
HOUSE BILL 2888

State of Washington 64th Legislature 2016 Regular Session

By Representatives Van De Wege, Pettigrew, and Stanford

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 gross misdemeanor and is
17 punishable upon conviction by a fine of not more than five thousand
18 dollars or by imprisonment for not more than three hundred sixty-four
19 days, or 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 at a location approved by the national marine
5 fisheries service and may not use the cetacean for performance or
6 entertainment purposes.

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

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

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

--- END ---