall".
- 15.52.090 Source—RCW 15.52.090 [(i) 1939 c 211 § 12; RRS § 7016-12. (ii) 1939 c 211 § 13; RRS § 7016-13.]
- 15.52.100 Source—RCW 15.52.100 [(i) 1939 c 211 § 11; RRS § 7016-11. (ii) 1939 c 211 § 14; RRS § 7016-14. Omitted in reenactment: (iii) 1949 c 167 § 4; 1939 c 211 § 37; Rem. Supp. 1949 § 7016-37.]  
Substantial omissions as noted above.
- 15.52.110 Source—RCW 15.52.110 [1943 c 263 § 1, part; 1939 c 211 § 23; Rem. Supp. 1943 § 7016-23, part.]  
"any brand of concentrated commercial feeding stuff, fertilizer or livestock remedy" changed to "any brand of livestock remedy".
- 15.52.120 Source—RCW 15.52.120 [(i) 1939 c 211 § 39, part; RRS § 7016-39, part. (ii) 1939 c 211 § 40; RRS § 7016-40.]
- 15.52.130 Source—RCW 15.52.130 [1939 c 211 § 41; RRS § 7016-41.]
- 15.52.140 Source—RCW 15.52.140 [1939 c 211 § 15, part; RRS § 7016-15, part.]  
"relating to concentrated commercial feeding stuffs, fertilizers, and livestock remedies." changed to "relating to livestock remedies."
- 15.52.150 Source—RCW 15.52.150 [(i) 1939 c 211 § 15, part; RRS § 7016-15, part. (ii) 1939 c 211 § 28, part; RRS § 7016-28, part.]  
"prescribed by him; or which contains noxious weed seeds or other materials which may contaminate the soil" changed to "prescribed by him."

Explanatory note.

Explanatory  
note.

- 15.52.160 Source—RCW 15.52.160 [1939 c 211 § 28, part; RRS § 7016-28, part.]
- 15.52.170 Source—RCW 15.52.170 [1939 c 211 § 22, part; RRS § 7016-22, part.]
- 15.52.180 Source—RCW 15.52.180 [1939 c 211 § 22, part; RRS § 7016-22, part.]
- 15.52.320 Source—RCW 15.52.320 [(i) 1943 c 263 § 1, part; 1939 c 211 § 23; Rem. Supp. 1943 § 7016-23, part. (iii) 1939 c 211 § 27; RRS § 7016-27.]  
Omitted in reenactment: (ii) 1939 c 211 § 25, part; RRS § 7016-25, part.  
“licenses and brand registrations” to “brand registrations” as the only license provisions related to retail sale of feeds which is no longer covered by this chapter.  
“special fund of the state treasury known as the feed and fertilizer fund” changed to “special account of the general fund of the state treasury known as the feed and fertilizer account”.
- 15.52.330 Source—RCW 15.52.330 [1939 c 211 § 56; RRS § 7016-56.]
- 15.52.340 Source—RCW 15.52.340 [1939 c 211 § 57; RRS § 7016-57.]
- 15.52.900 Source—RCW 15.52.900 [1959 c 223 § 1.]
- Note 2: The following RCW sections, formerly a part of chapter 15.52, are omitted herefrom as superseded by chapter 80, Laws of 1953 or chapter 85, Laws of 1953; see Note 1 above.
- 15.52.190 Source—[1949 c 167 § 2, part; 1939 c 211 § 33; Rem. Supp. 1949 § 7016-33, part.]
- 15.52.200 Source—[1939 c 211 § 24, part; RRS § 7016-24, part.]
- 15.52.210 Source—[(i) 1939 c 211 § 24, part; RRS § 7016-24, part. (ii) 1939 c 211 § 25, part; RRS § 7016-25, part. (iii) 1939 c 211 § 26; RRS § 7016-26.]
- 15.52.220 Source—[1949 c 167 § 3; 1939 c 211 § 36; Rem. Supp. 1949 § 7016-36.]
- 15.52.230 Source—[1939 c 211 § 35; RRS § 7016-35.]
- 15.52.240 Source—[1939 c 211 § 38; RRS § 7016-38.]
- 15.52.250 Source—[(i) 1939 c 211 § 45; RRS § 7016-45. (ii) 1939 c 211 § 46; RRS § 7016-46. (iii) 1939 c 211 § 47; RRS § 7016-47.]
- 15.52.260 Source—[1939 c 211 § 48; RRS § 7016-48.]
- 15.52.270 Source—[1939 c 211 § 49; RRS § 7016-49.]
- 15.52.280 Source—[1939 c 211 § 50; RRS § 7016-50.]
- 15.52.290 Source—[1939 c 211 § 53; RRS § 7016-53.]
- 15.52.300 Source—[1939 c 211 § 55; RRS § 7016-55.]
- 15.52.310 Source—[1939 c 211 § 54; RRS § 7016-54.]

## Chapter 15.53 Commercial Feed

## (Washington Commercial Feed Law of 1953)

- 15.53.010 Source—RCW 15.53.010 [1953 c 80 § 1.]  
“the State College of Washington” to “Washington State University” throughout this chapter.
- 15.53.020 Source—RCW 15.53.020 [1953 c 80 § 2.]
- 15.53.030 Source—RCW 15.53.030 [1953 c 80 § 2.]
- 15.53.040 Source—RCW 15.53.040 [1953 c 80 § 3.]
- 15.53.050 Source—RCW 15.53.050 [1953 c 80 § 4.]
- 15.53.060 Source—RCW 15.53.060 [1953 c 80 § 5.]
- 15.53.070 Source—RCW 15.53.070 [1953 c 80 § 6.]
- 15.53.080 Source—RCW 15.53.080 [1953 c 80 § 8.]
- 15.53.090 Source—RCW 15.53.090 [1953 c 80 § 7.]
- 15.53.100 Source—RCW 15.53.100 [1953 c 80 § 9.]
- 15.53.110 Source—RCW 15.53.110 [1953 c 80 § 10.]
- 15.53.120 Source—RCW 15.53.120 [1953 c 80 § 11.]
- 15.53.130 Source—RCW 15.53.130 [1953 c 80 § 31.]  
“treasury a special fund to be known as the commercial fund in” changed to “treasury in the general fund a special ac-

- count to be known as the commercial feed account in" in Explanatory  
accordance with RCW 43.79.330-43.79.334. note.
- 15.53.140 Source—RCW 15.53.140 [1953 c 80 § 12.]  
 15.53.150 Source—RCW 15.53.150 [1953 c 80 § 13.]  
 15.53.160 Source—RCW 15.53.160 [1953 c 80 § 14.]  
 15.53.170 Source—RCW 15.53.170 [1953 c 80 § 15.]  
 15.53.180 Source—RCW 15.53.180 [1953 c 80 § 16.]  
 15.53.190 Source—RCW 15.53.190 [1953 c 80 § 17.]  
 15.53.200 Source—RCW 15.53.200 [1953 c 80 § 18.]  
 15.53.210 Source—RCW 15.53.210 [1953 c 80 § 19.]  
 15.53.220 Source—RCW 15.53.220 [1953 c 80 § 20.]  
 15.53.230 Source—RCW 15.53.230 [1953 c 80 § 23.]  
 15.53.240 Source—RCW 15.53.240 [1953 c 80 § 24.]  
 15.53.250 Source—RCW 15.53.250 [1953 c 80 § 28.]  
 15.53.260 Source—RCW 15.53.260 [1953 c 80 § 26.]  
 15.53.270 Source—RCW 15.53.270 [1953 c 80 § 27.]  
 15.53.280 Source—RCW 15.53.280 [1953 c 80 § 20.]  
 15.53.290 Source—RCW 15.53.290 [1953 c 80 § 25.]  
 15.53.300 Source—RCW 15.53.300 [1953 c 80 § 33.]  
 15.53.310 Source—RCW 15.53.310 [1953 c 80 § 29.]  
 15.53.900 Source—[1953 c 80 § 34], presently footnoted to RCW 15.53.010.  
 "act" changed to "chapter".

Note: RCW sections, formerly a part of chapter 15.53, omitted in re-enactment.

(1) 15.53.320—Source—[1953 c 80 § 32.]

This section repeals 1939 c 211 as amended by 1949 c 167 [chapter 15.52 RCW] insofar as it relates to commercial feeds. Chapter 15.52 RCW, with reenactment, having been edited to omit material referring to commercial feeds therein, this RCW section is now superfluous.

Chapter 15.54 Fertilizers, agricultural minerals and limes.  
(Washington Fertilizer Act)

- 15.54.010 Source—RCW 15.54.010 [1957 c 151 § 1; 1953 c 85 § 2.]  
 15.54.020 Source—RCW 15.54.020 [1953 c 85 § 19.]  
 15.54.030 Source—RCW 15.54.030 [1953 c 85 § 3.]  
 15.54.040 Source—RCW 15.54.040 [1953 c 85 § 4.]  
 15.54.050 Source—RCW 15.54.050 [1953 c 85 § 5.]  
 15.54.060 Source—RCW 15.54.060 [1953 c 85 § 6.]  
 15.54.070 Source—RCW 15.54.070 [1953 c 85 § 7.]  
 15.54.080 Source—RCW 15.54.080 [1953 c 85 § 8.]  
 "dolomitic of [or] calcic" changed to "dolomitic or calcic"  
 15.54.090 Source—RCW 15.54.090 [1953 c 85 § 9.]  
 15.54.100 Source—RCW 15.54.100 [1953 c 85 § 24.]  
 15.54.110 Source—RCW 15.54.110 [1953 c 85 § 10.]  
 15.54.120 Source—RCW 15.54.120 [1953 c 85 § 11.]  
 15.54.130 Source—RCW 15.54.130 [1953 c 85 § 12.]  
 "manufactures" changed to "manufacturers".  
 15.54.140 Source—RCW 15.54.140 [1953 c 85 § 13.]  
 15.54.150 Source—RCW 15.54.150 [1953 c 85 § 14.]  
 15.54.160 Source—RCW 15.54.160 [1953 c 85 § 15.]  
 15.54.170 Source—RCW 15.54.170 [1953 c 85 § 16.]  
 15.54.180 Source—RCW 15.54.180 [1953 c 85 § 17.]  
 15.54.190 Source—RCW 15.54.190 [1953 c 85 § 18.]  
 15.54.200 Source—RCW 15.54.200 [1953 c 85 § 20.]  
 15.54.210 Source—RCW 15.54.210 [1953 c 85 § 21.]  
 "delay in" changed to "delay, in"  
 15.54.220 Source—RCW 15.54.220 [1953 c 85 § 22.]  
 15.54.230 Source—RCW 15.54.230 [1953 c 85 § 23.]  
 15.54.240 Source—RCW 15.54.240 [1953 c 85 § 25.]  
 15.54.250 Source—RCW 15.54.250 [1953 c 85 § 26.]

**Explanatory  
note.**

- “the state treasury a special fund to be known as the fertilizer, agricultural mineral and lime fund” changed to “the general fund of the state treasury a special account to be known as the fertilizer, agricultural mineral and lime account”.
- 15.54.900 Source—[1953 c 85 § 27.]  
Formerly footnoted to 15.54.010.  
“act” changed to “chapter”.
- Note: RCW section, formerly a part of chapter 15.54, omitted in reenactment.  
(1) 15.54.260—Source—[1953 c 85 § 27.]  
This section repeals 1939 c 211 as amended by 1949 c 167 [chapter 15.52 RCW] insofar as it relates to fertilizers, agricultural minerals and limes, chapter 15.52 RCW, with reenactment, having been edited to omit material referring to fertilizers, agricultural minerals and limes therein.  
This RCW section is now superfluous.

Chapter 15.56 Economic poisons

- 15.56.010 Source—RCW 15.56.010 [1941 c 230 § 1; Rem. Supp. 1941 § 2787-4.]
- 15.56.020 Source—RCW 15.56.020 [1941 c 230 § 3; Rem. Supp. 1941 § 2787-6.]
- 15.56.030 Source—RCW 15.56.030 [1941 c 230 § 4; Rem. Supp. 1941 § 2787-7.]
- 15.56.040 Source—RCW 15.56.040 [(i) 1941 c 230 § 6; Rem. Supp. 1941 § 2787-9. (ii) 1941 c 230 § 7; Rem. Supp. 1941 § 2787-10.]
- 15.56.050 Source—RCW 15.56.050 [1941 c 230 § 8; Rem. Supp. 1941 § 2787-11.]  
“the state college” changed to “Washington State University”, see RCW 28.80.010, 1959 amendment.
- 15.56.060 Source—RCW 15.56.060 [(i) 1941 c 230 § 11, part; Rem. Supp. 1941 § 2787-14, part. (ii) 1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
- 15.56.070 Source—RCW 15.56.070 [(i) 1941 c 230 § 11, part; Rem. Supp. 1941 § 2787-14, part. (ii) 1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
- 15.56.080 Source—RCW 15.56.080 [1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
- 15.56.090 Source—RCW 15.56.090 [1941 c 230 § 14, part; Rem. Supp. 1941 § 2787-16, part.]
- 15.56.100 Source—RCW 15.56.100 [1941 c 230 § 14, part; Rem. Supp. 1941 § 2787-16, part.]
- 15.56.110 Source—RCW 15.56.110 [1941 c 230 § 5; Rem. Supp. 1941 § 2787-8.]
- 15.56.120 Source—RCW 15.56.120 [1941 c 230 § 9; Rem. Supp. 1941 § 2787-12.]
- 15.56.130 Source—RCW 15.56.130 [1941 c 230 § 10; Rem. Supp. 1941 § 2787-13.]
- 15.56.140 Source—RCW 15.56.140 [1941 c 230 § 15; Rem. Supp. 1941 § 2787-17.]
- 15.56.150 Source—RCW 15.56.150 [1941 c 230 § 16; Rem. Supp. 1941 § 2787-18.]
- 15.56.160 Source—RCW 15.56.160 [1941 c 230 § 17; Rem. Supp. 1941 § 2787-19.]
- 15.56.170 Source—RCW 15.56.170 [1941 c 230 § 19; Rem. Supp. 1941 § 2787-21.]
- 15.56.180 Source—RCW 15.56.180 [1941 c 230 § 18; Rem. Supp. 1941 § 2787-20.]
- 15.56.190 Source—RCW 15.56.190 [1941 c 230 § 2; Rem. Supp. 1941 § 2787-5.]

Chapter 15.60 Apiaries

- 15.60.005 Source—RCW 15.60.005 [1955 c 271 § 1.]
- 15.60.010 Source—RCW 15.60.010 [1933 ex.s. c 59 § 1; RRS § 3170-1.]
- 15.60.015 Source—RCW 15.60.015 [1955 c 271 § 2.]

- 15.60.020 Source—RCW 15.60.020 [1955 c 271 § 4. Prior: 1949 c 105 § 1, part, last am'ds 1919 c 116 § 3; Rem. Supp. 1949 § 3170-2, part.] Explanatory note.
- 15.60.030 Source—RCW 15.60.030 [1955 c 271 § 5. Prior: 1949 c 105 § 1, part, last am'ds 1919 c 116 § 3; Rem. Supp. 1949 § 3170-2, part.]
- 15.60.040 Source—RCW 15.60.040 [1959 c 174 § 1; 1955 c 271 § 6. Prior: (i) 1949 c 105 § 2; 1933 ex.s. c 59 § 3; Rem. Supp. 1949 § 3170-3. (ii) 1933 ex.s. c 59 § 4; RRS § 3170-4.]
- 15.60.050 Source—RCW 15.60.050 [1933 ex.s. c 59 § 6; RRS § 3170-6.]
- 15.60.060 Source—RCW 15.60.060 [1933 ex.s. c 59 § 7; RRS § 3170-7.]
- 15.60.080 Source—RCW 15.60.080 [1955 c 271 § 7; 1933 ex.s. c 59 § 11; RRS § 3170-11.]
- 15.60.100 Source—RCW 15.60.100 [1955 c 271 § 9. Prior: (i) 1941 c 130 § 2; Rem. Supp. 1941 § 3183-2. (ii) 1941 c 130 § 3, part; Rem. Supp. 1941 § 3183-3, part. (iii) 1949 c 105 § 5; 1941 c 130 § 5; Rem. Supp. 1949 § 3183-5. (iv) 1949 c 105 § 3; Rem. Supp. 1949 § 3170-10.]
- 15.60.110 Source—RCW 15.60.110 [1955 c 271 § 10. Prior: 1941 c 130 § 3, part; Rem. Supp. 1941 § 3183-3, part.]
- 15.60.115 Source—RCW 15.60.115 [1955 c 271 § 11.]
- 15.60.120 Source—RCW 15.60.120 [1933 ex.s. c 59 § 8, part; RRS § 3170-8, part.]
- 15.60.130 Source—RCW 15.60.130 [1933 ex.s. c 59 § 8, part; RRS § 3170-8, part.]
- 15.60.140 Source—RCW 15.60.140 [(i) 1949 c 105 § 4; 1933 ex.s. c 59 § 12; Rem. Supp. 1949 § 3170-12. (ii) 1941 c 130 § 6; Rem. Supp. 1941 § 3183-6.]
- 15.60.150 Source—RCW 15.60.150 [1897 c 12 §§ 1, 2; No RRS.]
- 15.60.160 Source—RCW 15.60.160 [1933 ex.s. c 59 § 9; RRS § 3170-9.]

## Chapter 15.64 Farm marketing

- 15.64.010 Source—RCW 15.64.010 [1917 c 119 § 3; RRS § 2876.]
- 15.64.020 Source—RCW 15.64.020 [1917 c 119 § 4; RRS § 2877.]
- 15.64.030 Source—RCW 15.64.030 [1947 c 280 § 2; Rem. Supp. 1947 § 2909-2.]  
“the state college” changed to “Washington State University” throughout (see RCW 28.80.010 as amended by 1959 c 77 § 1).
- 15.64.040 Source—RCW 15.64.040 [1947 c 280 § 1; Rem. Supp. 1947 § 2909-1.]  
“the state college” changed to “Washington State University” throughout (see RCW 28.80.010 as amended by 1959 c 77 § 1).

## Chapter 15.66 Washington Agricultural Enabling Act

- 15.66.010 Source—RCW 15.66.010 [1955 c 191 § 1.]  
“RCW 15.66.050” changed to “RCW 15.66.060” in subsection (7) to rectify clerical mistake.  
Session law [1955 c 191 § 1.] subsection (7) reads in RCW, “. . . for which the director has established a list of producers pursuant to RCW 15.66.050.” The session law reads, as published, “. . . pursuant to section 5 [6] of this act.”  
Section 5, present RCW 15.66.050, deals with initiating a petition for a marketing order and does not mention producers lists, while section 6, appropriately captioned as RCW 15.66.060, “Lists of affected producers—Notice—Hearing notice.” does deal with lists of affected producers.  
In subdivision (10) “19.77” added as portion of 19.76 was repealed and superseded by 1955 c 211, codified as chapter 19.77 RCW. Also, “19.88” changed to “19.89 and 19.90” as the subject matter formerly codified in 19.88 is now codified therein.
- 15.66.020 Source—RCW 15.66.020 [1955 c 191 § 2.]
- 15.66.030 Source—RCW 15.66.030 [1955 c 191 § 3.]
- 15.66.040 Source—RCW 15.66.040 [1955 c 191 § 4.]
- 15.66.050 Source—RCW 15.66.050 [1955 c 191 § 5.]
- 15.66.060 Source—RCW 15.66.060 [1955 c 191 § 6.]
- 15.66.070 Source—RCW 15.66.070 [1955 c 191 § 7.]  
“Copy of the order shall be served upon the witness.”

**Explanatory note.**

changed to "A copy of the order shall be served upon the witness." for readability.

- 15.66.080 Source—RCW 15.66.080 [1955 c 191 § 8.]
- 15.66.090 Source—RCW 15.66.090 [1955 c 191 § 9.]
- 15.66.100 Source—RCW 15.66.100 [1955 c 191 § 10.]
- 15.66.110 Source—RCW 15.66.110 [1955 c 191 § 11.]
- 15.66.120 Source—RCW 15.66.120 [1955 c 191 § 12.]
- 15.66.130 Source—RCW 15.66.130 [1955 c 191 § 13.]
- 15.66.140 Source—RCW 15.66.140 [1955 c 191 § 14.]
- 15.66.150 Source—RCW 15.66.150 [1957 c 133 § 1; 1955 c 191 § 15.]
- 15.66.160 Source—RCW 15.66.160 [1955 c 191 § 16.]
- 15.66.170 Source—RCW 15.66.170 [1955 c 191 § 17.]
- 15.66.180 Source—RCW 15.66.180 [1955 c 191 § 18.]
- 15.66.190 Source—RCW 15.66.190 [1955 c 191 § 19.]
- 15.66.200 Source—RCW 15.66.200 [1955 c 191 § 20.]  
 “. . . the director shall make its [his] ruling which shall be final.” changed to “the director shall make his ruling which shall be final.”
- 15.66.210 Source—RCW 15.66.210 [1955 c 191 § 21.]
- 15.66.220 Source—RCW 15.66.220 [1955 c 191 § 22.]
- 15.66.230 Source—RCW 15.66.230 [1955 c 191 § 23.]
- 15.66.240 Source—RCW 15.66.240 [1955 c 191 § 24.]
- 15.66.250 Source—RCW 15.66.250 [1955 c 191 § 25.]
- 15.66.260 Source—RCW 15.66.260 [1955 c 191 § 26.]
- 15.66.270 Source—RCW 15.66.270 [1955 c 191 § 27.]  
 “. . . or to [the] dairy products commission (RCW 15.44.010-15.44.180 inclusive).” changed to “or to the dairy products commission (chapter 15.44 RCW)”.  
 “(RCW 15.24.010-15.24.210 inclusive),” changed to “(chapter 15.24 RCW)”.  
 “(RCW 15.28.210-15.28.310 inclusive)” changed to “(chapter 15.28 RCW)”.
- 15.66.900 Source—RCW 15.66.900 [1955 c 191 § 29.]

**Chapter 15.67 Agricultural Conservation Plans—1953 Act**

Note: See notes for chapter 15.68.

- 15.67.010 Source—RCW 15.68.160 [1953 c 153 § 1.]
- 15.67.020 Source—RCW 15.68.170 [1953 c 153 § 2.]  
 “which the designated agency finds will tend in conjunction with the operation of other plans which may be approved for other states by the secretary to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, promote the economic use of land, and reestablish” changed to “which the designated agency finds will tend, in conjunction with the operation of other plans which may be approved for other states by the secretary, to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, to promote the economical use of land, and to reestablish”.
- 15.67.030 Source—RCW 15.68.180 [1953 c 153 § 3.]
- 15.67.040 Source—RCW 15.68.190 [1953 c 153 § 4.]
- 15.67.050 Source—RCW 15.68.200 [1953 c 153 § 5.]
- 15.67.060 Source—RCW 15.68.210 [1953 c 153 § 6.]
- 15.67.070 Source—RCW 15.68.220 [1953 c 153 § 7.]

**Chapter 15.68 Agricultural Conservation Plans—1937 Act**

Note: The 1953 act codified herein as chapter 15.67 appears to cover much the same subject matter as this 1937 act, but since it did not expressly repeal it, both acts are codified herein. We are unable to find any judicial expression of repeal by implication concerning these acts, and it in fact appears that neither act has been judicially construed. Although both acts



are included herein, it should be noted that Sec. 15.98.010 of this bill provides that the provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter shall be construed as continuations and not as new enactments. Explanatory note.

- 15.68.010 Source—RCW 15.68.010 [1937 c 175 § 2; RRS § 3040-2.]  
 15.68.020 Source—RCW 15.68.020 [1937 c 175 § 4; RRS § 3040-4.]  
 Throughout this chapter, "The State College of Washington" changed to "Washington State University", and "college" changed to "university".  
 15.68.030 Source—RCW 15.68.030 [1937 c 175 § 5(a), (b); RRS § 3040-5(a), (b).]  
 15.68.040 Source—RCW 15.68.040 [1937 c 175 § 5(c), (e); RRS § 3040-5(c), (e).]  
 15.68.050 Source—RCW 15.68.050 [1937 c 175 § 5(d); RRS § 3040-5(d).]  
 15.68.060 Source—RCW 15.68.060 [1937 c 175 § 5(f); RRS § 3040-5(f).]  
 15.68.070 Source—RCW 15.68.070 [1937 c 175 § 6(a); RRS § 3040-6(a).]  
 15.68.080 Source—RCW 15.68.080 [1937 c 175 § 6(b); RRS § 3040-6(b).]  
 15.68.090 Source—RCW 15.68.090 [1937 c 175 § 6(c); RRS § 3040-6(c).]  
 15.68.100 Source—RCW 15.68.100 [1937 c 175 § 7(a), (d); RRS § 3040-7(a), (d).]  
 15.68.110 Source—RCW 15.68.110 [1937 c 175 § 7(b), (c); RRS § 3040-7(b), (c).]  
 15.68.120 Source—RCW 15.68.120 [1937 c 175 § 8; RRS § 3040-8.]  
 15.68.130 Source—RCW 15.68.130 [1937 c 175 § 9; RRS § 3040-9.]  
 15.68.140 Source—RCW 15.68.140 [1937 c 175 § 10; RRS § 3040-10.]  
 15.68.150 Source—RCW 15.68.150 [1937 c 175 § 11; RRS § 3040-11.]  
 15.68.160 through 15.68.220 herein chapter 15.67.  
 15.68.900 Source—[1937 c 175 § 1; RRS § 3040-1.]  
 Presently footnoted to RCW 15.68.010.

#### Chapter 15.69 Conservation—Northwest Washington Nursery

- 15.69.010 Source—RCW 15.69.010 [1955 c 368 § 1.]  
 15.69.020 Source—RCW 15.69.020 [1955 c 368 § 2.]  
 15.69.030 Source—RCW 15.69.030 [1955 c 368 § 3.]  
 15.69.040 Source—RCW 15.69.040 [1955 c 368 § 4.]

#### Chapter 15.70 Rural Rehabilitation

- 15.70.010 Source—RCW 15.70.010 [1951 c 169 § 1.]  
 15.70.020 Source—RCW 15.70.020 [1951 c 169 § 2.]  
 15.70.030 Source—RCW 15.70.030 [1951 c 169 § 3.]  
 15.70.040 Source—RCW 15.70.040 [1951 c 169 § 4.]  
 15.70.050 Source—RCW 15.70.050 [1951 c 169 § 5.]

#### Chapter 15.73 State Trade Fairs

- 15.73.010 Source—RCW 15.73.010 [1955 c 106 § 1.]  
 15.73.020 Source—RCW 15.73.020 [1955 c 106 § 2.]  
 15.73.030 Source—RCW 15.73.030 [1955 c 106 § 3.]  
 15.73.040 Source—RCW 15.73.040 [1955 c 106 § 4.]

#### Chapter 15.76 Agricultural Fairs, 4-H Club and Student Exhibitions

- 15.76.011 Source—RCW 15.76.011 [1951 c 60 § 1.]  
 15.76.021 Source—RCW 15.76.021 [1951 c 60 § 2.]  
 15.76.031 Source—RCW 15.76.031 [1951 c 60 § 3.]  
 15.76.041 Source—RCW 15.76.041 [1951 c 60 § 4.]  
 "and which has" changed to "and has".  
 15.76.050 Source—RCW 15.76.050 [1951 c 60 § 5.]  
 15.76.060 Source—RCW 15.76.060 [1951 c 60 § 8, part.]  
 15.76.070 Source—RCW 15.76.070 [1951 c 60 § 6.]  
 15.76.080 Source—RCW 15.76.080 [1951 c 60 § 8, part.]  
 15.76.090 Source—RCW 15.76.090 [1951 c 60 § 7.]

Explanatory  
note.

Chapter 15.80 Weighing Commodities in Highway  
Transport—Weighmasters

- 15.80.010 Source—RCW 15.80.010 [1953 c 146 § 1.]
  - 15.80.020 Source—RCW 15.80.020 [1953 c 146 § 2.]
  - 15.80.030 Source—RCW 15.80.030 [1953 c 146 § 3.]
  - 15.80.040 Source—RCW 15.80.040 [1953 c 146 § 4.]
  - 15.80.050 Source—RCW 15.80.050 [1953 c 146 § 5.]
  - 15.80.060 Source—RCW 15.80.060 [1953 c 146 § 21.]
  - 15.80.070 Source—RCW 15.80.070 [1955 c 306 § 1; 1953 c 146 § 6.]
  - 15.80.080 Source—RCW 15.80.080 [1953 c 146 § 7.]
  - 15.80.090 Source—RCW 15.80.090 [1953 c 146 § 25.]
  - 15.80.100 Source—RCW 15.80.100 [1953 c 146 § 8.]
  - 15.80.110 Source—RCW 15.80.110 [1953 c 146 § 9.]
  - 15.80.120 Source—RCW 15.80.120 [1953 c 146 § 23.]
  - 15.80.130 Source—RCW 15.80.130 [1953 c 146 § 24.]
  - 15.80.140 Source—RCW 15.80.140 [1953 c 146 § 11.]
  - 15.80.150 Source—RCW 15.80.150 [1953 c 146 § 12.]
  - 15.80.160 Source—RCW 15.80.160 [1953 c 146 § 13.]
  - 15.80.170 Source—RCW 15.80.170 [1953 c 146 § 15.]
  - 15.80.180 Source—RCW 15.80.180 [1953 c 146 § 14.]
  - 15.80.190 Source—RCW 15.80.190 [1953 c 146 § 16.]
- “The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to be weighed at the nearest scale,” changed to “The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to weigh the vehicle and load at the nearest scale.”.
- 15.80.200 Source—RCW 15.80.200 [1953 c 146 § 20.]
  - 15.80.210 Source—RCW 15.80.210 [1953 c 146 § 10.]
  - 15.80.220 Source—RCW 15.80.220 [1953 c 146 § 17.]
  - 15.80.230 Source—RCW 15.80.230 [1953 c 146 § 18.]
  - 15.80.240 Source—RCW 15.80.240 [1953 c 146 § 19.]
  - 15.80.250 Source—RCW 15.80.250 [1953 c 146 § 22.]
  - 15.80.260 Source—RCW 15.80.260 [1953 c 146 § 26.]

Chapter 15.98 Construction

- 15.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 15.98.020 Provides that chapter, etc., headings are not part of the law.
- 15.98.030 Severability.
- 15.98.040 Repeals and saving.  
Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.  
(4) Part of act repealed without reenactment as superseded by later laws.  
(21) Section 5 of said act is repealed without reenactment as superseded by later laws.  
(40) Section 1 of said act, a declaration of public purpose, was omitted from RCW as “preamble” and is herein repealed without reenactment.  
Section 2 creating the office of director of farm marketing is likewise repealed without reenactment as the office was abolished and its powers devolved upon the director of agriculture by 1921 c 7 §§ 90 and 135.  
(46) Section 42 of said act repealed without reenactment as superseded by RCW 15.32.690, and 15.34.696. See also chapter 15.44, RCW.  
(50) Section 15 of said act devolved upon the director of agriculture certain powers and duties of the commissioner of agriculture relating to horticulture. As this section is

duplicate of the like section of the 1921 administrative code, and since the substantive sections have all been revised to reflect this devolution, it is here repealed without reenactment. Explanatory note.

(80) Section 1 of said act repealed without reenactment as superseded by RCW 15.08.190.

(83) Section 3 of said act defines "person" and "other states of the United States" and is here repealed without reenactment as the first definition is covered by RCW 15.04.010 and the second is not used in the act as revised by the 1941 Code Committee.

Subsection 5(g) was omitted from RCW as superfluous and is here repealed without reenactment.

(87) Substantial portions of this act have been superseded by chapters 15.53 and 15.54 RCW. Such portions, being sections 1, 2, 3, 4, 6, 7, 24, 25, 26, 29, 30 through 38, 42 through 55, 58 and 59, are accordingly repealed without reenactment.

(93) Section 4 of said act provides that nothing in said 1941 act which relates to the importation of bees shall be construed to prohibit the importation of honey for human consumption which complies with the Honey Act, chapter 69.28 RCW. This section was omitted from RCW as superfluous and is herein repealed without reenactment.