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HOUSE BILL 2824

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State of Washington                      66th Legislature                      2020 Regular Session

By Representatives Appleton, Walen, and Pollet

Read first time 01/23/20. Referred to Committee on Public Safety.

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

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

6            **Sec. 1.** RCW 16.52.011 and 2019 c 174 s 3 are each amended to  
7 read as follows:

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

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

12           (a) "Abandons" means the knowing or reckless desertion of an  
13 animal by its owner, or by a person who has taken control, custody,  
14 or possession of an animal that was involved in animal fighting as  
15 described in RCW 16.52.117, or the causing of the animal to be  
16 deserted by its owner, in any place, without making provisions for  
17 the animal's adequate care.

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

20           (c) "Animal care and control agency" means any city or county  
21 animal control agency or authority authorized to enforce city or

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

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

13 (e) "Dog" means an animal of the species *Canis lupus familiaris*.

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

18 (g) "Food" means food or feed appropriate to the species for  
19 which it is intended.

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

23 (i) "Law enforcement agency" means a general authority Washington  
24 law enforcement agency as defined in RCW 10.93.020.

25 (j) "Livestock" includes, but is not limited to, horses, mules,  
26 cattle, sheep, swine, goats, and bison.

27 (k) "Malice" has the same meaning as provided in RCW 9A.04.110,  
28 but applied to acts against animals.

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

34 (m) "Necessary shelter" means a structure sufficient to protect a  
35 dog from wind, rain, snow, cold, heat, or sun that has bedding to  
36 permit a dog to remain dry and reasonably clean and maintain a normal  
37 body temperature.

38 (n) "Necessary water" means water that is in sufficient quantity  
39 and of appropriate quality for the species for which it is intended

1 and that is accessible to the animal or as directed by a veterinarian  
2 for medical reasons.

3 (o) "Owner" means a person who has a right, claim, title, legal  
4 share, or right of possession to an animal or a person having lawful  
5 control, custody, or possession of an animal.

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

8 (q) "Similar animal" means: (i) For a mammal, another animal that  
9 is in the same taxonomic order; or (ii) for an animal that is not a  
10 mammal, another animal that is in the same taxonomic class.

11 (r) "Substantial bodily harm" means substantial bodily harm as  
12 defined in RCW 9A.04.110.

13 (s) "Tether" means: (i) To restrain an animal by tying or  
14 securing the animal to any object or structure; and (ii) a device  
15 including, but not limited to, a chain, rope, cable, cord, tie-out,  
16 pulley, or trolley system for restraining an animal.

17 (t) "Covered animal" means any of the following animals, and  
18 hybrids thereof:

19 (i) Artiodactyla, excluding domestic cattle, bison, American  
20 buffalo, water buffalo, yak, zebu, gayal, bali cattle, suidae, sheep,  
21 llamas, or alpacas;

22 (ii) Camelidae;

23 (iii) Canidae, including any hybrids thereof, but excluding  
24 domestic dogs;

25 (iv) Crocodylia;

26 (v) Elasmobranchii;

27 (vi) Elephantidae;

28 (vii) Felidae, including any hybrids thereof, but excluding  
29 domestic cats;

30 (viii) Marsupialia;

31 (ix) Nonhuman primate;

32 (x) Perissodactyla, excluding domestic horses, ponies, donkeys,  
33 or mules;

34 (xi) Pinnipedia; and

35 (xii) Ursidae.

36 (u) "Mobile or traveling housing facility" means a transporting  
37 vehicle such as a truck, trailer, or railway car used to transport or  
38 house animals while traveling for exhibition or other performance.

39 (v) "Performance" means any exhibition, public showing,  
40 presentation, display, exposition, fair, animal act, circus, ride,

1 trade show, petting zoo, carnival, parade, race, or similar  
2 undertaking in which animals are required to perform tricks, give  
3 rides, or participate as accompaniments for the entertainment,  
4 amusement, or benefit of a live audience.

5 (w) "Traveling animal act" means any performance of animals where  
6 the animals are transported to, from, or between locations for the  
7 purpose of the performance, in a mobile or traveling housing  
8 facility.

9 NEW SECTION. Sec. 2. A new section is added to chapter 16.52  
10 RCW to read as follows:

11 (1) A person may not allow for the participation of a covered  
12 animal in a traveling animal act.

13 (2) This section does not apply to a performance that takes place  
14 at a nonmobile, permanent institution or other fixed facility,  
15 provided that the covered animal is not transported to such a  
16 location for the purpose of such a performance.

17 (3) A person who violates this section is liable for a civil  
18 penalty of not less than two hundred dollars and not more than two  
19 thousand dollars for each animal with respect to which there is a  
20 violation and for each day the violation continues.

21 NEW SECTION. Sec. 3. The provisions of this act are in addition  
22 to, and not in lieu of, any other laws protecting animal welfare.  
23 This act may not be construed to limit any state law or rules  
24 protecting the welfare of animals or to prevent a local governing  
25 body from adopting and enforcing its own animal welfare laws and  
26 regulations.

27 NEW SECTION. Sec. 4. If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. Sec. 5. This act takes effect July 1, 2020.

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