

Committee on Legal Issues Pertaining to Animals

Int. No. 389

Council Members Mendez, Reyna, Liu, Vallone, Jr., Palma, Gonzalez, Nelson, White Jr., Martinez, Mark-Viverito, Gennaro, Arroyo, and Brewer

A LOCAL LAW to amend the Administrative Code of the City of New York, in relation to prohibiting the display of wild or exotic animals for public entertainment or amusement.

THIS BILL IS APPROVED

Int. No. 389 would prohibit the display of wild and exotic animals in the City of New York for public entertainment including, but not limited to, circuses, rodeos, carnivals, and similar undertakings in which animals are required to perform tricks, fight, or participate as accompaniments in performances for the amusement or benefit of an audience within the City of New York. The prohibition does not apply to institutions accredited by the American Zoo and Aquarium Association, institutions operated by the Wildlife Conservation Society of New York State, veterinarians in the ordinary course of such veterinarian's practice of business, wildlife sanctuaries, or laboratories operated pursuant to section 504 of the New York State Public Health Law. The bill would exempt certain animals, such as domesticated cats, domesticated dogs, and horses.

The animal "stars" in public entertainment endure cruelty from birth. For example, most elephants that are used in circuses were captured in the wild, where they were taken from their families and homes to be confined by chains in poorly ventilated trailers and boxcars for up to 50 weeks a year. For those baby elephants born in circus breeding farms, they never even have the opportunity to know their mothers since they are moved into isolation after birth so that human trainers can immediately begin indoctrinating them. As a reward for their lifetimes of service as show animals, elephants often suffer from crippling injuries as a result of years in chains and being forced to perform physically unnatural and difficult tricks. Not all of the elephants suffer silently. One young female elephant named Sadie could not comprehend the tricks her trainers were forcing her to master, so she tried to escape. When her trainers forced her back into the ring and started punishing her, Sadie began to cry, her massive body heaving with sobs.¹ Other elephants have successfully escaped – in 1994, Tyke, a female African elephant, escaped from an arena after mauling her groomer and trampling and killing her trainer in front of hundreds of circus spectators. As she ran down Honolulu's streets for approximately thirty minutes, Honolulu police slowly killed her; it took many, many

¹ www.circuses.com

bullets from high-powered rifles to bring down the elephant who was trying to escape her circus life.²

Wild animals in public entertainment are not the only victims – humans have also often been injured or killed. Elephants used for entertainment have been responsible for twelve human deaths and more than 126 human injuries in the United States since 1990.³ Nationwide since 1990, captive large cats have been responsible for more than 185 documented attacks on humans, eighteen of which were fatal.⁴ Captive bears have injured more than forty humans and have killed one in the United States since 1990.⁵ Captive primates have injured more than 140 humans since 1990 and have killed one.⁶ In addition, hundreds of captive animals have been killed in the United States since 1990.⁷

At least twenty-seven other municipalities across the United States have already banned wild or exotic animal displays.⁸ Some of the municipalities that already ban wild or exotic animal displays include: Encinitas, California; Rohnert Park, California; Richmond, Missouri; Greenburgh, New York; Southampton, New York; and Chapel Hill, North Carolina.

The Committee submits that, like these communities, the appropriate legislative response for New York City is a ban, with appropriate exceptions, rather than any attempt to regulate the treatment of these animals. Regulation in this area has proved ineffective to rectify the abuses that are fundamental to the exploitation of these types of animals. Indeed, while federal law, specifically the Animal Welfare Act (7 U.S.C., 2131 et. seq. (2000)), currently purports to provide protections to wild and exotic animals used in exhibition, the existence of this federal statute has not been effective in improving practices common in the circus and animal entertainment industry that result in mistreatment, neglect, and improper training practices of the animals used. In addition, the federal law lacks adequate enforcement.⁹

Since the federal animal welfare laws fail to provide adequate safeguards to protect the wild and exotic animals used for entertainment and the people around them, and since regulation of this industry at the local level is not feasible, a local law specifying proscribed practices is needed. Int. No. 389 would help to ensure that New Yorkers are not added to the statistics of humans killed or maimed by wild animals and that New York is known as a City that respects and protects both animals and people.

² www.honoluluadvertiser.com, August 20, 2004, Hoover, Will: “Slain elephant left tenuous legacy in animal rights”

³ See http://www.circuses.com/pdfs/Elephant_Incident_List-US.pdf.

⁴ See <http://www.circuses.com/pdfs/BigCatIncidentList-USonly.pdf>.

⁵ See http://www.circuses.com/pdfs/Bear_Incident_List-US.pdf.

⁶ See http://www.circuses.com/pdfs/Primate_Incident_List-US.pdf.

⁷ See <http://www.circuses.com/attacks.asp>.

⁸ See http://www.circuses.com/pdfs/AnimalActs_Legislation.pdf.

⁹ See M. Sullivan, “The Animal Welfare Act – What’s That?” NYSBA Journal, July-August, 2007.