

HOUSE No. 2934

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and Bradley H. Jones, Jr.

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, big cats, primates, and bears in traveling exhibits and shows.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/11/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/11/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/15/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/11/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/31/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/31/2019</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/31/2019</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>2/1/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/30/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/28/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>

<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/30/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/30/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/30/2019</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/30/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/28/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/1/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/30/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/23/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/31/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/31/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/24/2019</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/31/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/31/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/31/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/31/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/31/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/28/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/28/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/29/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/28/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/1/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/22/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/28/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/28/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/24/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/29/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/25/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/1/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/28/2019</i>

<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>1/23/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/1/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/29/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/31/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/29/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/30/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/29/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/31/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/28/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/28/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/29/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/29/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/30/2019</i>

HOUSE No. 2934

By Representatives Ehrlich of Marblehead and Jones of North Reading, a petition (accompanied by bill, House, No. 2934) of Lori A. Ehrlich, Bradley H. Jones, Jr., and others relative to the use of elephants, big cats, primates, and bears in traveling exhibits and shows. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the use of elephants, big cats, primates, and bears in traveling exhibits and shows.

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. The General Laws are hereby amended by inserting after chapter 131A the
2 following chapter:-

3 CHAPTER 131B.

4 USE OF COVERED ANIMALS IN TRAVELING ANIMAL ACTS PROHIBITED.

5 Section 1. Definitions.

6 The following words shall have the following meanings unless the context clearly
7 requires otherwise:

8 “Covered animal,” any of the following animals, and hybrids thereof:

9 (a) Elephantidae;

10 (b) Felidae, lions (*Panthera leo*), tigers (*Panthera tigris*), leopards (*Panthera pardus*),
11 clouded leopards (*Neofelis nebulosa* and *Neofelis diardi*), snow leopards (*Panthera uncia*),
12 jaguars (*Panthera onca*), cheetahs (*Acinonyx jubatus*), mountain lions (*Puma concolor*),
13 including any hybrids thereof;

14 (c) Non-human primate; and

15 (d) Ursidae.

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

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

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

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

28 Section 2. Prohibition.

29 (a) To the extent that such activity is not prohibited by section 77B of chapter 272, and
30 notwithstanding any other provision of law, no person shall allow for the participation of a
31 covered animal in a traveling animal act.

32 (b) This chapter shall not apply to a performance that takes place at a non-mobile,
33 permanent institution or other fixed facility, provided that the covered animal is not transported
34 to such location for the purpose of such performance.

35 Section 3. Civil Penalty.

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

39 Section 4. Enforcement.

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

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

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

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

54 SECTION 4. This Act shall take effect on January 1, 2020.