

had been originally commenced therein.

(2) In acting on any motion for dismissal without prejudice in a case where a motion for change of venue under subsection (1) of this section has been made, the court shall, if it determines the motion for change of venue proper, determine the amount of attorney's fee properly to be awarded to defendant and, if the action be dismissed, the attorney's fee shall be a setoff against any claim subsequently brought on the same cause of action.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
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Filed in office of Secretary of State April 24, 1969

CHAPTER 145  
[Substitute House Bill No. 33]  
WASHINGTON MEAT  
INSPECTION ACT

AN ACT Relating to meat inspection; providing penalties; repealing section 1, chapter 204, Laws of 1959, as amended by section 1, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.010; repealing section 2, chapter 204, Laws of 1959 and RCW 16.49.020; repealing section 3, chapter 204, Laws of 1959 and RCW 16.49.030; repealing section 4, chapter 204, Laws of 1959 and RCW 16.49-.040; repealing section 5, chapter 204, Laws of 1959 and RCW 16.49.050; repealing section 6, chapter 204, Laws of 1959 and RCW 16.49.060; repealing section 7, chapter 204, Laws of 1959 and RCW 16.49.070; repealing section 8, chapter 204, Laws of 1959 and RCW 16.49.080; repealing section 9, chapter 204, Laws of 1959 and RCW 16.49.090; repealing section 10, chapter 204, Laws of 1959 and RCW 16.49.100; repealing section 11, chapter 204, Laws of 1959 and RCW 16.49.110; repealing section 12, chapter 204, Laws of 1959 and RCW 16.49.120; repealing section 13, chapter 204, Laws of 1959 and RCW 16.49.130; repealing section 14, chapter 204, Laws of 1959 and RCW 16.49.140; repealing section 15, chapter 204, Laws of 1959 and RCW 16.49.150; repealing section 16, chapter 204, Laws of 1959 and RCW 16.49-.160; repealing section 17, chapter 204, Laws of 1959 and RCW

16.49.170; repealing section 18, chapter 204, Laws of 1959 and RCW 16.49.180; repealing section 19, chapter 204, Laws of 1959 and RCW 16.49.190; repealing section 20, chapter 204, Laws of 1959 and RCW 16.49.200; repealing section 21, chapter 204, Laws of 1959, as amended by section 2, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.210; repealing section 22, chapter 204, Laws of 1959 and RCW 16.49.220; repealing section 23, chapter 204, Laws of 1959 and RCW 16.49.230; repealing section 24, chapter 204, Laws of 1959 and RCW 16.49.240; repealing section 25, chapter 204, Laws of 1959 and RCW 16.49.250; repealing section 26, chapter 204, Laws of 1959 and RCW 16.49.260; repealing section 27, chapter 204, Laws of 1959 and RCW 16.49.270; repealing section 28, chapter 204, Laws of 1959 and RCW 16.49.280; repealing section 29, chapter 204, Laws of 1959 and RCW 16.49.290; repealing section 30, chapter 204, Laws of 1959 and RCW 16.49.300; repealing section 31, chapter 204, Laws of 1959 and RCW 16.49.310; repealing section 32, chapter 204, Laws of 1959 and RCW 16.49.320; repealing section 33, chapter 204, Laws of 1959 and RCW 16.49.330; repealing section 34, chapter 204, Laws of 1959 and RCW 16.49.340; repealing section 35, chapter 204, Laws of 1959 and RCW 16.49.350; repealing section 36, chapter 204, Laws of 1959 and RCW 16.49.360; repealing section 37, chapter 204, Laws of 1959 and RCW 16.49.370; repealing section 38, chapter 204, Laws of 1959 and RCW 16.49.380; repealing section 39, chapter 204, Laws of 1959 and RCW 16.49.390; repealing section 40, chapter 204, Laws of 1959 and RCW 16.49.400; repealing section 41, chapter 204, Laws of 1959 and RCW 16.49.410; repealing section 42, chapter 204, Laws of 1959 and RCW 16.49.420; repealing section 45, chapter 204, Laws of 1959 and RCW 16.49.450; repealing section 3, chapter 91, Laws of 1961 and RCW 16.49.456; repealing section 4, chapter 91, Laws of 1961 and RCW 16.49.458; repealing section 46, chapter 204, Laws of 1959 and RCW 16.49.460; repealing section 47, chapter

204, Laws of 1959 and RCW 16.49.470; repealing section 48, chapter 204, Laws of 1959 and RCW 16.49.480; repealing section 49, chapter 204, Laws of 1959 and RCW 16.49.490; repealing section 52, chapter 204, Laws of 1959 and RCW 16.49.520; and repealing section 53, chapter 204, Laws of 1959 and RCW 16.49.900.

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

NEW SECTION. Section 1. This act may be known and cited as the "Washington meat inspection act".

NEW SECTION. Sec. 2. The purposes of this act are to adopt new legislation governing meat and meat food products and to promote uniformity of state legislation with the federal meat inspection act. Meat and meat food products are an important source of the state's total supply of food. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Meat and meat food products not reaching these standards are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this act substantially affect the public and that regulation by the director as contemplated by this act is appropriate to protect the health and welfare of consumers.

NEW SECTION. Sec. 3. Unless the context otherwise requires, the definitions in sections 4 through 25 govern the construction of this act.

NEW SECTION. Sec. 4. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 5. "Director" means the director of the department of agriculture or his duly authorized representative.

NEW SECTION. Sec. 6. "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

NEW SECTION. Sec. 7. "Consumer" means an ultimate consumer or any facility such as a restaurant, boarding house, institution or catering service which prepares food for immediate consumption by the consumer on the premises where it is prepared or elsewhere.

NEW SECTION. Sec. 8. "Retail meat dealer" means any person who handles or prepares meat for the purpose of sale to consumers.

NEW SECTION. Sec. 9. "Wholesale meat dealer" means any person who prepares or handles meat for distribution or sale to any retail meat dealer or consumer, including any distribution facility owned or controlled by one or more retail meat dealers used for preparing meat or distributing meat to any such retail meat dealer or consumer.

NEW SECTION. Sec. 10. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

NEW SECTION. Sec. 11. "Governmental unit" means any governmental unit, agency, or political subdivision including cities, towns and counties which may be formed under the laws of the state of Washington.

NEW SECTION. Sec. 12. "Animal food manufacturer" means any person processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of meat food animals.

NEW SECTION. Sec. 13. "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or any other portion of the carcass of any meat food animal, excepting products which contain meat or other portions of such car-

casses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the director under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as it applies to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to meat food animals.

NEW SECTION. Sec. 14. "Meat food animal" means cattle, sheep, swine, goats, horses or any other animal capable of use as a human food.

NEW SECTION. Sec. 15. "Capable of use as human food" means any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the director to deter its use as human food, or unless it is naturally inedible by humans.

NEW SECTION. Sec. 16. "Adulterated" means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive, or (c) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(3) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which

is unsafe within the meaning of RCW 69.04.392;

(4) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394;

(5) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396: PROVIDED, That an article which is not adulterated under subsection (2), (3) or (4) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the director in establishments at which inspection is maintained under this act;

(6) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(7) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(8) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(9) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(10) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394;

(11) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or, if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(12) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy,

putrid, or decomposed substance.

NEW SECTION. Sec. 17. "Misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing (a) the name and place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: PROVIDED, That under clause (b) of this subsection (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the director;

(6) If any word, statement, or other information required by or under authority of this act to appear on the label or other 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;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the director under section 30 (3) of this 1969 act unless (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the director under section 30 (3) of this 1969 act, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subsection (7), unless its label bears (a) the common or usual name of the food, if any there be, and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the director, be designated as spices, flavorings, and colorings without naming each: PROVIDED, That, to the extent that compliance with the requirements of clause (b) of this subsection (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director.

(10) 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 prescribed by the director;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: PROVIDED, That, to the extent that compliance with the requirements of this subsection (11) is impracticable, exemptions shall be established by regulations promulgated by the director; or

(12) If it fails to bear directly thereon, or on its container as the director may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the director may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

NEW SECTION. Sec. 18. "Label" means a display of written,



printed, or graphic matter upon the immediate container (not including package liners) of any article.

NEW SECTION. Sec. 19. "Labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

NEW SECTION. Sec. 20. "Uniform Washington food, drug, and cosmetic act" means chapter 69.04 RCW as enacted or hereafter amended.

NEW SECTION. Sec. 21. "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this act as under the uniform Washington food, drug, and cosmetic act.

NEW SECTION. Sec. 22. "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article or animal under this act.

NEW SECTION. Sec. 23. "Official inspection legend" means any symbol prescribed by regulations of the director showing that an article was inspected and passed in accordance with this act.

NEW SECTION. Sec. 24. "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this act.

NEW SECTION. Sec. 25. "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

NEW SECTION. Sec. 26. For purposes set forth in section 2 of this act, the director shall cause inspections and examinations of all meat animals for disease before they shall be allowed to enter into any slaughtering, packing, meat-canning, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in intrastate commerce; and all meat food animals found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other meat food

animals, and when so slaughtered the carcasses of meat food animals shall be subject to careful examination and inspection, as provided by the rules and regulations adopted by the director under the provisions of this act.

NEW SECTION. Sec. 27. For purposes set forth in section 2 of this act, the director shall cause a post mortem examination and inspection of the carcasses and parts thereof of all meat food animals to be prepared at any slaughtering, meat-canning, salting, packing, or similar establishments in this state as articles of intrastate commerce, which are capable of use as human food. The carcasses and parts thereof of such meat food animals found to be not adulterated shall, by the inspectors be marked, stamped, tagged or labeled as "Inspected and passed." The said inspectors shall label, mark, stamp or tag as "Inspected and condemned" all carcasses and parts thereof of meat food animals found to be adulterated. All carcasses and parts thereof of meat food animals found to be adulterated, and all carcasses and parts thereof thus inspected shall be destroyed for food purposes by the said establishment in the presence of an inspector. The director may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof. The inspectors shall reinspect the carcasses or part thereof when they deem it necessary to determine whether the carcasses or part thereof have become adulterated since the first inspection. If any carcass or parts thereof shall upon examination and inspection subsequent to the first examination, be found to be adulterated, it shall be destroyed for food purposes by said establishment in the presence of an inspector, and the director may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

NEW SECTION. Sec. 28. The foregoing provisions shall apply to all carcasses or parts of carcasses of meat food animals, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, or similar establishment, and

such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The director may limit the entry of carcasses, parts of carcasses, meat food products and other materials into any establishment at which inspection under this act is maintained, under conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishment will be consistent with the purposes of this act.

NEW SECTION. Sec. 29. For the purposes hereinbefore set forth the director shall cause to be made, by inspectors employed for that purpose, an examination and inspection of all meat food products prepared for sale or use in any slaughtering, meat-canning, salting, packing, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "inspected and passed" all such products found not adulterated; and said inspectors shall label, mark, stamp, or tag as "inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the director may remove inspectors from any establishment which fails to destroy such condemned meat food products.

NEW SECTION. Sec. 30. (1) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provi-

sions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "Inspected and passed" under the provisions of this act and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the director may require, the information required under section 17 of this act.

(3) The director, whenever he determines such action is necessary for the protection of the public, may prescribe: (a) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or meat food animals subject to this act; (b) definitions and standards of identity or composition for articles not inconsistent with any such standards established under the uniform Washington food, drug and cosmetic act.

(4) No article subject to this act shall be sold or offered for sale by any person, firm, or corporation, in this state, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the director are permitted.

(5) If the director has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the director such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the superior court in the county in which such person, firm, or corporation has its principal place of business, or to the superior court of Thurston county.

NEW SECTION. Sec. 31. The director shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of slaughtering, meat-canning, salting, packing, or similar establishments in which meat food animals are slaughtered and the meat and meat food products thereof are prepared for sale or use in this state as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

NEW SECTION. Sec. 32. The director shall cause an examination and inspection of all meat food animals, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of sale or use in this state to be made

during the nighttime as well as during the daytime when the slaughtering of said meat food animals, or the preparation of said food products is conducted during the nighttime.

NEW SECTION. Sec. 33. No person, firm, or corporation shall, with respect to any meat food animals or any carcasses, parts of carcasses, meat or meat food products of any such animals--

(1) slaughter any such meat food animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for sale or use in this state, except in compliance with the requirements of this act or the federal meat inspection act (21 USC 71 et seq.);

(2) sell, knowingly transport, offer for sale, or knowingly offer for transportation, or knowingly receive for transportation, in intrastate commerce, (a) any such articles which (i) are capable of use as human food and (ii) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (b) any articles required to be inspected under this act or the federal meat inspection act (21 USC 71 et seq) unless they have been so inspected and passed; or

(3) do, with respect to any such articles which are capable of use as human food any act, knowingly while they are being transported in intrastate commerce, or while held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

NEW SECTION. Sec. 34. (1) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director.

(2) No person, firm, or corporation shall--

(a) forge any official device, mark, or certificate;

(b) without authorization from the director use any official

device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(c) contrary to the regulations prescribed by the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(d) knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the director; or

(f) knowingly represent that any article has been inspected and passed, or exempted, under this act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

NEW SECTION. Sec. 35. No person, firm, or corporation shall sell, knowingly transport, offer for sale or knowingly offer for transportation, or knowingly receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the director to show the kinds of animals from which they were derived. When required by the director, with respect to establishments at which inspection is maintained under this act, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which other meat food animals are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared.

NEW SECTION. Sec. 36. Any person, firm or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, or any

other officer or employee of the state authorized to perform any of the duties prescribed by this act or by the rules and regulations of the director, any money or other thing of value, with intent to influence said inspector, or other officer or employee of the state in the discharge of any duty provided for in this act, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars and by imprisonment for not less than one year nor more than three years; and any inspector, or other officer or employee of the state authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged and shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars and by imprisonment for not less than one year nor more than three years.

NEW SECTION. Sec. 37. (1) The provisions of this act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for intrastate commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of meat food animals delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, ex-



clusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: PROVIDED, That the director shall promulgate such rules and regulations as are necessary to prevent the commingling of inspected and uninspected meat.

(2) The adulteration and misbranding provisions of this act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section.

NEW SECTION. Sec. 38. The director may by regulations prescribe conditions under which carcasses, parts of carcasses, and meat food products of meat food animals capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, whenever the director deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is an infraction punishable under section 63 of this act.

NEW SECTION. Sec. 39. Inspection shall not be provided under this act at any establishment for the slaughter of meat food animals or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the director to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the director or are naturally inedible by humans.

NEW SECTION. Sec. 40. (1) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the director, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

(a) Any persons, firms, or corporations that engage, for intrastate commerce, in the business of slaughtering any meat food animals, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(b) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in intrastate commerce, or storing in or for intrastate commerce, any carcasses, or parts or products of carcasses, of any such animals;

(c) Any persons, firms, or corporations that engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling, or transporting, in intrastate commerce, or importing, any dead, dying, disabled, or diseased meat food animals or parts of the carcasses of any such animals that have died otherwise than by slaughter.

(2) Any record required to be maintained by this act shall be maintained for such period of time as the director may by regulations prescribe.

NEW SECTION. Sec. 41. Whenever the director shall deem it necessary in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of meat food animals or meat, the director, after a hearing on written

notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of meat food animals and the preparation or processing of meat at such establishments. The director in making such designation of days and hours shall give consideration to the existing practices at the affected establishment fixing the time for slaughter of meat food animals and the preparation or processing of meat thereof.

NEW SECTION. Sec. 42. The director, whenever he finds any carcass, part thereof, meat or meat food product subject to the provisions of this act away from the establishment where such carcass, part thereof, meat or meat food product was prepared or anywhere in intrastate commerce, that is adulterated or misbranded, shall render such meat or meat food product unsalable or shall order the destruction of such carcass, part thereof, meat or meat food product which are hereby declared to be a public nuisance.

NEW SECTION. Sec. 43. The director may, when he finds or has probable cause to believe that any carcass, part thereof, meat or meat food product subject to the provisions of this act which has been or may be introduced into intrastate commerce and such carcass, part thereof, meat or meat food product is so adulterated or misbranded that its embargo is necessary to protect the public from injury, affix on such carcass, part thereof, meat or meat food product a notice of its embargo prohibiting its sale or movement in intrastate commerce without a release from the director. The director shall subsequent to embargo, if he finds that such carcass, part thereof, meat or meat food product is not adulterated or misbranded so as to be in violation of this act, remove such embargo forthwith.

NEW SECTION. Sec. 44. When the director has embargoed any carcass, part thereof, meat or meat food product, he shall petition the superior court of the county in which such carcass, part thereof, meat or meat food product is located without delay and within twenty days for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after a prompt hearing to any claim-

ant of such carcass, part thereof, meat or meat food product, shall issue an order which directs the removal of such embargo or the destruction or the correction and release of such carcass, part thereof, meat or meat food product. An order for destruction or correction and release shall contain such provisions 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 provisions for a bond, as the court finds indicated in the circumstance.

NEW SECTION. Sec. 45. The director need not petition the superior court as provided for in section 44 of this act, if the owner or the claimant of such carcass, part thereof, meat or meat food product agrees in writing to the disposition of such carcass, part thereof, meat or meat food product as the director may order.

NEW SECTION. Sec. 46. Two or more petitions under section 44 of this act, which pend at the same time and which present the same issue and claimant hereunder, may be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by such claimant.

NEW SECTION. Sec. 47. The claimant in any proceeding by petition under section 44 of this act shall be entitled to receive a representative sample of the article subject to such proceeding, upon application to the court of jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 48. No state court shall allow the recovery of damages from administrative action for condemnation under the provisions of this act, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 49. It shall be unlawful for any person, firm, or corporation to carry on any of the following enumerated activities, without first having obtained a license from the department

- (1) To operate a meat food animal slaughtering establishment;
- (2) To prepare (as defined in section 10 of this act) carcasses

or parts of carcasses of meat food animals;

- (3) To act as a meat broker;
- (4) To act as an animal food manufacturer;
- (5) To act as a meat food product manufacturer;
- (6) To act as a custom slaughterer at any mobile or fixed location.

Such license shall be an annual license and shall expire on June 30th of each year. A separate license shall be required for every location or establishment where any such enumerated activities are carried on. Application for a license shall be on a form prescribed by the department and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location where one or more of the enumerated activities will be carried on by the applicant. If such applicant is an individual, receiver, trustee, firm or corporation, the full name of each member of the firm, or the names of the officers of the corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the department. Upon approval of the application by the department and compliance with the provisions of this act, including applicable regulations adopted hereunder by the department the applicant shall be issued a license or renewal thereof.

NEW SECTION. Sec. 50. If the application for the renewal of any license provided for under this act is not filed prior to July 1st in any year an additional fee of twenty-five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not carried on the activity for which he was licensed under the provisions of this act subsequent to the expiration of his license.

NEW SECTION. Sec. 51. The department may, subsequent to a hearing thereon subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) deny, suspend, revoke any license required under the provisions of this act if it determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this act, the rules and regulations adopted hereunder, or any lawful order of the department.

(2) Refused, neglected or failed to keep and maintain records required by this act, or to make such records available when requested pursuant to the provisions of this act.

(3) Refused the department access to any facilities or parts of such facilities subject to the provisions of this act.

NEW SECTION. Sec. 52. The provisions of sections 27 through 29 of this act shall in no way limit the department's authority to forthwith withdraw inspection at any facility or establishment subject to the provisions of this act when the department through its inspectors determines that such facility or establishment is unsanitary and that the carcasses or parts thereof, meat or meat food products prepared therein would be adulterated because of such unsanitary conditions.

NEW SECTION. Sec. 53. The adoption of any rules and regulations under the provisions of this act, or the holding of a hearing in regard to a license issued or which may be issued under the provisions of this act shall be subject to the applicable provisions of chapter 34.04 RCW, the Administrative Procedure Act, as enacted or hereafter amended.

NEW SECTION. Sec. 54. The regulations promulgated under the provisions of the federal meat inspection act (21 USC 71 et. seq.) and not in conflict with the provisions of this act are hereby adopted as regulations applicable under the provisions of this act: PROVIDED, That the director may adopt any subsequent changes promulgated under the provisions of 21 USC 71 et seq. not in conflict with the provi-

sions of this act.

NEW SECTION. Sec. 55. The director shall employ inspectors to make examination and inspection of all meat food animals, the inspection of which is provided for under the provisions of this act, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this act and by the rules and regulations to be prescribed by the director, and said director shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said director not inconsistent with provisions of this act.

NEW SECTION. Sec. 56. The repeal of chapter 16.49 RCW (Meat Inspection Act) and the enactment of this act shall not be deemed to have repealed any rules adopted under chapter 16.49 RCW not in conflict with the provisions of this act and relating to custom farm slaughterers, and custom slaughtering establishments. For the purpose of this act, it shall be deemed that such rules have been adopted under the provisions of this act pursuant to chapter 34.04 RCW, as enacted or hereafter amended concerning the adoption of rules. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

NEW SECTION. Sec. 57. Costs for any overtime inspection service requested or required by a license shall be charged to said licensee at the actual cost to the department including supervisor

cost. Charges for such overtime inspection shall be due and payable by the licensee to the department by the end of the next business day. The director may withhold inspection at any establishment or facility operated by such licensee until proper payment has been made by the licensee as herein required. The director may further require that payment for overtime costs be made in advance if such licensee does not make proper payment for overtime inspection services.

NEW SECTION. Sec. 58. Any license issued under the provisions of chapter 16.49 RCW and expiring December 31, 1969, shall continue in effect until June 30, 1970, without the need of renewal.

NEW SECTION. Sec. 59. The director may in order to carry out the purpose of this act enter into agreements with any federal, state or other governmental unit for joint inspection programs or for the receipt of moneys from such federal, state or other governmental units in carrying out the purpose of this act.

NEW SECTION. Sec. 60. Since the purpose of this act is to promote uniformity of state legislation with the federal meat inspection act, the director is hereby authorized to adopt insofar as applicable, the regulations from time to time promulgated under the federal act, and to make the regulations promulgated under this act conform insofar as practicable with those promulgated under the federal act.

NEW SECTION. Sec. 61. All moneys received by the department under the provisions of this act shall be paid into the state treasury.

NEW SECTION. Sec. 62. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

NEW SECTION. Sec. 63. Any person violating any provisions of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and shall be guilty of a gross misdemeanor for any second or subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered



a first offense.

NEW SECTION. Sec. 64. The following acts or parts of acts and RCW sections are hereby repealed:

- (1) Section 1, chapter 204, Laws of 1959, section 1, chapter 120, Laws of 1967 ex. sess. and RCW 16.49.010;
- (2) Section 2, chapter 204, Laws of 1959 and RCW 16.49.020;
- (3) Section 3, chapter 204, Laws of 1959 and RCW 16.49.030;
- (4) Section 4, chapter 204, Laws of 1959 and RCW 16.49.040;
- (5) Section 5, chapter 204, Laws of 1959 and RCW 16.49.050;
- (6) Section 6, chapter 204, Laws of 1959 and RCW 16.49.060;
- (7) Section 7, chapter 204, Laws of 1959 and RCW 16.49.070;
- (8) Section 8, chapter 204, Laws of 1959 and RCW 16.49.080;
- (9) Section 9, chapter 204, Laws of 1959 and RCW 16.49.090;
- (10) Section 10, chapter 204, Laws of 1959 and RCW 16.49.100;
- (11) Section 11, chapter 204, Laws of 1959 and RCW 16.49.110;
- (12) Section 12, chapter 204, Laws of 1959 and RCW 16.49.120;
- (13) Section 13, chapter 204, Laws of 1959 and RCW 16.49.130;
- (14) Section 14, chapter 204, Laws of 1959 and RCW 16.49.140;
- (15) Section 15, chapter 204, Laws of 1959 and RCW 16.49.150;
- (16) Section 16, chapter 204, Laws of 1959 and RCW 16.49.160;
- (17) Section 17, chapter 204, Laws of 1959 and RCW 16.49.170;
- (18) Section 18, chapter 204, Laws of 1959 and RCW 16.49.180;
- (19) Section 19, chapter 204, Laws of 1959 and RCW 16.49.190;
- (20) Section 20, chapter 204, Laws of 1959 and RCW 16.49.200;
- (21) Section 21, chapter 204, Laws of 1959, section 2, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.210;
- (22) Section 22, chapter 204, Laws of 1959 and RCW 16.49.220;
- (23) Section 23, chapter 204, Laws of 1959 and RCW 16.49.230;
- (24) Section 24, chapter 204, Laws of 1959 and RCW 16.49.240;
- (25) Section 25, chapter 204, Laws of 1959 and RCW 16.49.250;
- (26) Section 26, chapter 204, Laws of 1959 and RCW 16.49.260;
- (27) Section 27, chapter 204, Laws of 1959 and RCW 16.49.270;
- (28) Section 28, chapter 204, Laws of 1959 and RCW 16.49.280;

- (29) Section 29, chapter 204, Laws of 1959 and RCW 16.49.290;
- (30) Section 30, chapter 204, Laws of 1959 and RCW 16.49.300;
- (31) Section 31, chapter 204, Laws of 1959 and RCW 16.49.310;
- (32) Section 32, chapter 204, Laws of 1959 and RCW 16.49.320;
- (33) Section 33, chapter 204, Laws of 1959 and RCW 16.49.330;
- (34) Section 34, chapter 204, Laws of 1959 and RCW 16.49.340;
- (35) Section 35, chapter 204, Laws of 1959 and RCW 16.49.350;
- (36) Section 36, chapter 204, Laws of 1959 and RCW 16.49.360;
- (37) Section 37, chapter 204, Laws of 1959 and RCW 16.49.370;
- (38) Section 38, chapter 204, Laws of 1959 and RCW 16.49.380;
- (39) Section 39, chapter 204, Laws of 1959 and RCW 16.49.390;
- (40) Section 40, chapter 204, Laws of 1959 and RCW 16.49.400;
- (41) Section 41, chapter 204, Laws of 1959 and RCW 16.49.410;
- (42) Section 42, chapter 204, Laws of 1959 and RCW 16.49.420;
- (43) Section 45, chapter 204, Laws of 1959 and RCW 16.49.450;
- (44) Section 3, chapter 91, Laws of 1961 and RCW 16.49.456;
- (45) Section 4, chapter 91, Laws of 1961 and RCW 16.49.458;
- (46) Section 46, chapter 204, Laws of 1959 and RCW 16.49.460;
- (47) Section 47, chapter 204, Laws of 1959 and RCW 16.49.470;
- (48) Section 48, chapter 204, Laws of 1959 and RCW 16.49.480;
- (49) Section 49, chapter 204, Laws of 1959 and RCW 16.49.490;
- (50) Section 52, chapter 204, Laws of 1959 and RCW 16.49.520;
- (51) Section 53, chapter 204, Laws of 1959 and RCW 16.49.900.

NEW SECTION. Sec. 65. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 66. If any provision of this 1969 act, or its application to any person or circumstance is held invalid, the remainder of this 1969 act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 67. "Intrastate commerce" means any article in intrastate commerce whether such article is alive or processed and is intended for sale, held for sale, offered for sale, sold, stored, transported or handled in this state in any manner and pre-

pared for eventual distribution to consumers in this state whether at wholesale or retail.

NEW SECTION. Sec. 68. The provisions of this act including licensing and those requiring inspection of the slaughter of meat food animals and the preparation of carcasses or parts thereof, meat or meat food products shall not apply to operations of the types traditionally and usually conducted by a retail meat dealer at retail stores and restaurants, when conducted at any retail store or restaurant or similar type establishment for sale in normal retail quantities or service of such articles to ultimate consumers at such establishment. All other retail meat dealers not exempted under the provisions of this section shall be subject to the provisions of this act: PROVIDED, That any governmental unit may, when its inspection service is equivalent to that required under the provisions of this act as determined by the director and the comparable federal agency administering the federal meat inspection act, license and inspect any retail meat dealer's place of business subject to the provisions of this act when such retail meat dealer's place of business is situated within the jurisdiction of such governmental unit and such retail meat dealer sells at least fifty percent of the meat and meat food products at each such place of business to the ultimate consumer.

NEW SECTION. Sec. 69. This act shall in no manner be construed to deny or limit the authority of any governmental unit to license and carry on the necessary inspection of meat food animal carcasses or parts thereof, meat or meat food products distribution facilities and equipment of retail meat distributors, selling, offering for sale, holding for sale or trading, delivering or bartering meat within such governmental unit's jurisdiction and/or to prohibit the sale of meat food animal carcasses or parts thereof, meat or meat food products within its jurisdiction when such meat food animal carcasses or parts thereof, meat or meat food products are adulterated or distributed under unsanitary conditions.

NEW SECTION. Sec. 70. If any part of this act shall be found

to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the department, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the department, and such findings or determination shall not affect the operation of the remainder of this act in its application to the department.

Passed the House April 16, 1969.  
Passed the Senate April 11, 1969.  
Approved by the Governor April 24, 1969.  
Filed in office of Secretary of State April 24, 1969.

CHAPTER 146  
[Engrossed Substitute House Bill No. 42]  
WASHINGTON WHOLESOME  
POULTRY PRODUCTS ACT

AN ACT Relating to poultry inspecting; providing penalties; and adding a new chapter to Title 16 RCW.

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

NEW SECTION. Section 1. This act shall be known and designated as the "Washington wholesome poultry products act".

NEW SECTION. Sec. 2. The purposes of this act are to adopt new legislation governing poultry and poultry products and to promote uniformity of state legislation with the federal poultry products inspection act. Poultry and poultry products are an important source of the state's total supply of food. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry and poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Poultry and poultry products not reaching these standards are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry and poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and com-