

CHAPTER 121.

[Reengrossed Substitute House Bill No. 99.]

FOOD PROCESSING—LICENSING—INSPECTION—  
PENALTY.

AN ACT relating to food; and providing penalties.

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

Food process-  
ing—Licensing  
—Inspection—  
Penalty—  
Definitions.

Section 1. For the purposes of this act:

- (1) "Department" means the department of agriculture of the state of Washington;
- (2) "Director" means the director of the department;
- (3) "Food" means any substance used for food or drink by man and any ingredient used for components of any such substance regardless of the quantity of such component;
- (4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;
- (5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: *Provided*, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;
- (6) "Food processing plant" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: *Provided*, That retail outlets, as set forth herein, processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

Food processing—  
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Penalty—  
Definitions.

For the purpose of this act any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants.

Sec. 2. (1) The department shall enforce and carry out the provisions of this act, and may adopt the necessary rules to carry out its purposes.

Food processing—  
Rules and  
regulations.

(2) Such rules may include but are not limited to:

(a) Standards of sanitation in the handling, storing, or holding of raw food products prior to processing in a food processing plant.

(b) Standards of sanitation in and throughout a food processing plant and its appurtenances, including the facilities used for the personal comfort and convenience of employees and their location in a food processing plant.

(c) Standards of sanitation for any contrivance or equipment used in (i) the handling of either raw food products or processed food products being

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transported or moved into a food processing plant, (ii) the handling and processing of said raw food products or processed food products within the food processing plant, and (iii) the preparation for and shipment of processed foods and their by-products from the food processing plant.

(d) Standards for the materials used in the construction of those areas where foods are actually processed in a food processing plant.

(e) Standards for the types of materials used in equipment used to handle and process foods in a food processing plant.

(f) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(g) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(h) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.

(i) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.

Food, Drug  
and Cosmetic  
Act, applica-  
tion.

Sec. 3. All the provisions of the Uniform Washington Food, Drug, and Cosmetic Act (chapter 69.04 RCW) relating to food and not in conflict with this act are hereby incorporated and made a part of this act.

License.

Sec. 4. It shall be unlawful for any person to operate a food processing plant or process foods

without first having obtained an annual license from the department, which shall expire on the 31st day of March following issuance. A separate license shall be required for each food processing plant. Application for a license shall be on a form prescribed by the director and accompanied by a ten dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or 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 director. Upon the approval of the application by the director and compliance with the provisions of this act, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. The provisions of this section shall not apply to food processing plants or food processors subject to and being inspected by the federal Department of Health, Education and Welfare.

License  
required—  
Application—  
Contents—  
Exemptions.

Sec. 5. If the application for renewal of any license provided for under this act is not filed prior to April 1st in any year, an additional fee of 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 op-

Late filing for  
renewal—  
Penalty.

Food processing—Regulations.

erated a food processing plant or processed foods subsequent to the expiration of his license.

Denial, suspension or revocation of license—Grounds.

Sec. 6. The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this act if he 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 director.

(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 portion or area of the food processing plant for the purpose of carrying out the provisions of this act.

(4) Refused the department access to any records required to be kept under the provisions of this act.

Rules and regulations—Hearing—Procedure.

Sec. 7. 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.

Inspections—Right of access.

Sec. 8. The department shall have access for inspection purposes to any part, portion or area of a food processing plant, and any records required to be kept under the provisions of this act or rules and regulations adopted hereunder. Such inspection shall, when possible, be made during regular business hours or during any working shift of said food processing plant. The department may, however, inspect such food processing plant at any time when it has received information that an emergency affect-

ing the public health has arisen and such food processing plant is or may be involved in the matters causing such emergency: *Provided, however,* That the inspections authorized by this act do not apply to a food processing plant that is subject to and is being inspected by a federal agency.

Sec. 9. Any food processing plant in actual operation at the time of the effective date of this act or any seasonal food processing plant which has operated during any portion of the twelve months immediately preceding the effective date of this act, shall be granted a license, upon application and payment of the proper license fee, subject to meeting those immediate and absolute minimum requirements in this act or rules or regulations promulgated thereunder for the protection of the public health. The department may, however, grant such food processing plant such additional time as may be reasonably necessary, to allow for major renovations, improvements, or additions to said food processing plant, as required to meet the provisions of this act or rules and regulations adopted hereunder: *Provided,* That such extension of time shall not apply to the mandatory use of indicating and recording thermometers on retorts or other facilities or equipment used to process food under temperature changes.

Licenses for plants already operating.

Sec. 10. The provisions of this act shall not apply to establishments issued a permit or licensed under the provisions of:

Food processing plants—Exemptions.

- (1) Chapter 15.32 RCW, the Dairies and dairy products act;
- (2) Chapter 69.12 RCW, the Bakeries and bakery products act;
- (3) Chapter 69.16 RCW, the Macaroni and macaroni products act;
- (4) Chapter 69.20 RCW, the Confections act;
- (5) Chapter 69.24 RCW, the Egg and egg products act;

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ing plants—  
Exemptions.

(6) Chapter 69.28 RCW, the Washington state honey act;

(7) Chapter 16.49 RCW, the Meat inspection act;

(8) Title 66 RCW, relating to alcoholic beverage control; and

(9) Chapter 69.30 RCW, the Sanitary control of shellfish act: *Provided*, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this act.

The provisions of this act shall not apply to restaurants or food service establishments.

Enforcement  
—Civil  
remedies.

Sec. 11. The department may use all the civil remedies provided for in chapter 69.04 RCW (The Uniform Washington Food, Drug, and Cosmetics Act) in carrying out and enforcing the provisions of this act.

Moneys—  
Disposition.

Sec. 12. All moneys received by the department under the provisions of this act shall be paid into the state treasury.

Effect on ex-  
isting liability.

Sec. 13. 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.

Warnings.

Sec. 14. Nothing in this act shall be construed as requiring the department to report for prosecution violations of this act when it believes that the public interest will best be served by a suitable notice of warning in writing.

Penalty.

Sec. 15. Any person violating any provision of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: *Provided*, That any offense committed more than five years after a previous conviction shall be considered a first offense.

Sec. 16. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy. Construction.

Sec. 17. 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. 18. This act shall be known and designated as the Washington food processing act. Short title

Sec. 19. The term "this act" shall mean sections 1 through 18.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 3, 1967.

## CHAPTER 122.

[House Bill No. 150.]

### CORRECTIONAL INSTITUTION FOR WOMEN.

AN ACT relating to the department of institutions; providing for the establishment, operation and administration of an institution to be known as the Washington correctional institution for women; authorizing intergovernmental contracts; providing for reimbursement of certain expenses; amending section 72.68.080, chapter 28, Laws of 1959 and RCW 72.68.080; amending section 72.68.100, chapter 28, Laws of 1959 and RCW 72.68.100; and adding new sections to chapter 28, Laws of 1959 and to Title 72 and chapter 72.68 RCW.

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

Section 1. There is added to chapter 28, Laws of 1959 and to Title 72 RCW a new section to read as follows: New section.

There is hereby established under the supervision and control of the director of the department of