STATE OF NEW YORK

7624

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Agriculture

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

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

Section 1. Short title. This act shall be known and may be cited as the "primate protection act".

§ 2. Legislative findings. The legislature hereby finds that:

a. primate abuse is a matter of worldwide concern, and the state as a recognized environmental leader should help assure the protection and welfare of primates;

b. it is widely recognized that primates used for entertainment purposes ("entertainment primates") suffer physical and psychological harm due to the living conditions and treatment to which they are subjected, resulting in increased mortality with life spans only one-half as long as wild primates;

c. entertainment primates live in conditions that are in no way similar to their natural habitat, including an unnatural diet, restricted movement, inappropriate housing and a hostile climate;

d. entertainment primates are subjected to confinement and social isolation, leading to physiological, behavioral and psychological impairments;

e. entertainment primates transported into the state spend a significant portion of their lives inside trucks, trains or trailers, enduring additional physical restrictions and social isolation;

f. the use of primates in entertainment provides a false and inaccurate educational experience for children and adults, often including performance tricks that are never executed by primates in the wild and that are stressful or harmful to the animal; and

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

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g. it is in the best interest of the state that the use of primates in entertainment be prohibited, and that the state use its authority to aid in the protection and welfare of these animals.

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

§ 380-a. Use of primates in entertainment acts. 1. No person shall use or cause to be used primates in any type of entertainment act.

2. Any person that violates the provisions of this section, or any rule or regulation promulgated pursuant thereto, may be assessed, by the commissioner, a civil penalty not to exceed one thousand dollars for each such violation.

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

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

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

4. As used in this section:

(a) "Primate" means any of the following: a gibbon or siamang (Hylobatidae, Hylobates sp.), orangutan (Hominidae Pongindae, Pongo sp.), chimpanzee (Hominidae, Homininae Pan. sp.), gorilla (Hominidae, Hominidae, Gorilla sp.), macaque (Cercopithecidea, Cercopithecinae, Macaca sp.), baboon (Cercopithecidae, Cercopithecinae, Papio sp., Theropithecus sp., Mandrillus sp.), langur (Cercopithecidae, Colobinac, Presbytis sp., Trachypithecus sp.), colobus monkey (Cercopithecidae, Colobinae, Colobus sp.), guenon (Cercopithecidae, Cercopithecinae, Cercopithecus sp.), new world monkeys (Callitrichidae, Cebidae, Aotidae, Pitheciidae, and Atelidae), and old world monkeys, taxonomically known as Cercopithecoidea.

(b) "Entertainment act" means 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.

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

§ 4. The environmental conservation law is amended by adding a new section 11-0540-a to read as follows:

§ 11-0540-a. Prohibition on permits authorizing the use of primates in entertainment acts.

The department shall not issue any license or permit that would authorize the use of a primate in an entertainment act pursuant to section three hundred eighty-a of the agriculture and markets law.

§ 5. This act shall take effect two years after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.