

SENATE No. 2197

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/20/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/30/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/5/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/6/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/15/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/15/2023</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/16/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/3/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>3/7/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/11/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>3/14/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/5/2023</i>

SENATE No. 2197

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2197) of Bruce E. Tarr, Edward J. Kennedy, Jack Patrick Lewis, Vanna Howard and other members of the General Court for legislation 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 SENATE, NO. 2251 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

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
23 theentertainment, 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 traveling animal act performance. Section 3. Civil
36 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 and
45 environmental law enforcement may adopt rules relating to the implementation of this 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, 2024.