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**SUBSTITUTE SENATE BILL 6099**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Ranker, Carlyle, Wellman, Darneille, Rolfes, Keiser, Dhingra, Van De Wege, Hunt, Palumbo, Saldaña, Kuderer, and Mullet)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to orca captivity; adding a new section to  
2 chapter 77.15 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15  
5 RCW to read as follows:

6 (1) A person is guilty of unlawful orca captivity if the person:

7 (a) Holds a wild-caught or captive-bred orca in captivity for any  
8 purposes, including display, performance, or entertainment purposes;

9 (b) Breeds or impregnates an orca held in captivity in the state;

10 (c) Imports, exports, or collects semen, other gametes, or  
11 embryos of an orca for the purpose of artificial insemination; or

12 (d) Exports, transports, moves, or sells an orca located in the  
13 state to another state or country unless otherwise authorized by  
14 federal law.

15 (2) Unlawful orca captivity is a misdemeanor.

16 (3) In addition to the penalties set forth in this section, if a  
17 person acts for commercial purposes as defined in RCW 77.15.110  
18 regarding orca captivity, the court shall impose a civil penalty of  
19 not more than one hundred thousand dollars. All penalties recovered  
20 under this section shall be deposited into the state general fund.

1 (4) This section does not apply to an orca that is held by a bona  
2 fide educational or scientific institution for rehabilitation after a  
3 rescue or stranding or for research purposes. However, the department  
4 must be notified immediately upon the rescue or acquisition of any  
5 orca, and an orca that is held for rehabilitation or research  
6 purposes must be returned to the wild whenever possible. If return to  
7 the wild is not possible, the orca may be used for educational  
8 presentations, but may not be used for breeding, performance, or  
9 entertainment purposes.

10 (5) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.

12 (a) "Bona fide educational or scientific institution" means an  
13 institution that establishes through documentation any of the  
14 following:

15 (i) Educational or scientific tax exemption from the internal  
16 revenue service or the institution's national, state, or local tax  
17 authority;

18 (ii) Accreditation as an educational or scientific institution  
19 from a qualified national, regional, state, or local authority for  
20 the institution's location; or

21 (iii) Accreditation by a nationally or internationally recognized  
22 zoological or aquarium accreditation organization.

23 (b) "Educational presentations" means a live, scheduled orca  
24 display in the presence of spectators that includes natural  
25 behaviors, enrichment, exercise activities, and live narration and  
26 video content that provides science-based education to the public  
27 about orcas.

28 (c) "Orca" means a member of the species *Orcinus orca*.

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