

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 184) of Robert L. Hedlund for legislation to prohibit the use of exotic animals in traveling shows and circuses and establishing fines for violations. Criminal Justice.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT PROHIBITING THE USE OF EXOTIC ANIMALS IN TRAVELING SHOWS AND CIRCUSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 272 of the General Laws is hereby amended by
2 inserting after section 79B, as appearing in the 1998 Official Edi-
3 tion, the following section:—

4 Section 79C. (a) As used in this section the following defini-
5 tions apply: (1) "Circus" means any entity featuring exhibits for
6 the purpose of entertainment and includes, but is not limited to,
7 exhibitions and performances by clowns, acrobats and/or animals.
8 (2) "Display" means an undertaking where animals are required to
9 perform tricks, fight, or participate as accompaniments in perfor-
10 mances for the purpose of entertainment. "Display" shall not
11 include the use or exhibition of animals for educational purposes.
12 "Displayed" means to be the subject thereof. (3) "Educational pur-
13 pose" means teaching and instructing with the intent and effect of
14 imparting knowledge to others through oral presentations and
15 written handouts (whose sole purpose is to teach without enter-
16 tainment). (4) "Entertainment" means that which does not consti-
17 tute an educational purpose. (5) "Exotic animal" means any or all
18 of the following orders and families, whether bred in the wild or
19 in captivity, and whether or not native to Massachusetts, and also
20 any or all of their hybrids with domestic species. The animals
21 listed in parentheses are intended to act as examples and are not to
22 be construed as an exhaustive list or limit the generality of each

23 group of animals, unless otherwise specified: a. Non-human pri-
24 mates and prosimians (all species) b. Felidae (all wild cats and
25 hybrids thereof, except domesticated cats) c. Ursidae (all bears) d.
26 Proboscidae (all elephants) (6) "Person" means an individual,
27 partnership, corporation, joint venture, association, trust, estate, or
28 any other legal entity, and any officer, member, shareholder,
29 director, employee, agent, or representative of these. (7) "Trav-
30 eling show" means any exhibit, exhibition, act, circus, public
31 show, trade show, photographic opportunity, carnival, fair, ride,
32 parade, race performance, or similar undertaking in which ani-
33 mals, perform tricks, fight, or participate in performances, and
34 that is temporarily located in a city or county of Massachusetts.
35 (b) It shall be unlawful for any person to conduct or operate a dis-
36 play of exotic animals at or in a traveling show or circus. (c) Any
37 person, firm, or corporation violating this section shall be fined
38 not more than \$5000.00 dollars per animal per display or be
39 imprisoned not more than one year, or both.