

HOUSE BILL REPORT

ESSB 5629

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to acts committed against animal facilities.

Brief Description: Prohibiting unauthorized acts against animal facilities.

Sponsor(s): Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse).

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, April 5, 1991, DPA.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Tim Burke (786-7103) and Kenneth Hirst (786-7105).

Background: Universities and many private research organizations are concerned about the increasing number of instances where persons concerned about animal welfare resort to criminal or tortious acts to achieve their goals of stopping, reducing, or changing the use of animals in scientific research, particularly medical research, and in university curriculum. Many farmers and veterinarians also believe that their animal operations may be similarly disrupted.

Summary of Amended Bill: Generally, it is a class C felony for any person to disrupt a research project or a university's educational program by knowingly taking, releasing, destroying, contaminating, or damaging any animal used in the project or by the university.

Generally, persons who, without authorization, commit the intentional tort of taking, releasing, destroying, contaminating, or damaging animals used by a university or research facility, kept by a farmer for farm purposes, or kept by a veterinarian for veterinary purposes will have liability that is joint and several. This liability also extends to persons who plan the activity or participate in the implementation of the plan. Injunctive relief to prevent these intentional torts is authorized.

Any employee or owner of a research, educational, or agricultural production facility who is harassed by persons whose intent is to stop or modify the facility's use of animals, may apply for injunctive relief to prevent the harassment.

Amended Bill Compared to Engrossed Substitute Bill: (1) The senate bill establishes criminal penalties for a wide variety of actions taken against: animal research or production facilities or veterinary facilities; against owners, operators, or employees of such facilities; against organizations representing such facilities; against representatives of these organizations; or against premises on which animals are located. The amendment establishes criminal penalties for a more limited number of actions and the penalties apply only when the actions are taken against a research or educational facility which uses animals for research or educational purposes. (2) Added by the amendment are the provisions permitting civil penalties to be levied; providing joint and several civil liability for those involved in planning or committing certain intentional torts; and providing injunctive relief regarding harassment.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (1) Much of the medical research at the University of Washington and at the Fred Hutchinson Medical Center involves the use of animals. This research, the employees who perform it, and the facilities and equipment which support it must be protected. (2) Stealing or releasing a research animal is not like stealing or releasing another animal. The research loss is far greater than the monetary value of the animal; further, the animal may be infected with a dangerous disease. (3) An animal terrorist group has claimed responsibility for an attack on four research facilities at the University of Arizona during which 1,200 animals, many of which were infected with diseases, were released. Recent activities suggest that such terrorism could occur here. State law should warn

individuals not to conduct such activities here. (4) Restraining orders authorized under the bill are important means of protecting animal facilities. (5) Thirteen states currently have specific laws to protect animal facilities and others have passed such legislation this year. (6) Seventy percent of the Nobel prizes awarded in medicine are for research which involves animals. Federal laws require that new drugs be tested on animals. Animal research projects must be protected against terrorism. (6) Millions of Americans with life-threatening diseases and disorders are waiting for new, life saving techniques which require animal research. (7) Terrorist groups are trying to prevent animal agriculture.

Testimony Against: (1) A wide range of laws prescribe penalties for the actions which are addressed in this bill. The bill is not needed. (2) The bill creates the nonspecific crime of "interfering" with activities at an animal facility. This could restrict legal picketing. (3) There is no evidence that the activities which have occurred in other states are occurring in this state. A task force of interested parties should study the issue. (4) This bill could be used to prevent the public from gaining information regarding the practices used in animal facilities.

Witnesses: Barbara Johnston, Fred Hutchinson Medical Center (in favor); Bill Bakamis, University of Washington (in favor); Larry Ganders, Washington State University (in favor); Bill Roberts and Harvey Beck, Washington State Farm Bureau (in favor); J. Thomas Ranker, Washington State Biotechnology Association (in favor); Patty Wood, Incurably Ill for Animal Research (in favor); Gincy Beck, Washington Women for the Survival of Agriculture (in favor); Mary Dyer, Putting People First (in favor); Mitchell Fox, Progressive Animal Welfare Society - PAWS (opposed); and Shawn Newman, Robin Hall, and Connie Domenich (opposed).