STATE OF NEW YORK

4363--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- 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 participation of certain animals in traveling animal acts

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 11-0541 to read as follows:

§ 11-0541. Traveling animal acts.

1. Notwithstanding any other provision of law, no person shall allow for the participation of a covered animal in a traveling animal act.

2. The department shall not issue a permit or license, including, but not limited to, an education or exhibition permit or an endangered or threatened species license that would allow for the participation of a covered animal in a traveling animal act.

3. This section shall not apply to a performance that takes place at a non-mobile, permanent institution or other fixed facility, provided that the covered animal is not transported to the location for a period of less than fourteen days for the sole purpose of a performance.

4. For the purposes of this section, the following terms shall have the following meanings:

(a) "Covered animal" shall mean any of the following animals, including hybrids thereof:

(i) Felidae, but excluding domestic cats;

(ii) Kangaroo;

(iii) Non-human primate;

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

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(iv) Ursidae; and
(v) Wallaby.
(b) "Mobile or traveling housing facility" shall mean a transporting vehicle such as a truck, trailer, or railway car, used to transport or house animals while traveling for exhibition or other performance.
(c) "Performance" shall mean any exhibition or public showing, presentation, display, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, race, or similar undertaking in which covered animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.
(d) "Traveling animal act" shall mean any performance of covered animals where such animals are transported to, from, or between locations for the purpose of such performance, in a mobile or traveling housing facility.
5. A violation of this section shall be punishable by a civil penalty of not more than one thousand dollars.
§ 2. This act shall take effect December 31, 2024.