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SENATE BILL 5666

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State of Washington

64th Legislature

2015 Regular Session

By Senators Ranker and Rolfes

Read first time 01/28/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to cetacean 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 or entity is guilty of unlawful cetacean captivity  
7 if the person or entity:

8 (a) Holds a wild-caught or captive-bred cetacean in captivity for  
9 performance or entertainment purposes;

10 (b) Captures or imports into the state a wild-caught or captive-  
11 bred cetacean with the intention to use the cetacean for performance  
12 or entertainment purposes;

13 (c) Breeds a cetacean in captivity; or

14 (d) Imports, exports, or collects semen, other gametes, or  
15 embryos of a cetacean for the purpose of artificial insemination.

16 (2) Unlawful cetacean captivity is a misdemeanor and may be  
17 punishable upon conviction by a fine of not more than one hundred  
18 thousand dollars or by imprisonment for not more than six months, or  
19 both.

20 (3) This section does not apply to a person or entity holding a  
21 cetacean for rehabilitation, rescue or stranding, or research

1 purposes. If possible, a person or entity holding a cetacean for  
2 rehabilitation or research purposes must return the cetacean to the  
3 wild. If return to the wild is not possible, the person or entity  
4 must hold the cetacean in a sea pen and may not use the cetacean for  
5 performance or entertainment purposes.

6 (4) The definitions in this subsection apply throughout this  
7 section unless the context clearly requires otherwise.

8 (a) "Cetacean" means a member of the order cetacea, or large  
9 marine mammals commonly known as whales, dolphins, and porpoises.

10 (b) "Performance or entertainment purposes" includes, but is not  
11 limited to, any routinely scheduled public exhibition characterized  
12 by music or other sound effects, choreographed display or training  
13 for the display, or unprotected contact between humans and cetaceans.  
14 Unprotected contact means physical contact between a human and a  
15 cetacean in the absence of a protective barrier or distance between  
16 the human and the cetacean. Holding a cetacean is not, alone, a  
17 performance or entertainment purpose.

18 (c) "Sea pen" means an in-water enclosure anchored to the sea  
19 floor and attached to the shore or coastline. Up to three sides of a  
20 sea pen may consist of shore or coastline.

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