

CHAPTER 285.

[H. B. 247.]

MILK AND MILK PRODUCTS USED FOR
ANIMAL FOOD.

AN ACT relating to milk and milk products used for animal food; providing penalties; and making an effective date.

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

SECTION 1. For the purpose of this act: Definitions.

(1) "Department" means the department of agriculture of the state of Washington. "Department".

(2) "Director" means the director of the department or his duly appointed representative. "Director".

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural, as the case may be. "Person".

SEC. 2. The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purpose. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended. Enforcement—
Rules, adoption of subject to chapter 34.04 RCW.

SEC. 3. It shall be unlawful for any person to sell, offer for sale, hold for sale, or advertise for sale, trade, barter, or to give as an inducement for the sale of another product, milk, cream, or skim milk, for animal food consumption, which does not meet, or has not been produced and handled under conditions prescribed for grade A milk as provided in chapter 15.36 RCW as enacted or hereafter amended, without first obtaining an annual license from the director which shall expire on June 30th following the date of issuance unless revoked prior thereto by the director for cause. License—
Required.

License—
Application
—Issuance.

SEC. 4. Application for a license shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for the license.

(2) If such applicant is a receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person domiciled in this state authorized to receive and accept service or legal notice of all kinds.

(5) Any other information prescribed by the director necessary to carry out the purposes and provisions of this act.

The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this act and rules adopted hereunder and that such applicant has paid the required fee.

License—Fee.

SEC. 5. The application for an annual license to sell, offer for sale, hold for sale, or advertise for sale, trade, barter, or to give as an inducement for the sale of another product, milk, cream, or skim milk for animal food consumption shall be accompanied by a license fee of twenty-five dollars.

License—Pen-
alty for late
renewal.

SEC. 6. If an application for renewal of a license provided for in section 3 of this act is not filed prior to July 1st of any one year, a penalty of ten 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 penalty shall not apply if the applicant furnishes an affidavit that he has not sold, offered for sale, held for sale, or advertised for sale, milk, cream, or skim milk for

animal food consumption subsequent to the expiration of his prior license.

SEC. 7. The director is authorized to deny, suspend, or revoke the license provided for in section 3 of this act subsequent to a hearing in any case in which he finds that there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder.

License—
Grounds to
deny, suspend
or revoke.

SEC. 8. All hearings for a denial, suspension, or revocation of a license provided for in section 3 of this act shall be subject to the provisions of chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended.

License—
Denial, sus-
pension or
revocation
hearings sub-
ject to chapter
34.04 RCW.

SEC. 9. The director may issue subpoenas to compel the attendance of witnesses and/or the production of books, documents, and records in the county in which the person licensed under this act resides in any hearing affecting the authority or privileges granted by a license issued under the provisions of this act. Witnesses, except complaining witnesses, shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW as enacted or hereafter amended.

Subpoenas—
Witness fees.

SEC. 10. It shall be unlawful for any person to sell, offer for sale, hold for sale, advertise for sale, trade, barter, or to give as an inducement for the sale of another product, any milk, cream, or skim milk, for animal food consumption which does not meet, or has not been produced under conditions prescribed for grade A milk, as prescribed in chapter 15.36 RCW as enacted or hereafter amended and rules adopted thereunder, and the applicable provisions of chapter 69.04 RCW (the Food, Drug and Cosmetic Act) as enacted and hereafter amended and rules adopted thereunder, in containers provided either by the vendor or vendee and which are capable of holding less than twenty liquid quarts,

Milk for
animal con-
sumption—
Minimum size
for containers
or decharac-
terization by
color.

unless such milk, cream, or skim milk has been decharacterized with a color prescribed by the director which will not affect its nutritive value for animal food.

Milk for animal consumption—Containers to be labeled.

SEC. 11. It shall be unlawful to sell, offer for sale, hold for sale, trade, barter, or to offer as an inducement for the sale of another product, milk, cream, or skim milk subject to the provisions of this act in containers which are not labeled in a conspicuous location readily visible to any person handling such containers with the following:

(1) The name and address of the producer or distributor in letters not less than one-fourth inch in size.

(2) The name of the contents in letters not less than one-fourth inch in size.

(3) The words “not for human consumption” in letters at least one-half inch in size.

(4) The words “decharacterized with harmless food coloring” in letters not less than one-fourth inch in size.

Right of entry—Interference with as violation.

SEC. 12. The director or his duly authorized representative may enter, during reasonable business hours, any premise where milk, cream, or skim milk subject to the provisions of this act is produced, handled, distributed, sold, offered for sale, held for sale, or used for the inducement of the sale of another product to determine if such milk, cream, or skim milk has been properly decharacterized as provided in section 10 of this act or rules adopted hereunder. No person shall interfere with the director or his duly authorized representative when he is performing or carrying out the duties imposed on him by this act or rules adopted hereunder.

Injunctive process available—Venue.

SEC. 13. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant to this act in the superior court of Thurston county,

notwithstanding the existence of any other remedy at law.

SEC. 14. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy. Act non-exclusive.

SEC. 15. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor. General penalty.

SEC. 16. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 17. This act shall take effect on July 1, 1961, Effective date.
and shall not apply to a gift or sale of raw milk by a farmer on his own premises to a person who brings his own container and takes it away. } vetoed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 21, 1961, with the exception of a certain item in Section 17, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message, excerpt.

"At the present time the law requires that milk used for human consumption, or milk intended to be utilized in products used for human consumption, is produced under the most exacting standards of sanitation and care to avoid contamination of milk, milk products, and to prevent epidemics which might be caused through such contamination.

"It has come to my attention that milk produced pursuant to lowered standards of sanitation and care, and intended solely for the pet animal market, has on occasion been sold for human consumption and for the production of milk products intended for the human market.

"The Department of Agriculture prepared the instant Act to avoid the evil of allowing milk proper for the animal market, to be utilized for human consumption. As a result, the health and welfare of our citizens will be protected in the future.

"When this bill was considered by the Senate, the following amendment was adopted to section 17 of the Act:

', and shall not apply to a gift or sale of raw milk by a farmer on his own premises to a person who brings his own container and takes it away.'"

"This amendment in effect would seriously cripple the laudable purpose of the bill by allowing milk produced for the pet animal market to be sold for human consumption.

"For the reasons indicated I veto the amendment made to section 17 of the Act. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.