



General Assembly

February Session, 2020

***Raised Bill No. 5341***

LCO No. 1459



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT PROHIBITING THE SALE AND BREEDING OF CERTAIN CETACEANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) No person shall: (1)  
2 Hold in captivity a cetacean, whether wild-caught or captive-bred, for  
3 any purpose, including, but not limited to, for display, performance or  
4 entertainment purposes; (2) breed or impregnate any cetacean held in  
5 captivity in the state; (3) export, collect, or import the semen, other  
6 gametes, or embryos of a cetacean held in captivity for the purpose of  
7 artificial insemination; or (4) export, transport, move or sell a cetacean  
8 located in the state to another state or country unless otherwise  
9 authorized by federal law or if the transfer is to another facility within  
10 North America that meets standards comparable to those provided  
11 under the Animal Welfare Act, 7 USC 2131 et seq.

12 (b) The provisions of subsection (a) of this section shall not apply to:  
13 (1) Any cetacean located in the state on the effective date of this section,  
14 or (2) any cetacean that is held by a bona fide educational or scientific  
15 institution for rehabilitation after a rescue or stranding of such cetacean

16 or for research purposes provided (A) the Department of Energy and  
17 Environmental Protection shall be notified immediately upon the rescue  
18 or acquisition of any such cetacean, and (B) any cetacean that is held for  
19 rehabilitation or research purposes shall be returned to the wild  
20 whenever possible and if such return is not possible, such cetacean may  
21 be used for educational presentations but shall not be used for breeding,  
22 performance or entertainment purposes.

23 (c) Any person who violates the provisions of this section shall be  
24 guilty of a misdemeanor and fined not more than two thousand dollars.

25 (d) For the purposes of this section: (1) "Educational presentation"  
26 means a live, scheduled cetacean display in the presence of spectators  
27 that includes natural behaviors, enrichment, exercise activities and a live  
28 narration and video content that provides science-based education to  
29 the public about cetaceans; (2) "cetacean" means any whale, dolphin or  
30 porpoise of the Order Odontoceti; (3) "bona fide educational or scientific  
31 institution" means an institution that establishes through  
32 documentation any of the following: (A) Educational or scientific tax  
33 exemption, from the federal Internal Revenue Service or the institution's  
34 national, state or local tax authority, (B) accreditation as an educational  
35 or scientific institution, from a qualified national, regional, state or local  
36 authority for the institution's location, or (C) accreditation by a  
37 nationally or internationally recognized zoological or aquarium  
38 accreditation organization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2020	New section

**Statement of Purpose:**

To prohibit the sale and breeding of certain cetaceans.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*