

HOUSE No. 1274

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to the treatment of elephants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/15/2015</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Leonard Mirra</i>	<i>2nd Essex</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	
<i>William C. Galvin</i>	<i>6th Norfolk</i>	
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	

<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

HOUSE No. 1274

By Representative Ehrlich of Marblehead and Senator Hedlund, a joint petition (accompanied by bill, House, No. 1274) of Lori A. Ehrlich and others for legislation to establish a penalty for the mistreatment of elephants. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1626 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relating to the treatment of elephants.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 272 of the General Laws, is hereby amended by inserting after
2 section 77B the following section: -

3 Section 77C. (a) As used in this section, the following terms shall have the following
4 meanings:

5 “Circus” , a class C licensee under the Animal Welfare Act, 7 U. S. C. section 2131 et
6 seq. , and its subsequent amendments, regulations and standards adopted pursuant to the Act, that
7 offers a performance by a live animal, clown or acrobat.

8 "Person" , an individual, partnership, corporation, organization, trade or professional
9 association, firm, limited liability company, joint venture, association, trust, estate, or any other
10 legal entity, and any agent, or representative thereof.

11 "Traveling show", circus, public show, trade show, photographic opportunity, carnival,
12 city or county fair, agricultural fair, ride, parade, race, performance or a similar undertaking in
13 which elephants do not permanently reside or that moves the elephants from location to location,
14 but not including the transportation of elephants for the purpose of obtaining required medical
15 services for an elephant or for the exchange of an elephant between sanctuaries.

16 (b) It shall be unlawful for any person who houses, possesses, is in contact with, or
17 travels with any elephant utilized in a circus or traveling show within Massachusetts to engage in
18 any of the following:

19 (1) Use of any implement on an elephant that may reasonably result in harm to the
20 elephant including, but not limited to, the damage, scarring or breakage of an elephant's skin.
21 Any such implement or device that is used, purchased, contrived for or constructed for the
22 purpose of poking, striking, hitting, stabbing, piercing, pinching or other physical contact of an
23 elephant shall be construed as an implement or device which may reasonably result in harm,
24 damage, scarring or breakage of skin to an elephant. For purposes of this subsection such
25 implement or device includes, but is not limited to, a bullhook, ankus or other similar device.

26 (2) Possession of any implement or device that may reasonably result in harm,
27 damage, scarring or breakage of skin to an elephant. Any such implement or device that is used,
28 purchased, contrived for or constructed for the purpose of poking, striking, hitting, stabbing,
29 piercing, pinching or other physical contact of an elephant shall be construed as an implement or

30 device which may reasonably result in harm, damage, scarring or breakage of skin to an
31 elephant. For purposes of this subsection such implement or device includes, but is not limited
32 to, a bullhook, ankus, or other similar device.

33 (3) Use of a chain or similar device to restrain an elephant, except if utilized for the
34 shortest amount of time necessary to provide actual medical treatment.

35 (c) Whoever violates this section shall be fined not more than \$5000 per violation or
36 imprisoned in the house of correction for not more than 1 year, or by both such fine and
37 imprisonment.