

SENATE BILL REPORT

SB 5666

As of February 5, 2015

Title: An act relating to cetacean captivity.

Brief Description: Concerning cetacean captivity.

Sponsors: Senators Ranker and Rolfes.

Brief History:

Committee Activity: Natural Resources & Parks: 2/05/15.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Bonnie Kim (786-7316)

Background: The federal Marine Mammal Protection Act (MMPA) prohibits, with certain exceptions, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S. Permits and exemptions are given for incidental takes, scientific research, and for first-time import or capture of wild marine animals for public display.

Cetaceans are aquatic, mostly marine mammals, including whales, dolphins, and porpoises. Historically, more than half of all orcas taken for captivity were sourced from Washington State – approximately 223 to 255 of 466 orcas. As of December 2014, 57 orcas were held in captivity – 22 wild-captured, 35 born in captivity – in 14 marine parks in eight countries. In the U.S., SeaWorld holds approximately 25 orcas in its parks in Florida, California, and Texas. Hundreds of dolphins and porpoises are held in California, Florida, Georgia, Hawaii, Illinois, Indiana, Maryland, Mississippi, Nevada, and Texas parks.

There are no orcas, dolphins, or porpoises held in captivity for entertainment purposes in Washington.

Summary of Bill: A new misdemeanor prohibits any person or entity from:

- holding a wild-caught or captive-bred cetacean in captivity for performance or entertainment purposes;
- capturing or importing a wild-caught or captive-bred cetacean for performance or entertainment purposes;
- breeding a cetacean in captivity; or

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.

- importing, exporting, or collecting cetacean semen, other gametes, or embryos for artificial insemination.

Unlawful cetacean captivity is punishable upon conviction by a fine of up to \$100 or by imprisonment of up to six months, or both.

It is lawful, however, to 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 return to the wild is not possible, the person or entity must hold the cetacean in a sea pen and may not use the cetacean for performance or entertainment purposes.

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: These animals swim thousands of miles and are put in a fish tank the size of the Senate floor. We have some of the best marine mammal scientists in Washington and the language about stranding in the bill was drafted by a leading scientist. This bill is not about what others do in other states. This bill is about whether Washington wants that kind of industry or entertainment in this state. Orcas suffer from many infections and diseases in captivity. All male orcas in captivity develop collapsed dorsal fin. Not a single orca has died in captivity of natural causes. Orcas are incredibly beautiful. This bill puts Washington in a position to set the best example. Whale pod families swim, hunt, and play together in groups of up to 20 members. As a marine mammal trainer, I felt very lucky at first but doubt crept in when I saw a young male orca ram his head as hard as he could against the concrete walls and gates of the pool. In concrete tanks, cetaceans are not allowed to catch their prey or engage in any of the natural behaviors they exhibit in the wild. This bill will not have any negative impact on zoos or aquariums because they can continue to display other animals. Live animals are not necessary to educate children about conservation. Seeing the orcas floating listlessly broke my heart and motivated me to learn more about their plight.

CON: This bill would undermine the work of zoos and aquariums. Zoos and aquariums are held to high standards. More than 40 million people visit parks and leave educated about the animals. Wild capture of orcas is rare because of our success in artificial insemination. This will not stop with cetaceans. Trips to zoos and aquariums are important to introduce children to animals. Research of cognitive behavior cannot be conducted in the wild. No parks hold cetaceans purely for entertainment purposes. This bill limits this state's role in preserving cetaceans. Sea pens may not always be the most appropriate venue for research.

Persons Testifying: PRO: Senator Ranker, prime sponsor; Senator Rolfes; Dr. Deborah Giles, The Whale Museum, Salish Sea Assn. of Marine Naturalists; Dr. Naomi Rose, Animal

Welfare Institute; Ralph Munro, Christine Caruso, Anna Gullickson, Carol Ray, Grace Campbell, citizens.

CON: Kathleen Dezio, Alliance of Marine Mammal Parks and Aquariums; Rita Irwin, Dolphin Research Center; William Hurley, Leeland Management Consulting.