

HOUSE No. 418

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and 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>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>

<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 418

By Representative Ehrlich of Marblehead and Senator O'Connor Ives, a joint petition (accompanied by bill, House, No. 418) of Lori A. Ehrlich and others relative to the use of elephants in traveling animal acts. Environment, Natural Resources and Agriculture.

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

3 CHAPTER 131B. USE OF ELEPHANTS IN TRAVELING ANIMAL ACTS
4 PROHIBITED.

5 Section 1. Definitions.

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

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

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

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

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

20 Section 2. Prohibition.

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

24 Section 3. Civil Penalty.

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

28 Section 4. Enforcement.

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

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

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

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

42 SECTION 4. This Act shall take effect on January 1, 2018.