S T A T E O F N E W Y O R K

4378--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. GLICK, TITONE, O'DONNELL, COLTON, ROSENTHAL, GOTTFRIED, DINOWITZ -- Multi-Sponsored by -- M. of A. COOK, MARKEY, RIVERA -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the taking of zoo, petting zoo, carnival or circus animals

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

Section 1. The environmental conservation law is amended by adding a new section 11-1908 to read as follows:

S 11-1908. PROHIBITS THE TAKING OF ZOO, PETTING ZOO, CARNIVAL OR CIRCUS ANIMALS.

1. NO PERSON SHALL TAKE, AS DEFINED IN SUBDIVISION THIRTEEN OF SECTION 11-0103 OF THIS ARTICLE, AN ANIMAL THAT SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PRESENTLY OR WAS FORMERLY A PART OF A ZOO, PETTING ZOO, CARNIVAL, OR CIRCUS.

2. NO ZOO, PETTING ZOO, CARNIVAL, OR CIRCUS OR ANY PERSON LICENSED OR REQUIRED TO BE LICENSED AS AN EXHIBITOR UNDER THE ANIMAL WELFARE ACT, 7 USC SECTION 2131 ET SEQ., SHALL SELL, OFFER FOR SALE, DISTRIBUTE, BARTER OR DONATE ANY ANIMAL WHEREIN SUCH ANIMAL MAY BE INTENTIONALLY TAKEN.

3. NO PERSON WHO OWNS, OPERATES, OR MANAGES A FACILITY INCLUDING, BUT NOT LIMITED TO A FACILITY THAT HARBORS NON-NATIVE BIG GAME MAMMALS, OR ANY OTHER FACILITY THAT PERMITS THE TAKING OF ANIMALS SHALL PURCHASE, ACCEPT OR RECEIVE ANY ANIMAL SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PRESENTLY OR WAS FORMERLY A PART OF A ZOO, PETTING ZOO, CARNIVAL, OR CIRCUS.

4. VIOLATIONS OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS.

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

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5. NOTHING IN THIS SECTION SHALL PREEMPT A MUNICIPAL CORPORATION FROM ENACTING MORE RESTRICTIVE LAWS, ORDINANCES OR REGULATIONS GOVERNING ANIMALS IN ZOOS, PETTING ZOOS, CARNIVALS, OR CIRCUSES.

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