
**Agriculture & Natural Resources
Committee**

HB 2115

Brief Description: Concerning cetacean captivity.

Sponsors: Representatives Blake, Sawyer, Stanford and S. Hunt.

Brief Summary of Bill

- Creates the Fish and Wildlife Code offense of Unlawful Cetacean Captivity, which makes unlawful the holding of a wild-caught or captive bred cetacean in captivity for performance or entertainment purposes, the capture or importation into the state of a wild-caught or captive bred cetacean with the intention of using the cetacean for performance or entertainment purposes, the breeding of a cetacean in captivity, or the importation, exportation, or collection of semen, other gametes, or embryos of a cetacean for the purpose of artificial insemination.

Hearing Date: 2/18/15

Staff: Peter Clodfelter (786-7127).

Background:

Cetaceans are aquatic, mostly marine mammals, including whales, dolphins, and porpoises. The federal Marine Mammal Protection Act prohibits, with certain exceptions, the taking of marine mammals in United States waters and by United States citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. Permits and exemptions allow for incidental takes, scientific research, and for first-time import or capture of wild marine animals for public display.

Summary of Bill:

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.

The Fish and Wildlife Code offense of Unlawful Cetacean Captivity is created. The following four acts each constitute Unlawful Cetacean Captivity:

- Holding a wild-caught or captive-bred cetacean in captivity for performance or entertainment purposes;
- Capturing or importing into the state a wild-caught or captive-bred cetacean with the intention of using the cetacean for performance or entertainment purposes;
- Breeding a cetacean in captivity; or
- Importing, exporting, or collecting semen, other gametes, or embryos of a cetacean for the purpose of artificial insemination.

A person may lawfully hold a cetacean for rehabilitation, rescue or stranding, or research purposes. If possible, a person or entity holding a cetacean for rehabilitation or research purposes must return the cetacean to the wild. If it is not possible to return the cetacean to the wild, the person or entity must hold the cetacean in a sea pen and may not use the cetacean for performance or entertainment purposes. A sea pen is an in-water enclosure anchored to the sea floor and attached to the shore or coastline. Up to three sides of a sea pen may consist of shore or coastline.

A violation is punishable as a misdemeanor and may be punishable upon conviction by a fine of not more than \$100,000 or by imprisonment for not more than six months, or both.

Appropriation: None.

Fiscal Note: Not requested.

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