

HOUSE BILL REPORT

ESHB 1151

As Amended by the Senate

Title: An act relating to the keeping of dangerous wild animals.

Brief Description: Regulating the keeping of dangerous wild animals.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan).

Brief History:

Committee Activity:

Judiciary: 1/26/05, 2/11/05 [DPS].

Floor Activity:

Passed House: 3/7/05, 67-31.

Floor Activity:

Passed House: 1/18/06, 67-29.

Senate Amended.

Passed Senate: 3/1/06, 42-1.

Brief Summary of Engrossed Substitute Bill

- Prohibits possession of potentially dangerous wild animals such as large cats, wolves, bears, monkeys, primates, certain snakes, and crocodiles.
- Allows currently possessed, potentially dangerous wild animals to be kept for the remainder of the animal's life.
- Establishes a civil penalty for violations of the act.
- Exempts certain entities from the act, including: zoos; aquariums; wildlife sanctuaries; research, medical, and educational institutions; circuses; and rodeos.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Springer and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Serben.

Staff: Edie Adams (786-7180).

Background:

Wild animals may be subject to regulation under federal, state, or local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. In addition, under the federal Animal Welfare Act (Act), the United States Department of Agriculture licenses and regulates animal dealers and exhibitors, including those dealing with exotic animals.

In Washington, the Department of Fish and Wildlife (Fish and Wildlife) has authority to regulate ownership of wildlife. Fish and Wildlife rules currently outlaw ownership of certain "deleterious exotic wildlife" that threaten native animals, such as fallow deer, mongoose, and wild boars. In addition, Fish and Wildlife regulates the ownership of certain wild animals naturally found in the state.

Animal control is generally regulated on the city and county level in Washington, with enforcement by either local animal control authorities or local law enforcement. A number of local jurisdictions have passed ordinances either banning or regulating certain exotic animals. These include King and Pierce counties, as well as the cities of Spokane, Bellevue, Everett, and others. For example, King County bans ownership of venomous snakes, nonhuman primates, bears, non-domesticated felines (cats) and canines (wolves and coyotes), and crocodiles. Persons possessing these animals prior to the Act's effective date in 1994 were allowed to receive licenses from the county, provided they met certain requirements.

Summary of Engrossed Substitute Bill:

The possession and breeding of potentially dangerous wild animals is prohibited. A "potentially dangerous wild animal" is defined and includes: large cats, wolves, bears, hyenas, rhinoceroses, primates, elephants, certain snakes, and crocodiles.

A person who owns a potentially dangerous wild animal prior to the effective date of the Act may keep the animal for the remainder of the animal's life. The person must keep acquisition papers or other documentation that the animal was lawfully possessed prior to the effective date of the Act.

An animal control authority may confiscate a potentially dangerous wild animal if it is being kept in violation of the Act or if it poses a public safety or health risk. The possessor is responsible for the costs of caring for the animal during the confiscation. If the animal is not able to be returned to the possessor, the animal control authority may relocate the animal to a facility such as a zoo or wildlife sanctuary, or it may euthanize the animal, as a last resort, if it is unable to relocate the animal.

A violation of the Act is a civil penalty subject to a fine of between \$200 to \$2,000 for each animal and each day of the violation. Local jurisdictions may adopt ordinances that are stricter than the Act, but are not required to adopt ordinances to be in compliance with the

Act.

Certain entities are exempt from the provisions of the Act. These entities include: zoos and aquariums; animal protection organizations; veterinary hospitals; wildlife sanctuaries; licensed or accredited research, medical, or educational institutions; circuses and rodeos; and persons temporarily transporting animals through the State.

EFFECT OF SENATE AMENDMENT(S):

Effect of Senate Amendment: The Senate amendment strikes the underlying bill's prohibition on the possession of potentially dangerous wild animals and instead creates a Joint Select Committee on Regulation of Private Ownership of Exotic Wild Animals (Committee). The Committee consists of four legislators (two from each house) and is staffed by Senate Committee Services and the House Office of Program Research.

The Committee is directed to conduct a study concerning the regulation of the private ownership of exotic wild animals and specifically to identify: (1) animals that may be considered dangerous as pets and the criteria used to identify these animals; (2) the potential harm posed by private ownership of exotic wild animals, and how the risk of harm may affect the owner's insurance; (3) whether private ownership of exotic wild animals should be regulated or banned and how such a state law might affect other state and local laws on the subject; (4) the existence and effectiveness of laws in other states that regulate or ban the private ownership of exotic wild animals; and (5) how local jurisdictions and public agencies may protect the public from possible health and safety threats of owning exotic wild animals. The Committee must report its findings and recommendations to the Governor and the appropriate committees of the Legislature by November 15, 2006.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill has been around for a few years. The proponents have worked hard on the bill over the interim with cities, counties, law enforcement, Fish and Wildlife, and other organizations. The concerns that local jurisdictions expressed last year about the potential local impacts have been addressed.

The animals listed in the bill are either obviously dangerous or dangerous because they pose health risks. Wild animals are inherently dangerous and present a risk not only to their owners, but also to the public and to public officials who have to respond to incidents. People often get an exotic animal when the animal is young and then discover that they cannot handle the animal as it gets older. Many owners of exotic animals do not have the necessary training on how to properly care for the animal.

Washington is one of only 15 states that do not have any regulations of exotic animals. Of these 15 states, nine are considering legislation in this area. There is no federal law that addresses the issue of ownership of exotic animals except for a recent law relating to interstate commerce in large cats. The U.S. Department of Agriculture only regulates breeders and exhibitors of exotic animals. Their standards are minimal at best.

Testimony Against: This bill isn't about public safety; it is about killing our animals. The bill requires us to get rid of our animals within five years. Many animals have a natural life of more than 20 years. The bill will sentence them to death because there is no place to take them. Zoos and other organizations won't take these animals. Domestic animals are responsible for the vast number of injuries and deaths caused by animals. If the proponents of this bill really care about public safety, they would ban domestic animals.

Many owners have invested thousands of dollars in their animals and have invested in expensive caging and shelter facilities for the animals. Taking these animals away renders that investment unusable and is a taking of private property. As a reptile breeder, if this bill passes, my business will lose \$8,000 to \$15,000 a year. This bill would ban many reptiles that are not dangerous. There have been no deaths in Washington resulting from reptile bites according to the Department of Health.

The bill infringes on individual rights and personal freedoms and privileges as citizens of Washington. Just because there are some irresponsible owners doesn't mean you should penalize all the responsible owners out there. There are alternatives to banning these animals. This should be dealt with by licensing and inspection programs.

Persons Testifying: (In support) Representative Lovick, prime sponsor; Jennifer Hillman, Animal Protection Institute; Gordon Walgren, Federation of Animal Control Agencies of Washington; Bruce Bjork, Washington Association of Sheriffs and Police Chiefs and Enforcement Program, Department of Fish and Wildlife; Anna-Katrina Andersen; Sue Andersen; Mike Wyche, Cat Tales Zoological Park; Nicole Paquette, Animal Protection Institute; Ellen Leach; and Robert Stagman.

(Opposed) Douglas Taylor; Jeanne Hall and Arlene Jester, Phoenix Exotics; Selena Michaelis, Alliance for the Conservation of Exotic Felines and Phoenix Exotics; and Claire Talltree, Sean Gallagher, and W. Phil Rodenberg, Pacific Northwest Herpetological Society.

Persons Signed In To Testify But Not Testifying: None.