

SENATE No. 1870

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. 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 passage of the accompanying bill:

An Act relating to the treatment of elephants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Hedlund	Plymouth and Norfolk
Bruce E. Tarr	First Essex and Middlesex
Scott P. Brown	Norfolk, Bristol and Middlesex
Lida E. Harkins	13th Norfolk
John P. Fresolo	16th Worcester
Anne M. Gobi	5th Worcester
Christine E. Canavan	10th Plymouth
Lori Ehrlich	8th Essex
Susan C. Tucker	Second Essex and Middlesex
Mark C. Montigny	Second Bristol and Plymouth
Bruce J. Ayers	1st Norfolk
Bill Bowles	2nd Bristol
Michael Brady	9th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02002 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

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

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

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

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

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

18 (1) Use of any implement on an elephant that may reasonably result in harm to the elephant
19 including, but not limited to, the damage, scarring or breakage of an elephant's skin. Any

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

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

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

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