SENATE DOCKET, NO. 735 FILED ON: 1/17/2013

SENATE . . . . . No. 1626

The Commonwealth of Massachusetts

PRESENTED BY:

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:
Robert L. Hedlund	*Plymouth and Norfolk*
Jason M. Lewis	*Fifth Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Tom Sannicandro	*7th Middlesex*
Lori A. Ehrlich	*8th Essex*
Sheila C. Harrington	*1st Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Jonathan Hecht	*29th Middlesex*
Denise Andrews	*2nd Franklin*
Denise Provost	*27th Middlesex*
Michael D. Brady	*9th Plymouth*
Brian R. Mannal	*2nd Barnstable*
James M. Cantwell	*4th Plymouth*
James E. Timilty	*Bristol and Norfolk*
Byron Rushing	*9th Suffolk*

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By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 1626) of Robert L. Hedlund, Jason M. Lewis, William N. Brownsberger, Tom Sannicandro and other members of the General Court for legislation relative to the treatment of elephants. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1706* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

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

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

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

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

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

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

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

(2) Possession of any implement or device that may reasonably result in harm, damage, scarring or breakage of skin to an elephant. Any such implement or device that is used, purchased, contrived for or constructed for the purpose of poking, striking, hitting, stabbing, piercing, pinching or other physical contact of an elephant shall be construed as an implement or device which may reasonably result in harm, damage, scarring or breakage of skin to an elephant. For purposes of this subsection such implement or device includes, but is not limited to, a bullhook, ankus, or other similar device.

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

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