

STATE OF NEW YORK

3517

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. ROSENTHAL, MOYA, ENGLEBRIGHT, COOK, ZEBROWSKI --
Multi-Sponsored by -- M. of A. GOTTFRIED, PERRY -- read once and
referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to the prohibi-
tions on circus performances

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

Section 1. The general business law is amended by adding a new section
392-k to read as follows:

§ 392-k. Prohibitions on circus performances. 1. Definitions. As used
in this section:

(a) "Animal" includes animals as defined in subdivision one of section
three hundred fifty of the agriculture and markets law.

(b) "Circus" means any performance of animals where such animals are
trained to perform some behavior or action or are part of a show,
parade, or performance. Such definition shall not be applicable to
not-for-profit corporations which have received 501 (c)(3) exempt status
from the Internal Revenue Service.

(c) "Deficiency" means an item not in compliance with the animal
welfare act, 7 U.S.C. 2131 et seq., and its subsequent amendments, regu-
lations and standards adopted pursuant to the act.

2. If within the preceding two year period, (a) a circus, including
its owners, agents, employees, or representatives, was cited by the
United States department of agriculture for a deficiency relating to the
care or handling of an animal, or received an official notice of warn-
ing, or entered into a stipulation, consent decree, or settlement with
the United States department of agriculture pursuant to the animal
welfare act, 7 U.S.C. 2131 et seq., and its subsequent amendments, regu-
lations and standards adopted pursuant to the act, relating to the care
or handling of an animal, or (b) a circus, including its owners, agents,
employees, or representatives, was found guilty of violating the law of

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

LBD05351-01-7

1 any state relating to cruelty to or neglect of an animal owned, leased
2 or in any way used by the circus, or pled guilty to a charge other than
3 the animal cruelty or neglect charge in satisfaction of the animal
4 cruelty or neglect charge, or where the animal cruelty or neglect charge
5 has not resulted in a dismissal on the merits, an application shall be
6 made by the attorney general in the name of the people of the state of
7 New York to a court or justice having jurisdiction by a special proceed-
8 ing to issue an injunction, and upon notice to the defendant of not less
9 than five days, to enjoin and restrain the defendant from using animals
10 in a circus within the state for a period not to exceed two years. In
11 connection with any such proposed application, the attorney general is
12 authorized to take proof and make a determination of the relevant facts
13 and to issue subpoenas in accordance with the civil practice law and
14 rules.

15 3. Nothing in this section shall be construed to limit or restrict any
16 protections afforded to animals under any other law, rule, or regu-
17 lations.

18 § 2. This act shall take effect on the thirtieth day after it shall
19 have become a law.