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## A BILL FOR AN ACT

RELATING TO THE PROTECTION OF AQUATIC MAMMALS.

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

1           SECTION 1. The legislature finds that cetaceans, which  
2 include dolphins, whales, and porpoises, are highly intelligent  
3 and social animals. Cetaceans are advanced sentient aquatic  
4 mammals, having high brain to body mass ratios and high  
5 encephalization. Similar to humans, cetaceans are self-aware  
6 and exhibit complex play, cooperation, creativity, and even tool  
7 usage. Additionally, cetaceans have emotions and are adversely  
8 affected by captivity. Public opposition to the keeping and  
9 displaying of captive cetaceans has increased in the United  
10 States and worldwide. The county of Maui has prohibited the  
11 exhibition of captive cetaceans since 2002, and California, New  
12 York, and South Carolina also passed legislation prohibiting the  
13 display of some or all species of cetaceans. Additionally, at  
14 least fourteen other countries have banned or restricted the  
15 exhibition and importation of cetaceans.

16           The legislature further finds that the dysfunctional social  
17 structure of captive cetaceans is known to cause unnatural



1 aggression and stress, resulting in injury, illness, or death.  
2 Animals in cetacean facilities exhibit unaddressed yet  
3 documented behaviors, such as floating motionless at the surface  
4 for prolonged periods and swimming in repetitive circles, an  
5 indication of depression due to the stress of inadequate living  
6 conditions. As a result, survivorship of cetaceans in a captive  
7 environment is significantly reduced. In November 2013, the  
8 United States marine mammal inventory report indicated that the  
9 causes of death for Hawaii's captive cetaceans includes food  
10 poisoning, capture-related incidents, malnutrition,  
11 debilitation, drowning, jumping out of enclosures, trauma, and  
12 failure to thrive.

13 The legislature also finds that cetaceans are injured or  
14 deformed due to the ongoing unnatural and physical demands of a  
15 job in the entertainment industry. Additionally, educational  
16 content delivered by a captivity facility is often inaccurate  
17 and misleading, as animals are performing theatrical tricks  
18 rather than displaying natural behaviors. Furthermore, Hawaiian  
19 values are neglected by disregarding the ecological, cultural,  
20 and spiritual significance of cetaceans.



1           The purpose of this Act is to prohibit the display of  
2 captive cetaceans in the State.

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

6           **"PART . PROHIBITING THE EXHIBITION OF CAPTIVE CETACEANS**

7           **§142- Title.** This part shall be known and may be cited  
8 as the "Protecting Aquatic Mammals From Living in Pools or  
9 Restraints (PROTECT FLIPR): A Cetacean Display Ban Act".

10          **§142- Definitions.** Whenever used in this part, unless  
11 a different meaning clearly appears from the context:

12          "Captive" means confined, restrained, or kept under  
13 control.

14          "Cetacean" means a marine animal of the order Cetacea,  
15 including dolphins, porpoises, and whales.

16          "Exhibit" means to put on public display in an artificial  
17 cage, including but not limited to pools and tanks, whether or  
18 not admission is charged.

19          **§142- Prohibition.** It is unlawful to exhibit captive  
20 cetaceans in the State.



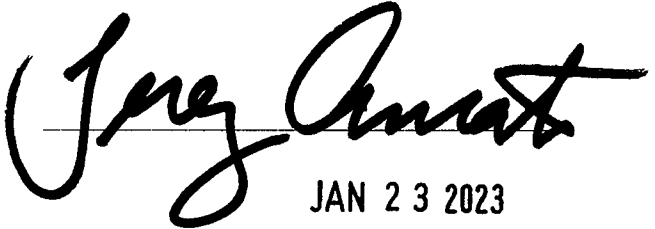
1        §142-        **Penalties.** Any person who violates this part  
2 shall be fined not more than \$10,000 for each offense.

3        §142-        **Rules.** The department of agriculture shall  
4 establish rules pursuant to chapter 91 for the purposes of this  
5 part."

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

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INTRODUCED BY



JAN 23 2023



H.B. NO. 901

**Report Title:**

Captive Aquatic Mammals; Display; Exhibition; Prohibition

**Description:**

Prohibits the display of aquatic mammals in the State.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

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