AN ACT PROHIBITING THE SALE AND BREEDING OF CERTAIN CETACEANS.

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

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

(b) The provisions of subsection (a) of this section shall not apply to: (1) Any cetacean located in the state on the effective date of this section, or (2) any cetacean that is held by a bona fide educational or scientific institution for rehabilitation after a rescue or stranding of such cetacean.
or for research purposes provided (A) the Department of Energy and Environmental Protection shall be notified immediately upon the rescue or acquisition of any such cetacean, and (B) any cetacean that is held for rehabilitation or research purposes shall be returned to the wild whenever possible and if such return is not possible, such cetacean may be used for educational presentations but shall not be used for breeding, performance or entertainment purposes.

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

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