STATE OF NEW YORK

5426--A

Cal. No. 591

2017-2018 Regular Sessions

IN SENATE

March 27, 2017

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

AN ACT to amend the general business law, in relation to the prohibitions on circus performances

The People of the State of New York, represented in Senate and Assembly, 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) or 501 (c)(5) 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, regulations 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 warning, 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, regulations and standards adopted pursuant to the act, relating to the care

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

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or handling of an animal, or (b) a circus, including its owners, agents, employees, or representatives, was found guilty of violating the law of any state relating to cruelty to or neglect of an animal owned, leased or in any way used by the circus, or pled guilty to a charge other than the animal cruelty or neglect charge in satisfaction of the animal cruelty or neglect charge, or where the animal cruelty or neglect charge has not resulted in a dismissal on the merits, an application shall be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the defendant from using animals in a circus within the state for a period not to exceed two years. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

3. Nothing in this section shall be construed to limit or restrict any protections afforded to animals under any other law, rule, or regulations.

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