

SENATE BILL REPORT

HB 1418

As Reported By Senate Committee On:
Consumer Protection & Housing, March 16, 2007

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

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

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

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

Committee Activity: Consumer Protection & Housing: 3/16/07 [DPA, w/oRec].

SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

Majority Report: Do pass as amended.

Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford, Ranking Minority Member.

Staff: Jacob White (786-7448)

Background: Wild animals are subject to regulation under federal, state, and local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. The United States Department of Agriculture licenses and regulates animal dealers and exhibitors. Both federal and Washington State law regulate the introduction of some wild animals into this state because the introduction of their genes and the diseases they could bring make them a threat to the state's indigenous wildlife. The Washington Department of Fish and Wildlife has the authority to manage wildlife within the state. Pursuant to that authority, the department prevents the introduction of "deleterious exotic wildlife," including mongooses, wild boar, European red deer, zebra mussels, and European green crab, unless strict conditions are met. Unlawful release of deleterious exotic wildlife is a class C felony.

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. Local jurisdictions such as Pierce and King counties and cities such as Bellevue, Spokane, and Everett have passed such ordinances.

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.

Concern exists that privately-owned exotic pets pose a public health threat because they are not capable of domestication. Some exotic pets may carry diseases which can be passed to humans.

Summary of Bill: A person must not own, possess, keep, harbor, bring into the state, have custody or control, or breed a potentially dangerous animal. The term "potentially dangerous animal" is defined. Exceptions to this requirement include: authorized institutions of the Washington Department of Fish and Wildlife, zoos and aquariums, nonprofit animal organizations, veterinary hospitals, holders of wildlife sanctuaries, research facilities, circuses, persons transporting animals and meeting certain criteria, people displaying animals at fairs, and people who currently own potentially dangerous animals.

Animal control authority, local law enforcement agents, and county sheriffs are authorized to enforce this act. These entities may confiscate a potentially dangerous wild animal if there is probable cause that the animal was not acquired prior to the effective date of the bill; or the animal is in poor health and condition as a result of the owner. The animal control authority must give proper notice to the possessor of the animal. An animal confiscated under this act may be returned if the animal control authority establishes that the owner has possession of the animal before the effective date of this bill. If the animal is not returned, the animal may be euthanized only if there are no reasonable placement options available.

Violators of this act are liable for a civil penalty of not less than \$200 or more than \$2,000 for each animal that is possessed in violation of this act and for each day that violation continues. A city or county may adopt more restrictive ordinances toward potentially dangerous wild animals.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Consumer Protection & Housing): A facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan is included as an institution which is exempt from the regulations of this bill. An exemption is created for game farms meeting certain requirements. Technical changes are made because research facilities do not hold licenses, they are instead registered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many accommodations have been made to this bill. A USDA license was not included as an exception because it is easy to obtain. It takes some simple paper work and a couple of small fees to gain a USDA license. The USDA itself has said that it needs to close the loophole created by a USDA license for exotic pet owners getting around local ordinances. Police officers are often put in danger by wild animals which are kept as pets.

CON: This bill doesn't recognize a lot of private organizations. These organizations should be included as exceptions. Some of these organizations not included serve a valuable need to

the community; they take in unwanted exotic pets that would otherwise be killed. Zoos in Washington State do not have the resources to take care of all of these animals, thus this bill is effectively a death sentence to many of these animals. A USDA license should be an exemption. Many zoos do not even have an Association of Zoos and Aquariums accreditation.

You can't legislate idiots. This bill will not do away with the types of people who cause problems by owning these types of animals. Kids are more dangerous in terms of spreading disease than these animals. This bill is brought forward by extremist California organizations. This bill contains no due process, no appeal mechanism, and no notification.

Persons Testifying: PRO: Bob Berg, Chief of Police, Centralia Police Department; Jennifer Hillman, Humane Society of the United States.

CON: Steve Johnson, citizen; John Lussmyer, Alliance for the Conservation of Exotic Felines; Jeanne Hall, Phoenix Exotics, testifying on behalf of Dave Coleburn, Predators of the Heart; Cathleen Sphoere, Phoenix Exotics; Shelleen Mathews, Wild Felid Advocacy Center of Washington.