

States.

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CHAPTER 102  
[Engrossed Substitute House Bill No. 201]  
MILK AND DAIRY PRODUCTS--  
IMITATION AND SUBSTITUTE PRODUCTS

AN ACT Relating to fluid milk, fluid milk products, dairy products, fluid imitation and fluid substitute dairy products and all substitute dairy products; amending section 15.32.120, chapter 11, Laws of 1961 and RCW 15.32.120; amending section 15.36.540, chapter 11, Laws of 1961 and RCW 15.36.540; adding new sections to chapter 11, Laws of 1961 and to chapter 15.36 RCW; adding new sections to chapter 11, Laws of 1961 and to Title 15 RCW; and repealing section 15.36.010, chapter 11, Laws of 1961 and RCW 15.36.010.

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

NEW SECTION. Section 1. There is added to chapter 11, Laws of 1961 and to Title 15 RCW a new section to read as follows:

The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the secretary of the United States department of health, education and welfare. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of this act or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in

semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term "nondairy" may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: PROVIDED, That these rules shall not restrict the display or promotion of products covered under section 1 of this act. The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

NEW SECTION. Sec. 2. The definitions constituting section 15.36-.010, chapter 11, Laws of 1961 and RCW 15.36.010 as hereinafter in section 7 of this 1969 amendatory act repealed are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.

NEW SECTION. Sec. 3. There is added to chapter 11, Laws of 1961 and to chapter 15.36 RCW a new section to read as follows:

For the purpose of this chapter, no fluid milk or fluid milk product shall be deemed to be adulterated if such fluid milk or fluid milk product contains an added ingredient or substance in the amount

and kind prescribed or allowed by a rule or regulation promulgated by the director subsequent to a public hearing pursuant to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 11, Laws of 1961 and to Title 15 RCW a new section to read as follows:

The director may bring an action to enjoin the violation of any provision of chapters 15.36 and 15.38 RCW or any rule adopted thereunder in the superior court of the county in which the defendant resides or maintains his principal place of business, notwithstanding any other remedy at law.

Sec. 5. Section 15.32.120, chapter 11, Laws of 1961 and RCW 15.32.120 are each amended to read as follows:

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: PROVIDED, That no milk, skimmed milk, buttermilk or cream shall be deemed to be adulterated if such milk, skimmed milk, buttermilk or cream contains any added ingredient or substance in the amount and kind prescribed or allowed by a rule or regulation promulgated by the director subsequent to a public hearing pursuant to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended; 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.

Sec. 6. Section 15.36.540, chapter 11, Laws of 1961 and RCW 15.36.540 are each amended to read as follows:

Save as in this chapter provided this law shall be enforced by the director in accordance with the interpretation contained in the 1965 edition of the United States public health service milk code ((as from-time-to-time-adopted-and-amended)): PROVIDED, That the director may by rule adopt any subsequent amendments to such code as interpretations for the enforcement of this chapter whenever he determines

that any such amendments are necessary to carry out the purposes of this 1969 amendatory act.

NEW SECTION. Sec. 7. Section 15.36.010, chapter 11, Laws of 1961 and RCW 15.36.010 are each repealed.

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CHAPTER 103  
[House Bill No. 326]  
WATER RESOURCES ADVISORY COUNCIL

AN ACT Relating to the water resources advisory council; amending section 10, chapter 242, Laws of 1967 and RCW 43.27A.100; and amending section 6, chapter 242, Laws of 1967 and RCW 43-.27A.060.

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

Section 1. Section 10, chapter 242, Laws of 1967 and RCW 43-.27A.100 are each amended to read as follows:

It shall be the duty of the members of the advisory council to advise the director on each of the following subjects:

(1) Rules and regulations proposed for promulgation by the director pursuant to chapter 34.04 RCW, other than rules relating to procedural matters or emergencies;

(2) Proposed positions to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the development, use, conservation or preservation of the water resources of the state, other than positions relating to permits, approvals, or authorizations pertaining to works or improvements in navigable waters proposed for issuance by the United States army corps of engineers;

(3) Any comprehensive water resources plan or policy proposed for adoption by the department as a state plan for water resources;

(4) Any legislation proposed by the department with regard to water resources and its management;

(5) Any other matters relating to the administration and man-