
SENATE BILL 6099

State of Washington 65th Legislature 2018 Regular Session

By Senators Ranker, Carlyle, Wellman, Darneille, Rolfes, Keiser, Dhingra, and Van De Wege

Prefiled 01/05/18.

1 AN ACT Relating to orca captivity; adding a new section to
2 chapter 77.15 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15
5 RCW to read as follows:

6 (1) A person or entity is guilty of unlawful orca captivity if
7 the person or entity:

8 (a) Holds a wild-caught or captive-bred orca in captivity for any
9 purposes, including display, performance, or entertainment purposes;

10 (b) Breeds or impregnates an orca held in captivity in the state;

11 (c) Imports, exports, or collects semen, other gametes, or
12 embryos of an orca for the purpose of artificial insemination; or

13 (d) Exports, transports, moves, or sells an orca located in the
14 state to another state or country unless otherwise authorized by
15 federal law.

16 (2) Unlawful orca captivity is a misdemeanor punishable, upon
17 conviction, by a fine of not more than one hundred thousand dollars.

18 (3) This section does not apply to an orca that is held by a bona
19 fide educational or scientific institution for rehabilitation after a
20 rescue or stranding or for research purposes. However, the department
21 must be notified immediately upon the rescue or acquisition of any

1 orca, and an orca that is held for rehabilitation or research
2 purposes must be returned to the wild whenever possible. If return to
3 the wild is not possible, the orca may be used for educational
4 presentations, but may not be used for breeding, performance, or
5 entertainment purposes.

6 (4) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Bona fide educational or scientific institution" means an
9 institution that establishes through documentation any of the
10 following:

11 (i) Educational or scientific tax exemption from the internal
12 revenue service or the institution's national, state, or local tax
13 authority;

14 (ii) Accreditation as an educational or scientific institution
15 from a qualified national, regional, state, or local authority for
16 the institution's location; or

17 (iii) Accreditation by a nationally or internationally recognized
18 zoological or aquarium accreditation organization.

19 (b) "Educational presentations" means a live, scheduled orca
20 display in the presence of spectators that includes natural
21 behaviors, enrichment, exercise activities, and live narration and
22 video content that provides science-based education to the public
23 about orcas.

24 (c) "Orca" means a member of the species *Orcinus orca*.

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