
SENATE BILL 6544

State of Washington

56th Legislature

2000 Regular Session

By Senators Patterson, Eide, Kline, Heavey, Shin, Gardner, Costa, Thibaudeau, Prentice, Fairley, Kohl-Welles and B. Sheldon; by request of Secretary of State

Read first time 01/19/2000. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to commerce of certain cetaceans and sirenians in
2 Washington state; adding a new section to chapter 77.16 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.16 RCW
6 to read as follows:

7 (1) It is the intent of the legislature to prevent suffering and
8 mortality of cetaceans (dolphins, porpoises, and whales) and sirenians
9 (manatees and dugongs) by prohibiting their capture when applicable to
10 Washington territorial waters, transport, breeding, holding, and
11 display in the state of Washington.

12 (2) No animal of the taxonomic orders cetacea and sirenia shall be
13 held, displayed, bred, captured, or transported in or through
14 Washington state and its territorial waters unless specifically
15 exempted in this section.

16 (3) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Order" means all species, subspecies, and hybrids of the
19 following taxonomic groups:

1 (i) Order cetacea: All whales, dolphins, and porpoises whether
2 wild caught or captive bred; and

3 (ii) Order sirenia: All dugong and manatee whether wild caught or
4 captive bred.

5 (b) "Held" means confinement whether in an artificial pool or pen
6 in a natural body of water.

7 (c) "Display" means to make a public or private show or exhibit for
8 recreational, allegedly therapeutic, or any commercial and
9 noncommercial purpose and includes any public viewing.

10 (d) "Capture" means to seize or take physical possession, control,
11 or ownership of the covered species, either wild caught or captive
12 bred, by force or other effort by any means.

13 (e) "Transport" means the movement by any conveyance of any of
14 these species to or through Washington state unless exempted by this
15 section. This prohibition includes stops made at airports by transport
16 airplanes except for veterinary emergency care.

17 (4) Exemptions:

18 (a) All cetaceans and sirenians held in captivity before January 1,
19 2000, are:

20 (i) Exempt from the provisions of this section regarding holding
21 and displaying only; and

22 (ii) Exempt from transport restrictions for outbound travel only.
23 Once an exempt individual animal leaves Washington state, the animal
24 loses its exempt status.

25 (b) Any covered species suffering, stranded, injured, or unable to
26 survive without human intervention is exempted from the provisions of
27 this section temporarily until such time as the animal is rehabilitated
28 to the wild state. At no time may such animals be displayed. If any
29 stranded cetacean is neither euthanized nor releasable into the wild,
30 then a suitable sea pen in Washington marine waters is required for
31 long-term care.

32 (c) Any covered species enrolled in a rehabilitation program
33 intended to secure release into the wild from a captive status is
34 exempt. If this effort fails to achieve a complete return to the wild,
35 only a sea pen in suitable Washington marine waters will satisfy the
36 exemption from captivity.

37 (d) To qualify for exempt status as described in (a) of this
38 subsection, the legal owner must register each individual member of the
39 covered species within ninety days of the effective date of this act.

1 The registrant shall provide a complete description including an
2 identifying photograph to the department of fish and wildlife.

3 (5) Penalties:

4 (a) A person violating this section is guilty of a misdemeanor for
5 each infraction and for each animal described in this section.

6 (b) Nothing in this section affects existing remedies and penalties
7 under current law.

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