

SENATE No. 1898**The Commonwealth of Massachusetts**

PRESENTED BY:

Kathleen O'Connor Ives

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 relative to the use of elephants in traveling animal acts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/27/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/31/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/31/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/31/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/2/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/2/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/2/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/3/2017</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>3/13/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>6/6/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>6/6/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>6/6/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>6/6/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>6/6/2017</i>

SENATE No. 1898

By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 1898) of Kathleen O'Connor Ives, Jack Lewis, Lori A. Ehrlich, Angelo J. Puppolo, Jr. and other members of the General Court for legislation relative to the use of elephants in traveling animal acts. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the use of elephants in traveling animal acts.

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

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

3 SECTION 1. The General Laws are hereby amended by inserting after chapter 131A the
4 following chapter:-

5 CHAPTER 131B.

6 USE OF ELEPHANTS IN TRAVELING ANIMAL ACTS PROHIBITED.

7 Section 1. Definitions.

8 The following words shall have the following meanings unless the context clearly
9 requires otherwise:

“Mobile or traveling housing facility,” a transporting vehicle such as a truck, trailer or railway car, used to transport or house animals while traveling for exhibition or other performance.

“Performance,” any exhibition, public showing, presentation, display, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, race, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

“Person,” an individual, corporation, firm, partnership, joint venture, limited liability company, estate, trust, receiver, syndicate, association, or other legal entity.

“Traveling animal act,” any performance of animals where such animals are transported to, from, or between locations for the purpose of such performance, in a mobile or traveling housing facility.

Section 2. Prohibition.

To the extent that such activity is not prohibited by chapter 272, section 77B of the General Laws, and notwithstanding any other provision of law, no person shall allow for the participation of an elephant in a traveling animal act.

Section 3. Civil Penalty.

Any person who violates this chapter shall be subject to a civil penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000), per animal involved in the violation.

Section 4. Enforcement.

31 (a) Any officer or agent authorized by the department, or law enforcement officer of the
32 state or of any unit of local government within the state may enforce the provisions of this
33 chapter.

34 (b) The director of the division of fish and wildlife, department of fisheries, wildlife and
35 environmental law enforcement may adopt rules relating to the implementation of this chapter.

36 SECTION 2. The provisions of this Act are in addition to, and not in lieu of, any other
37 laws protecting animal welfare. This section may not be construed to limit any state law or rules
38 protecting the welfare of animals or to prevent a local governing body from adopting and
39 enforcing its own animal welfare laws and regulations.

40 SECTION 3. If any part, section or subdivision of this chapter, or the application thereof,
41 shall be held invalid, unconstitutional or inoperative as to any particular person, persons or
42 conditions, the remainder hereof, or the application of any such part, section or subdivision to
43 other persons and conditions, shall not be affected thereby.