AN ACT Relating to prohibiting the participation of animals in traveling animal acts; amending RCW 16.52.011; adding a new section to chapter 16.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 16.52.011 and 2019 c 174 s 3 are each amended to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

(b) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(c) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or
county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(d) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (h) of this subsection and RCW 16.52.025.

(e) "Dog" means an animal of the species Canis lupus familiaris.

(f) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(g) "Food" means food or feed appropriate to the species for which it is intended.

(h) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

(i) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(j) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

(k) "Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.

(l) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

(m) "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

(n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended.
and that is accessible to the animal or as directed by a veterinarian for medical reasons.

(o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(q) "Similar animal" means: (i) For a mammal, another animal that is in the same taxonomic order; or (ii) for an animal that is not a mammal, another animal that is in the same taxonomic class.

(r) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

(s) "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

(t) "Covered animal" means any of the following animals, and hybrids thereof:

(i) Artiodactyla, excluding domestic cattle, bison, American buffalo, water buffalo, yak, zebu, gaiyal, bali cattle, suidae, sheep, llamas, or alpacas;

(ii) Camelidae;

(iii) Canidae, including any hybrids thereof, but excluding domestic dogs;

(iv) Crocodilia;

(v) Elasmobranchii;

(vi) Elephantidae;

(vii) Felidae, including any hybrids thereof, but excluding domestic cats;

(viii) Marsupialia;

(ix) Nonhuman primate;

(x) Perissodactyla, excluding domestic horses, ponies, donkeys, or mules;

(xi) Pinnipedia; and

(xii) Ursidae.

(u) "Mobile or traveling housing facility" means a transporting vehicle such as a truck, trailer, or railway car used to transport or house animals while traveling for exhibition or other performance.

(v) "Performance" means any exhibition, public showing, presentation, display, exposition, fair, animal act, circus, ride,
trade show, petting zoo, carnival, parade, race, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

(w) "Traveling animal act" means any performance of animals where the animals are transported to, from, or between locations for the purpose of the performance, in a mobile or traveling housing facility.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person may not allow for the participation of a covered animal in a traveling animal act.

(2) This section does not apply to a performance that takes place at a nonmobile, permanent institution or other fixed facility, provided that the covered animal is not transported to such a location for the purpose of such a performance.

(3) A person who violates this section is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues.

NEW SECTION. Sec. 3. The provisions of this act are in addition to, and not in lieu of, any other laws protecting animal welfare. This act may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

NEW SECTION. Sec. 4. 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.

NEW SECTION. Sec. 5. This act takes effect July 1, 2020.

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