

# STATE OF NEW YORK

2098--A

Cal. No. 775

2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

Introduced by Sens. MURPHY, BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "elephant protection act".  
3 § 2. Legislative findings. The legislature hereby finds that:  
4 a. elephant abuse is a matter of worldwide concern, and the state as a  
5 recognized environmental leader should help assure the protection and  
6 welfare of elephants;  
7 b. it is widely recognized that elephants used for entertainment  
8 purposes ("entertainment elephants") suffer physical and psychological  
9 harm due to the living conditions and treatment to which they are  
10 subjected, resulting in increased mortality with life spans only one-  
11 half as long as wild elephants;  
12 c. entertainment elephants are trained with cruel techniques that  
13 involve the use of objects to control and punish, such as bullhooks,  
14 electric shocks, metal bars, whips, chaining, and other forms of phys-  
15 ical restriction and painful coercion;  
16 d. entertainment elephants live in conditions that are in no way simi-  
17 lar to their natural habitat, including an unnatural diet, restricted  
18 movement, inappropriate housing and a hostile climate;

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

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1 e. entertainment elephants are subjected to confinement and social  
2 isolation, leading to physiological, behavioral and psychological  
3 impairments;

4 f. entertainment elephants transported into the state spend a signif-  
5 icant portion of their lives inside trucks, trains or trailers, enduring  
6 additional physical restrictions and social isolation;

7 g. the use of elephants in entertainment provides a false and inaccu-  
8 rate educational experience for children and adults, often including  
9 performance tricks that are never executed by elephants in the wild and  
10 that are stressful or harmful to the animal; and

11 h. it is in the best interest of the state that the use of elephants  
12 in entertainment be prohibited, and that the state use its authority to  
13 aid in the protection and welfare of these animals.

14 § 3. The agriculture and markets law is amended by adding a new  
15 section 380 to read as follows:

16 § 380. Use of elephants in entertainment acts. 1. No person shall use  
17 or cause to be used elephants in any type of entertainment act.

18 2. Any person that violates the provisions of this section, or any  
19 rule or regulation promulgated pursuant thereto, may be assessed, by the  
20 commissioner, a civil penalty of not more than ten thousand dollars for  
21 each such violation. Each violation and each day during which a  
22 violation continues shall constitute a separate violation.

23 3. The provisions of this section shall not apply to:

24 (a) institutions accredited by the Association of Zoos and Aquariums;  
25 and

26 (b) wildlife sanctuaries, as defined in subdivision thirty-two of  
27 section 11-0103 of the environmental conservation law.

28 4. As used in this section:

29 (a) "Elephant" means the three species of the family Elephantidae:

30 (i) Loxodonta africana and loxodonta cyclotis, also known as the Afri-  
31 can elephant; and

32 (ii) Elephas maximus, also known as the Asian elephant or Indian  
33 elephant.

34 (b) "Entertainment act" means any exhibition, act, circus, trade show,  
35 carnival, ride, parade, race, performance or similar undertaking.

36 (c) "Person" means an individual, partnership, limited liability  
37 company, corporation, joint venture, association, trust, estate or any  
38 other legal entity, and any officer, member, shareholder, director,  
39 employee, agent or representative of any such entity.

40 § 4. The environmental conservation law is amended by adding a new  
41 section 11-0541 to read as follows:

42 § 11-0541. Prohibition on permits authorizing the use of elephants in  
43 entertainment acts.

44 The department shall not issue any license or permit that would  
45 authorize the use of an elephant in an entertainment act, as defined in  
46 section three hundred eighty of the agriculture and markets law.

47 § 5. This act shall take effect two years after it shall have become a  
48 law. Provided, however, that effective immediately, the addition, amend-  
49 ment and/or repeal of any rule or regulation necessary for the implemen-  
50 tation of the provisions of this act on its effective date are author-  
51 ized and directed to be completed on or before such date.