

SENATE No. 2028

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, and bears in traveling exhibits and shows.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/17/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/16/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/24/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/24/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/29/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/29/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/31/2019</i>

<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/4/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/6/2019</i>

SENATE No. 2028

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2028) of Bruce E. Tarr, James T. Welch, Lori A. Ehrlich, Jack Patrick Lewis and other members of the General Court for legislation relative to the use of elephants, big cats, primates, and bears in traveling exhibits and shows. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the use of elephants, big cats, primates, 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; and

15 (d) Ursidae.

16 “Mobile or traveling housing facility,” a transporting vehicle such as a truck, trailer or
17 railway car, used to transport or house animals while traveling for exhibition or other
18 performance.

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

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

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

28 Section 2. Prohibition.

29 (a) To the extent that such activity is not prohibited by Section 77B of Chapter 272, and
30 notwithstanding any other provision of law, no person shall allow for the participation of a
31 covered animal in a traveling animal act.

32 (b) This chapter shall not apply to a performance that takes place at a non-mobile,
33 permanent institution or other fixed facility, provided that the covered animal is not transported
34 to such location for the purpose of such performance.

35 Section 3. Civil Penalty.

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

39 Section 4. Enforcement.

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

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

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

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

53 SECTION 4. This Act shall take effect on January 1, 2020.