

**HOUSE . . . . . No. 3376**

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**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, giraffes, and bears in traveling exhibits and shows.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/16/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/16/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/18/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/18/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/22/2021</i>
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>2/22/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/23/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/23/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/23/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/24/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/24/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>2/25/2021</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/25/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/25/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/25/2021</i>

<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/25/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/25/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/26/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/26/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/26/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/5/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/9/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/9/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/9/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/11/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/15/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/15/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/17/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>3/17/2021</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>3/18/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>3/19/2021</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>3/26/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>3/29/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/29/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/30/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/31/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>3/31/2021</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>3/31/2021</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>4/1/2021</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>4/7/2021</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>4/12/2021</i>

<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>4/29/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>5/10/2021</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>6/9/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/1/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>7/7/2021</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>9/14/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>9/21/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>9/21/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>9/22/2021</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>9/22/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>9/22/2021</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>10/6/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>10/13/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>11/9/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>11/10/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>11/16/2021</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>11/30/2021</i>

**HOUSE . . . . . No. 3376**

By Representatives Ehrlich of Marblehead and Jones of North Reading, a petition (accompanied by bill, House, No. 3376) of Lori A. Ehrlich, Bradley H. Jones, Jr. and others relative to the use of elephants, big cats, primates, giraffes, and bears in traveling exhibits and shows. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2934 OF 2019-2020.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to the use of elephants, big cats, primates, giraffes, 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;

15 (d) Ursidae; and

16 (e) Giraffidae

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

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

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

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

29           Section 2. Prohibition.

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

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

36           Section 3. Civil Penalty.

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

40           Section 4. Enforcement.

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

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

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

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

55           SECTION 4. This Act shall take effect on January 1, 2022.