

# HOUSE BILL REPORT

## HB 1418

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### As Amended by the Senate

**Title:** An act relating to the keeping of dangerous wild animals.

**Brief Description:** Protecting consumers from the keeping of dangerous wild animals.

**Sponsors:** By Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams.

### Brief History:

#### Committee Activity:

Judiciary: 2/2/07, 2/27/07 [DP].

#### Floor Activity:

Passed House: 3/10/07, 63-34.

Senate Amended.

Passed Senate: 4/3/07, 34-15.

### Brief Summary of Bill

- Prohibits possession of potentially dangerous wild animals such as large cats, wolves, bears, monkeys, primates, certain snakes, and crocodiles.
- Allows the current legal possessor of a potentially dangerous wild animal to keep the animal for the remainder of the animal's life.
- Establishes a civil penalty for violations of the act.
- Exempts certain entities or persons from the act, including: zoos, aquariums, wildlife sanctuaries, circuses, research facilities, and persons displaying animals at a fair.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 8 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan, Kirby, Moeller, Pedersen and Williams.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 3 members: Representatives Warnick, Assistant Ranking Minority Member; Ahern and Ross.

**Staff:** Jasmine Vasavada (786-5793) and Edie Adams (786-7180).

**Background:**

Wild animals may be subject to regulation under federal, state, or local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. In addition, under the Animal Welfare Act, the United States Department of Agriculture licenses and regulates animal dealers and exhibitors, including those dealing with exotic animals.

In Washington, the Department of Fish and Wildlife (Department) has authority to regulate ownership of wildlife. The Department rules currently outlaw ownership of certain "deleterious exotic wildlife" that threaten native animals, such as fallow deer, mongoose, and wild boars. In addition, the Department regulates the ownership of certain wild animals naturally found in the state.

Animal control is generally regulated on the city and county level in Washington, with enforcement by either local animal control authorities or local law enforcement. A number of local jurisdictions have passed ordinances either banning or regulating certain exotic animals. These include every county except for San Juan, Jefferson, and Yakima, as well as the cities of Spokane, Bellingham, Tacoma, and most cities in the vicinity of King County. For example, King County bans ownership of venomous snakes, nonhuman primates, bears, non-domesticated felines (cats) and canines (wolves and coyotes), and crocodiles. Persons possessing these animals prior to the act's effective date in 1994 were allowed to receive licenses from the county, provided they met certain requirements.

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**Summary of Bill:**

The possession and breeding of potentially dangerous wild animals is prohibited. "Potentially dangerous wild animal" is defined and includes, among others: large cats, wolves, bears, primates, certain snakes, and crocodiles.

A person who owns a potentially dangerous wild animal prior to the effective date of the act may keep the animal for the duration of the animal's lifetime, provided the possessor maintains adequate records and can prove possession prior to the effective date of the act.

An animal control authority may confiscate a potentially dangerous wild animal if: (a) it is being kept in violation of the act, (b) it poses a public safety or health risk, or (c) it is in poor health and the animal's condition is attributable to the possessor. The possessor is responsible for the costs of caring for the animal during the confiscation. If the animal is not able to be returned to the possessor, the animal control authority may relocate the animal to a facility such as a zoo, wildlife sanctuary, or other exempted facility, such as a research facility or a circus. If relocation is not possible within a reasonable period of time, the animal control authority may euthanize the animal.

A violation of the act is a civil penalty subject to a fine of between \$200 to \$2,000 for each animal and each day of the violation. Local jurisdictions may adopt ordinances that are stricter than the act, but are not required to adopt ordinances to be in compliance with the act.

Certain entities and persons are exempt from the provisions of the act. These entities include: zoos and aquariums; animal protection organizations; veterinary hospitals; wildlife sanctuaries; research facilities registered under the Animal Welfare Act; circuses; persons temporarily transporting animals through the state; and persons displaying animals at a fair approved by the Washington Department of Agriculture.

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**EFFECT OF SENATE AMENDMENT(S):**

The exemptions portion of the bill is amended to: (1) provide an exemption for a facility that has a current signed memorandum of participation with an association of zoos and aquariums species survival plan; (2) provide an exemption for game farms licensed by the Department of Fish & Wildlife prior to January 1, 1992; and (3) to replace an incorrect reference to "licensed" research facilities with a correct reference to "registered" research facilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill has been around for six years. The proponents have worked hard on the bill and have addressed concerns that local jurisdictions expressed last year about the potential local impacts. Also, the current bill allows current owners to keep their pets for the duration of the pet's lifetime. The animals listed in the bill are either obviously dangerous or dangerous because they pose health risks. Wild animals are inherently dangerous and present a risk not only to their owners, but also to the public and to public officials who have to respond to incidents. Furthermore, exotic animals may pose biological disease threats, or out-compete local wildlife in the event that they are released into the wild, as in the case of exotic rattlesnakes that are more venomous (and whose bites are more difficult to treat) than their local relatives.

(With concerns) After fighting this bill for years, it is time to take what we can get and run with it. My one concern is educational opportunities. Several legally-run, safe businesses use these animals. Some consideration should be given to exempting them.

(Opposed) This bill is not about public safety; it is about killing our animals. If an animal is confiscated, the bill will sentence them to death because there is no place to take them. This may violate the Endangered Species Act. Zoos and other organizations will not take these animals. Furthermore, by limiting the exception for zoos to Association of Zoos and

Aquariums (AZA)-accredited facilities, this bill has not exempted other zoos or facilities like Cougar Mountain that have chosen not to join with the AZA due to its emphasis on concession stands.

Many owners have invested thousands of dollars in their animals and have invested in expensive caging and shelter facilities for the animals. Taking these animals away renders that investment unusable. Many owners provide educational programs in schools or to children that help build awareness and support for conservation of these animals in the wild.

This bill would ban many reptiles that are not dangerous. There may be some irresponsible owners, but problems are exaggerated because of the media's focus on extreme events. There are alternatives to banning these animals. This should be dealt with by licensing and inspection programs. Such programs already exist and are administered by the U.S. Department of Agriculture.

The paperwork requirements placed on owners are onerous. Many reptile keepers have no veterinary records, and many owners have thrown away their receipts and have no means of showing possession prior to the act.

**Persons Testifying:** (In support) Representative Lovick, prime sponsor; Bill Hanson, Washington State Fraternal Order of Police; Bruce Bjork, Washington Department of Fish and Wildlife; Jennifer Hillman, Humane Society of the United States; and Bill Robertson, Washington Poison Center.

(With concerns) Douglas Taylor.

(Opposed) Dave Coleburn and Dan Overman, Predators of the Heart; Shelleen Mathews, Wild Field Advocacy Center of Washington; Jeanne Hall, Phoenix Exotics; Steve Johnson; Selena Michaelis, The Alliance for the Conservation of Exotic Felines; Frank Bodenmiller; John Cussmyer; and Mike Mesa, Seattle Tacoma Animal Rescue.

**Persons Signed In To Testify But Not Testifying:** W. Phil Rodenberg, Seattle Tacoma Animal Rescue.