
A BILL FOR AN ACT

RELATING TO EXHIBITION OF WILD OR EXOTIC ANIMALS.

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

1 SECTION 1. Twenty years ago, in August 1994, Tyke, an
2 African elephant who was brought to Honolulu as part of a
3 traveling circus, escaped from the Neal Blaisdell Center after
4 crushing her trainer to death and injuring fifteen other people.
5 She was eventually killed by police officers after she went on a
6 rampage through the streets of Honolulu, charging after
7 pedestrians and smashing cars in several city blocks. Tyke
8 suffered a slow and painful death, after being hit by dozens of
9 bullets fired by police officers, because no one was prepared or
10 trained to effectively and mercifully kill a rampaging African
11 elephant. More recently, in the summer of 2014, the 50th State
12 Fair featured a traveling show from the mainland that included
13 grizzly bears and sea lions.

14 As vividly illustrated by the tragedy of Tyke, the extreme
15 stress and inhumane treatment that may be experienced by wild or
16 exotic animals used for commercial display can cause them to
17 behave unpredictably and even violently, leading to increased



1 risks to public safety. These animals may be subjected to
2 constant travel, limited facilities, and long periods of
3 restricted movement.

4 In addition to putting people in direct danger, wild and
5 exotic animals also pose a risk to public health, including
6 potential rabies exposure and the introduction of pathogens that
7 spread disease, such as tuberculosis to Hawaii's cattle industry
8 and canine distemper to domesticated dogs. Moreover, these
9 pathogens can spread to Hawaii's ecosystem if diseased cows,
10 dogs, and other animals escape and establish feral colonies.

11 The legislature finds that it is in the best interest of
12 the State, the public, and the animals to:

13 (1) Require written notification of any prior Animal
14 Welfare Act Violations when applying to the department
15 of agriculture for a permit to import an exotic or
16 wild animal into the State; and

17 (2) Establish the offense of unlawful use of a wild or
18 exotic animal to prohibit the use of a wild or exotic
19 animal as part of a travelling exhibit or show if the
20 animal has been living or travelling in a mobile
21 housing facility.



1 SECTION 2. Chapter 142, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§142- Exotic or wild animal; prior citations. (a) No
5 person shall apply for a permit to import an exotic or wild
6 animal without notifying the department of agriculture of any
7 prior federal Animal Welfare Act citations through written
8 notice accompanying the permit application.

9 (b) As used in this section:

10 "Exotic animal" means any animal that is native to a
11 foreign country, is of foreign origin or character, is not
12 native to the United States, or was introduced from abroad.

13 "Exotic animal" includes non-human primates, lions, tigers,
14 leopards, elephants, camels, antelope, anteaters, kangaroos,
15 water buffalo, species of foreign domestic cattle such as
16 Ankole, Gayal, and Yak, and all hybrids of such animals.

17 "Wild animal" means any animal which is now or historically
18 has been found in the wild or in a wild state within the
19 boundaries of the United States, its territories, or
20 possessions. "Wild animal" includes bears, deer, skunks,



1 opossums, raccoons, mink, armadillos, cetaceans, coyotes,
2 squirrels, foxes, wolves, and all hybrids of such animals."

3 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§711- Unlawful use of a wild or exotic animal. (1) A
7 person commits the offense of unlawful use of a wild or exotic
8 animal if the person intentionally or knowingly employs or
9 permits the display or performance of any wild or exotic animal
10 in any act, ride, performance, or exhibition, as part of a
11 travelling exhibit or show for compensation, and the animal has
12 been living or travelling in a mobile housing facility.

13 (2) This section shall not apply to the use of a wild or
14 exotic animal:

15 (a) In an exhibition at a non-mobile, permanent accredited
16 institution or facility including any accredited zoo
17 or aquarium;

18 (b) As part of an outreach program for educational or
19 conservation purposes by an accredited zoo or
20 aquarium, if the animal used for such purposes is not



1 kept in a mobile housing facility for more than twelve
2 hours a day;

3 (c) By a university, college, laboratory, or other
4 research facility registered under the Animal Welfare
5 Act;

6 (d) In a film, television, or advertising if such use does
7 not involve a live public exhibition; or

8 (e) In a rodeo.

9 (3) Unlawful use of a wild or exotic animal is a
10 misdemeanor.

11 (4) As used in this section:

12 "Exotic animal" means any animal that is native to a
13 foreign country, is of foreign origin or character, is not
14 native to the United States, or was introduced from abroad.

15 "Exotic animal" includes non-human primates, lions, tigers,
16 leopards, elephants, camels, antelope, anteaters, kangaroos,
17 water buffalo, species of foreign domestic cattle such as
18 Ankole, Gayal, and Yak, and all hybrids of such animals.

19 "Mobile or travelling housing facility" means a
20 transporting vehicle such as a truck, trailer, or railway car,



1 used to house animals while travelling for exhibition or public
2 education purposes.

3 "Wild animal" means any animal which is now or historically
4 has been found in the wild or in a wild state within the
5 boundaries of the United States, its territories, or
6 possessions. "Wild animal" includes bears, deer, skunks,
7 opossums, raccoons, mink, armadillos, cetaceans, coyotes,
8 squirrels, foxes, wolves, and all hybrids of such animals."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Wild or Exotic Animal; Unlawful Display or Performance

Description:

Requires disclosure of Animal Welfare Act violations for a permit to import wild and exotic animals. Prohibits use, display, and performance of wild and exotic animals that have been confined in a mobile or traveling housing facility.
(HB1012 HD1)

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