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**HOUSE BILL 2088**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Stanford, Pettigrew, Fitzgibbon, Hudgins, and Macri

AN ACT Relating to prohibiting the participation of elephants in a traveling animal act; amending RCW 16.52.185; reenacting and 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.**  RCW 16.52.011 and 2015 c 235 s 2 are each reenacted and 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 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 (g) of this subsection and RCW 16.52.025.

(e) "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.

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

(g) "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.

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

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

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

(k) "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.

(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.

((~~(l)~~)) (m) "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.

((~~(m)~~)) (n) "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.

((~~(n)~~)) (o) "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.

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

((~~(o)~~)) (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.

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

(s) "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.

**Sec.**  RCW 16.52.185 and 1994 c 261 s 22 are each amended to read as follows:

Except as provided in section 3 of this act, nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or to the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120.

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

(1) Notwithstanding RCW 16.52.185, a person may not allow for the participation of an elephant in a traveling animal act.

(2) 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.**  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.**  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.**  This act takes effect January 1, 2018.

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