

CHAPTER 137.

[S. B. 368.]

BAKERIES.

AN ACT to provide for regulation of the manufacture and distribution of bread and other bakery products for human consumption; to provide standards of sanitation and quality; to provide a system of licenses; requiring posting of terms and prices; defining certain offenses and providing penalties therefor; providing a saving clause; and declaring an emergency.

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

Exercise of
police power.

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It hereby is found and declared that the public welfare requires control and regulation of the manufacture and distribution of bread and other bakery products and of persons engaged therein, in order that there may be prevented or eliminated unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with such manufacture or distribution which endanger public health, defraud consumers, jeopardize the public source and supply of a nourishing, healthful food, and seriously affect adversely a large and essential industry. It is further found and declared that the regulation of the commercial manufacture and distribution of bakery products as in this act provided is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

SEC. 2. *Definitions.* Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

"Bakery."

(a) "Bakery" means any place, premises or establishment where any bakery product is regularly

prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured;

(b) "Bakery product" includes bread, rolls, cakes, pies, cookies, doughnuts, biscuits and all similar goods, to be used for human food; "Bakery products."

(c) "Person" includes an individual, partnership or corporation. "Person."

SEC. 3. No person shall operate or participate in the operation of any bakery within this state without having obtained from the director of agriculture a bakery license for that bakery issued and in effect under this act. Application for such license shall be made in writing and under oath to the director of agriculture, on such forms and with such pertinent information as he shall require. Such license shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth. Bakery license.
Application.

SEC. 4. No person hereafter shall engage within this state in the sale or distribution of any bakery product, other than exclusively at retail at a fixed place or places of business, without holding a license to do so issued to that person by the director of agriculture. A distributor's license shall not be required of any person distributing solely bakery products manufactured by him in a bakery licensed under this act. Application for such license shall be filed in writing and under oath with the director of agriculture upon such form as shall be prescribed and supplied by him. Distributor's license.
Application.

SEC. 5. (a) There shall be paid to the director of agriculture with each application for a bakery license or distributor's license or for renewal of such license an annual license fee of five dollars (\$5.00), and the funds derived therefrom shall be disbursed by the director of agriculture for the enforcement of this act; License fees.

Expiration.

(b) Each such license shall expire on December 31 following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license shall not be transferable to any person or be applicable to any location other than that for which originally issued.

Cancellation
or
suspension.

SEC. 6. (a) The director of agriculture may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provisions of this act or of any other law of this state relating to the operations of bakeries or the manufacture or handling of any bakery product, or any regulation effective thereunder or (2) the licensed bakery premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the director of written notice to do so;

Statement
of charge.

(b) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice;

Certiorari.

(c) Any order made by the director suspending or revoking any license may be reviewed by *certiorari* in the superior court of the county in which the licensee is located within ten (10) days of the date notice in writing of the director's order revoking or suspending such license has been served upon him.

Contagious or
infectious
disease.

SEC. 7. (a) No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any bakery;

Health
certificate.

(b) No person shall work or be permitted to work in any bakery in storing, preparing, mixing or handling any bakery product or any ingredient thereof without holding a certificate from a physi-

cian, duly accredited for that purpose by the state board of health, certifying that such person has been examined and found free from any contagious or infectious disease. The state board of health may fix a maximum fee, not exceeding one dollar (\$1.00), which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the state board of health, certificates issued thereunder shall be sufficient under this act;

Physician's
fee.

(c) Any such certificate shall be revoked by the state board of health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a bakery to submit to proper and reasonable physical examination upon written demand of the state board of health or the director of agriculture shall be cause for revocation of that person's health certificate.

Revocation of
certificate.

SEC. 8. The state director of agriculture shall cause to be made periodically a thorough inspection of each licensed bakery to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state relating to bakeries or bakery products and all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a bakery or distributor licensed under this act in transporting or distributing any bakery products within this state.

Inspection of
bakeries.

Vehicles used
to distribute.

SEC. 9. (a) Each person hereafter operating a bakery or operating as a bakery distributor, shall file with the director of agriculture in duplicate and in writing and under oath a statement of all prices, dis-

Statement
of prices.

counts, rebates, allowances and other terms or conditions of sale or payment, thereafter by him to be quoted, offered, charged, made or allowed upon each kind of bakery product offered by him for sale in this state, and shall keep a true and complete copy of said statement posted conspicuously at each of his places of such business within this state, or upon each vehicle used in distribution of bakery products if no fixed place of business is maintained. Such statement may be revised or added to by filing with the director of agriculture a supplementary written statement in duplicate and under oath, the revision or addition to become effective no sooner than ten (10) days after its receipt by the director of agriculture;

(b) On and after fifteen (15) days after the effective date of this act no such person shall sell or display or offer for sale within this state any bakery product the price and terms and conditions of sale of which shall not have been filed and posted as aforesaid, nor any price or upon any term or condition or with any rebate, discount or allowance, other than the applicable price, term, condition, rebate, discount or allowance specified for that type of bakery product in the statement of that person then on file with the director of agriculture and posted as aforesaid.

Proceedings.

SEC. 10. In any proceeding under this act the director of agriculture may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State of Washington.

Penalty.

SEC. 11. Any person violating any provision of this act shall be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Partial
invalidity.

SEC. 12. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be ad-

judged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

Effective immediately.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 138.

[S. B. 372.]

AUDIT OF BOOKS OF WASHINGTON STATE LIQUOR CONTROL BOARD BY STATE AUDITOR.

AN ACT requiring the state liquor board to pay for the annual audit of its books and amending section 71, chapter 62, Laws of the Extraordinary Session of 1933 as amended by section 12, chapter 174, Laws of 1935 (section 7306-71, Remington's Revised Statutes); and making an appropriation.

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

SECTION 1. Section 71, chapter 62, Laws of the Extraordinary Session of 1933 as amended by section 12, chapter 174, Laws of 1935 (section 7306-71, Remington's Revised Statutes), is hereby amended to read as follows:

Amends § 7306-71 Rem. Rev. Stat. (§ 3180-81 P. C.)

Section 71. The state auditor shall audit the books, records and affairs of the board annually: *Provided*, That the total annual cost of such audit

State auditor to audit books of board.