

Memorandum Urging Approval

COMMITTEE ON ANIMALS AND THE LAW

Animals #12-GOV

September 15, 2017

S. 2098-B
A. 464-B

By: Senator Murphy

By: M. of A. Paulin

Senate Committee: Agriculture

Assembly Committee: Codes

Effective Date: Two years after it shall have
become a law

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to prohibiting the use of elephants in entertainment acts.

LAW & SECTION REFERRED TO: Section 380 of the Agriculture and Markets Law; Section 11-0540 of the Environmental Conservation Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL**

This bill would amend the Agriculture and Markets Law by adding a new Section 380 which states that no person shall use or cause to be used elephants in any type of entertainment act, and providing that if any person violates this section, they will be subject to a penalty of up to \$1,000 for each violation. Entertainment act is defined as any exhibition, act, circus, trade show, carnival, ride, parade, race performance or similar undertaking which is primarily undertaken for the entertainment or amusement of a live audience. Exempt from this section are institutions accredited by the Association of Zoos and Aquariums and any wildlife sanctuary as defined in Subdivision Thirty-two of Section 11-0103 of the Environmental Conservation Law. In addition, the bill would amend the Environmental Conservation Law by adding a new Section 11-0540 which prohibits the issuing of any license or permit that would authorize the use of an elephant in an entertainment act pursuant to section 380 of the Agriculture and Markets Law.

Elephants are extremely intelligent, socially aware, and emotionally complex animals. They have amazing memories, travel in large family herds, and have the ability to empathize. When elephants are used in entertainment acts, all of their natural tendencies and abilities are taken away completely, minimized, or abused. They are transformed from majestic creatures into mere objects.

In circuses, elephants are confined and chained for literally hours on end; through physical punishment and the threat of its use, they are trained to pose in unnatural and

difficult positions; they are forced to travel in unbearable heat and below freezing temperatures, from city to city chained in flatbed trucks and in boxcars; calves are separated from their mothers at an early age for the purpose of training and “breaking;” and elephants are removed from companions to be bought and sold, and frequently moved about from act to act. Circus elephants have no level of autonomy over their lives. Circus training often involves severe punishment, and their handlers may beat, restrain, and sedate them. Animals kept in such conditions frequently display abnormal behaviors such as rocking, swaying, pacing, and self-mutilation. This “zoochosis,” as it is called, indicates extreme mental distress stemming from severe deprivation.

Societal attitudes are beginning to change; people are starting to realize that elephants should not be used in circuses, carnivals, parades, and the like. This is evidenced by Ringling Bros. and Barnum and Bailey’s 2015 announcement that they were removing elephants from their acts, which was then followed by their recent announcement that they are ending their show entirely. However, this does not mean that elephants will no longer suffer in New York State. There are other traveling circuses that come to New York, including the Royal Hanneford Circus, which came to New York in February, and the Universoul Circus, which performed in New York in March, April, and May.

Although the federal Animal Welfare Act (AWA) provides some very basic protections to elephants used in entertainment acts, such as owners being required to provide adequate nutrition, medical care, and housing that is large enough for the animal to stand up and turn around, these protections are often ignored by owners and are not sufficiently enforced. In New York, the current Agriculture and Markets Law is also inadequate in protecting elephants used in entertainment.

Several local municipalities across the country, including some in New York State, have enacted laws and regulations prohibiting the use of elephants and other wild animals in circus acts. By enacting this bill, New York State would protect the welfare of these magnificent creatures by removing them from all circuses and entertainment performances.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** this legislation and **URGES ITS APPROVAL** by the Governor.

Although the Committee supports this bill, the Committee also believes that more should be done to protect elephants in New York State, such as including AZA-accredited zoos and wildlife sanctuaries in the provisions of this bill, as well as additional legislation prohibiting elephant rides in any setting and for any reason, which would provide extra protections for these animals from activities that veterinarians now recognize as anatomically harmful to elephants. Furthermore, the Committee believes the penalties should be increased in the future.