

5426

2017-2018 Regular Sessions

I N S E N A T E

March 27, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the prohibitions on circus performances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 392-k to read as follows:

3 S 392-K. PROHIBITIONS ON CIRCUS PERFORMANCES. 1. DEFINITIONS. AS USED
4 IN THIS SECTION:

5 (A) "ANIMAL" INCLUDES ANIMALS AS DEFINED IN SUBDIVISION ONE OF SECTION
6 THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

7 (B) "CIRCUS" MEANS ANY PERFORMANCE OF ANIMALS WHERE SUCH ANIMALS ARE
8 TRAINED TO PERFORM SOME BEHAVIOR OR ACTION OR ARE PART OF A SHOW,
9 PARADE, OR PERFORMANCE. SUCH DEFINITION SHALL NOT BE APPLICABLE TO
10 NOT-FOR-PROFIT CORPORATIONS WHICH HAVE RECEIVED 501 (C)(3) EXEMPT STATUS
11 FROM THE INTERNAL REVENUE SERVICE.

12 (C) "DEFICIENCY" MEANS AN ITEM NOT IN COMPLIANCE WITH THE ANIMAL
13 WELFARE ACT, 7 U.S.C. 2131 ET SEQ., AND ITS SUBSEQUENT AMENDMENTS, REGU-
14 LATIONS AND STANDARDS ADOPTED PURSUANT TO THE ACT.

15 2. IF WITHIN THE PRECEDING TWO YEAR PERIOD, (A) A CIRCUS, INCLUDING
16 ITS OWNERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES, WAS CITED BY THE
17 UNITED STATES DEPARTMENT OF AGRICULTURE FOR A DEFICIENCY RELATING TO THE
18 CARE OR HANDLING OF AN ANIMAL, OR RECEIVED AN OFFICIAL NOTICE OF WARN-
19 ING, OR ENTERED INTO A STIPULATION, CONSENT DECREE, OR SETTLEMENT WITH
20 THE UNITED STATES DEPARTMENT OF AGRICULTURE PURSUANT TO THE ANIMAL
21 WELFARE ACT, 7 U.S.C. 2131 ET SEQ., AND ITS SUBSEQUENT AMENDMENTS, REGU-
22 LATIONS AND STANDARDS ADOPTED PURSUANT TO THE ACT, RELATING TO THE CARE
23 OR HANDLING OF AN ANIMAL, OR (B) A CIRCUS, INCLUDING ITS OWNERS, AGENTS,
24 EMPLOYEES, OR REPRESENTATIVES, WAS FOUND GUILTY OF VIOLATING THE LAW OF
25 ANY STATE RELATING TO CRUELTY TO OR NEGLECT OF AN ANIMAL OWNED, LEASED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD05351-01-7

1 OR IN ANY WAY USED BY THE CIRCUS, OR PLED GUILTY TO A CHARGE OTHER THAN
2 THE ANIMAL CRUELTY OR NEGLECT CHARGE IN SATISFACTION OF THE ANIMAL
3 CRUELTY OR NEGLECT CHARGE, OR WHERE THE ANIMAL CRUELTY OR NEGLECT CHARGE
4 HAS NOT RESULTED IN A DISMISSAL ON THE MERITS, AN APPLICATION SHALL BE
5 MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF
6 NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEED-
7 ING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE DEFENDANT OF NOT LESS
8 THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE DEFENDANT FROM USING ANIMALS
9 IN A CIRCUS WITHIN THE STATE FOR A PERIOD NOT TO EXCEED TWO YEARS. IN
10 CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS
11 AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS
12 AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND
13 RULES.

14 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT ANY
15 PROTECTIONS AFFORDED TO ANIMALS UNDER ANY OTHER LAW, RULE, OR REGU-
16 LATIONS.

17 S 2. This act shall take effect on the thirtieth day after it shall
18 have become a law.