

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO WILDLIFE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 183D, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "~~§183D-~~       Cetaceans; captivity; prohibited. (a) Except  
5       as provided in subsection (c), no person shall keep in captivity  
6       a cetacean for any purpose including but not limited to display,  
7       performance, or entertainment purposes; provided that:

8       (1) A cetacean held in captivity by a bona fide  
9       educational or scientific institution that cannot be  
10       released into the wild because of concerns for the  
11       health or safety of the animal may be used for  
12       educational presentations; and

13       (2) A cetacean held in captivity by an organization other  
14       than a bona fide educational or scientific institution  
15       prior to the effective date of this Act may continue  
16       to be held in captivity for display, performance, or  
17       entertainment purposes.



(b) No person shall:

(1) Breed or impregnate a cetacean held in captivity,  
including any cetacean held in captivity by a bona  
fide educational or scientific institution, after the  
effective date of this Act;

(2) Import, export, or collect the semen, gametes, or  
embryos of a cetacean for the purposes of artificial  
insemination; or

(3) Import, export, transport, move, or sell a cetacean  
held in captivity in the State to another state or  
country.

(c) Subsection (a) shall not apply to cetaceans that:

(1) Are held in captivity by a bona fide educational or  
scientific institution and cannot be released into the  
wild due to health or other safety concerns; or

(2) Are temporarily in the custody of a bona fide  
education or scientific institution for rehabilitation  
after a rescue or stranding or for research purposes.

(d) Any organization that rescues or otherwise acquires a  
cetacean after the effective date of this Act shall promptly



1 notify the department of land and natural resources of the  
2 rescue or acquisition of the cetacean.

3 (e) Any person who violates this section shall be guilty  
4 of a misdemeanor and shall be subject to a fine of no more than  
5 \$\_\_\_\_\_.

6 (f) For the purposes of this section:

7 "Bona fide educational or scientific institution" means an  
8 organization that:

9 (1) Is an educational or scientific tax exempt  
10 organization under section 501(c)(3) of the Internal  
11 Revenue Code of 1986, as amended; or

12 (2) Has received accreditation as an educational or  
13 scientific institution from the Association of Zoos  
14 and Aquariums or a qualified national, regional,  
15 state, or local authority for the institution's  
16 location.

17 "Cetacean" means any member of the order cetacea, including  
18 whales, dolphins, and porpoises.

19 "Educational presentation" means a live, scheduled display  
20 of a cetacean in the presence of spectators that includes  
21 demonstrations of natural behaviors, enrichment, or exercise



1 activities and is accompanied by a live narration or video  
2 content that provides science-based education about cetaceans."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

5

INTRODUCED BY:



# S.B. NO. 1021

**Report Title:**

Cetaceans; Captivity; Breeding; Ban; Fine

**Description:**

Bans the keeping or breeding of cetaceans in captivity except in certain circumstances.

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