

a correctional institution. Confinement in a county jail or other local facility while awaiting either placement in a treatment program or a court hearing pursuant to this chapter is permitted for no more than seven days.

Passed the House March 9, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 113

[Substitute House Bill No. 448]

BEVERAGE CONTAINERS—PULL-TAB OPENERS PROHIBITED

AN ACT Relating to beverage containers; creating a new section; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Section 1. The legislature finds that beverage containers designed to be opened through the use of detachable metal rings or tabs are hazardous to the health and welfare of the citizens of this state and detrimental to certain wildlife. The detachable parts are susceptible to ingestion by human beings and wildlife. The legislature intends to eliminate the danger posed by these unnecessary containers by prohibiting their retail sale in this state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Beverage" means beer or other malt beverage or mineral water, soda water, or other drink in liquid form and intended for human consumption.

(2) "Beverage container" means a separate and sealed can containing a beverage.

(3) "Department" means the department of ecology created under chapter 43.21A RCW.

NEW SECTION. Sec. 3. No person may sell or offer to sell at retail in this state any beverage container so designed and constructed that a metal part of the container is detachable in opening the container through use of a metal ring or tab. Nothing in this section prohibits the sale of a beverage container which container's only detachable part is a piece of pressure sensitive or metallic tape.

NEW SECTION. Sec. 4. The department shall administer and enforce this chapter. The department shall adopt rules interpreting and implementing this chapter. Any rule adopted under this section shall be adopted under the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 5. Any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

NEW SECTION. Sec. 6. Sections 2 through 5 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 7. This act shall take effect on July 1, 1983. The director of the department of ecology is authorized to take such steps prior to such date as are necessary to ensure that this act is implemented on its effective date.

Passed the House February 18, 1982.

Passed the Senate March 11, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 114

[House Bill No. 621]

ANIMALS—CRUELTY TO—HUMANE SOCIETY OFFICER POLICE POWERS—PENALTIES

AN ACT Relating to animals; amending section 2, chapter 146, Laws of 1901 and RCW 16.52.030; amending section 8, chapter 27, Laws of 1893 and RCW 16.52.065; amending section 4, chapter 146, Laws of 1901 as amended by section 4, chapter 145, Laws of 1979 and RCW 16.52.070; amending section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080; amending section 12, chapter 146, Laws of 1901 and RCW 16.52.100; amending section 7, chapter 146, Laws of 1901 and RCW 16.52.120; amending section 8, chapter 146, Laws of 1901 and RCW 16.52.130; amending section 16, chapter 146, Laws of 1901 and RCW 16.52.165; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; repealing section 1, chapter 114, Laws of 1972 ex. sess. and RCW 9.08.060; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9.08 RCW a new section to read as follows:

Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor:

- (1) Takes, leads away, confines, secretes or converts any dog, except in cases in which the value of the dog exceeds two hundred fifty dollars;
- (2) Conceals the identity of any dog or its owner by obscuring or removing from the dog any collar, tag, license, tattoo, or other identifying device or mark; or
- (3) Wilfully kills or injures any dog, unless excused by law.

Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.