
**Agriculture & Natural Resources
Committee**

HB 2888

Brief Description: Concerning cetacean captivity.

Sponsors: Representatives Van De Wege, Pettigrew, Stanford, Morris, Kuderer, S. Hunt, Appleton, Peterson, Fitzgibbon, Hurst, Pollet and Farrell.

Brief Summary of Bill

- Creates the Fish and Wildlife Code offense of Unlawful Cetacean Captivity as a gross misdemeanor.
- Prescribes penalties for an Unlawful Cetacean Captivity violation of \$5,000 or imprisonment for not more than 364 days, or both.

Hearing Date: 2/2/16

Staff: Rebecca Lewis (786-7339).

Background:

Cetaceans are aquatic, 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.

Under state law, it is a natural resource infraction to cause a vessel to approach or be in the path of a southern resident Orca whale (Orca). It is also an infraction to feed an Orca or fail to disengage the transmission of a vessel within 200 yards of an Orca. There are a few exceptions, including: engaging in a treaty Indian or commercial fishing operation that is actively setting, retrieving, or closely tending fishing gear; engaging in rescue of a beached Orca overseen,

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authorized, or coordinated by a volunteer stranding network; or engaging in an activity permitted by the Department of Fish and Wildlife or the National Marine Fisheries Service.

Summary of Bill:

The Fish and Wildlife Code offense of Unlawful Cetacean Captivity is created. The following 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 at a location approved by the National Marine Fisheries Service and may not use the cetacean for performance or entertainment purposes.

A violation of Unlawful Cetacean Captivity is a gross misdemeanor and is punishable upon conviction by a fine of not more than \$5,000 or by imprisonment of not more than 364 days, 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.