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HOUSE BILL 2088

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Stanford, Pettigrew, Fitzgibbon, Hudgins, and Macri

Read first time 02/13/17. Referred to Committee on Judiciary.

1            AN ACT Relating to prohibiting the participation of elephants in  
2 a traveling animal act; amending RCW 16.52.185; reenacting and  
3 amending RCW 16.52.011; adding a new section to chapter 16.52 RCW;  
4 creating a new section; prescribing penalties; and providing an  
5 effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            **Sec. 1.** RCW 16.52.011 and 2015 c 235 s 2 are each reenacted and  
8 amended to read as follows:

9            (1) Principles of liability as defined in chapter 9A.08 RCW apply  
10 to this chapter.

11            (2) The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13            (a) "Abandons" means the knowing or reckless desertion of an  
14 animal by its owner or the causing of the animal to be deserted by  
15 its owner, in any place, without making provisions for the animal's  
16 adequate care.

17            (b) "Animal" means any nonhuman mammal, bird, reptile, or  
18 amphibian.

19            (c) "Animal care and control agency" means any city or county  
20 animal control agency or authority authorized to enforce city or  
21 county municipal ordinances regulating the care, control, licensing,

1 or treatment of animals within the city or county, and any  
2 corporation organized under RCW 16.52.020 that contracts with a city  
3 or county to enforce the city or county ordinances governing animal  
4 care and control.

5 (d) "Animal control officer" means any individual employed,  
6 contracted, or appointed pursuant to RCW 16.52.025 by an animal care  
7 and control agency or humane society to aid in the enforcement of  
8 ordinances or laws regulating the care and control of animals. For  
9 purposes of this chapter, the term "animal control officer" shall be  
10 interpreted to include "humane officer" as defined in (g) of this  
11 subsection and RCW 16.52.025.

12 (e) "Euthanasia" means the humane destruction of an animal  
13 accomplished by a method that involves instantaneous unconsciousness  
14 and immediate death, or by a method that causes painless loss of  
15 consciousness, and death during the loss of consciousness.

16 (f) "Food" means food or feed appropriate to the species for  
17 which it is intended.

18 (g) "Humane officer" means any individual employed, contracted,  
19 or appointed by an animal care and control agency or humane society  
20 as authorized under RCW 16.52.025.

21 (h) "Law enforcement agency" means a general authority Washington  
22 law enforcement agency as defined in RCW 10.93.020.

23 (i) "Livestock" includes, but is not limited to, horses, mules,  
24 cattle, sheep, swine, goats, and bison.

25 (j) "Malice" has the same meaning as provided in RCW 9A.04.110,  
26 but applied to acts against animals.

27 (k) "Mobile or traveling housing facility" means a transporting  
28 vehicle, such as a truck, trailer, or railway car, used to transport  
29 or house animals while traveling for exhibition or other performance.

30 (l) "Necessary food" means the provision at suitable intervals of  
31 wholesome foodstuff suitable for the animal's age, species, and  
32 condition, and that is sufficient to provide a reasonable level of  
33 nutrition for the animal and is easily accessible to the animal or as  
34 directed by a veterinarian for medical reasons.

35 ((+l)) (m) "Necessary water" means water that is in sufficient  
36 quantity and of appropriate quality for the species for which it is  
37 intended and that is accessible to the animal or as directed by a  
38 veterinarian for medical reasons.

1       ~~((m))~~ (n) "Owner" means a person who has a right, claim, title,  
2 legal share, or right of possession to an animal or a person having  
3 lawful control, custody, or possession of an animal.

4       ~~((n))~~ (o) "Performance" means any exhibition, public showing,  
5 presentation, display, exposition, fair, animal act, circus, ride,  
6 trade show, petting zoo, carnival, parade, race, or similar  
7 undertaking in which animals are required to perform tricks, give  
8 rides, or participate as accompaniments for the entertainment,  
9 amusement, or benefit of a live audience.

10       (p) "Person" means individuals, corporations, partnerships,  
11 associations, or other legal entities, and agents of those entities.

12       ~~((o))~~ (q) "Similar animal" means: (i) For a mammal, another  
13 animal that is in the same taxonomic order; or (ii) for an animal  
14 that is not a mammal, another animal that is in the same taxonomic  
15 class.

16       ~~((p))~~ (r) "Substantial bodily harm" means substantial bodily  
17 harm as defined in RCW 9A.04.110.

18       (s) "Traveling animal act" means any performance of animals where  
19 the animals are transported to, from, or between locations for the  
20 purpose of the performance, in a mobile or traveling housing  
21 facility.

22       **Sec. 2.** RCW 16.52.185 and 1994 c 261 s 22 are each amended to  
23 read as follows:

24       Except as provided in section 3 of this act, nothing in this  
25 chapter applies to accepted husbandry practices used in the  
26 commercial raising or slaughtering of livestock or poultry, or  
27 products thereof or to the use of animals in the normal and usual  
28 course of rodeo events or to the customary use or exhibiting of  
29 animals in normal and usual events at fairs as defined in RCW  
30 15.76.120.

31       NEW SECTION. **Sec. 3.** A new section is added to chapter 16.52  
32 RCW to read as follows:

33       (1) Notwithstanding RCW 16.52.185, a person may not allow for the  
34 participation of an elephant in a traveling animal act.

35       (2) A person who violates this section is liable for a civil  
36 penalty of not less than two hundred dollars and not more than two  
37 thousand dollars for each animal with respect to which there is a  
38 violation and for each day the violation continues.

1        NEW SECTION.    **Sec. 4.**    The provisions of this act are in addition  
2 to, and not in lieu of, any other laws protecting animal welfare.  
3 This act may not be construed to limit any state law or rules  
4 protecting the welfare of animals or to prevent a local governing  
5 body from adopting and enforcing its own animal welfare laws and  
6 regulations.

7        NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11        NEW SECTION.    **Sec. 6.**    This act takes effect January 1, 2018.

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