

CONTACT
POLICY DEPARTMENT
MARIA CILENTI
212.382.6655 | mcilenti@nycbar.org
ELIZABETH KOCIENDA
212.382.4788 | ekocienda@nycbar.org

### REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

A.464-B S.2098-B M. of A. Paulin Sen. Murphy

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

### **The Elephant Protection Act**

#### THIS LEGISLATION IS APPROVED

### I. SUMMARY OF THE PROPOSED LAW

The proposed legislation, A.464-B/S.2098-B (the "Bill") would add a new section 380 to the N.Y. Agriculture and Markets Law to prohibit persons from displaying elephants in any type of entertainment act, including any "exhibition, act, circus, trade show, carnival, ride, parade, race, performance or similar undertaking." Zoos accredited by the Association of Zoos and Aquariums and wildlife sanctuaries would be exempt from these new provisions.<sup>1</sup>

## II. THE BILL'S LEGISLATIVE FINDINGS ARE SUPPORTED BY NUMEROUS REPORTS

The Bill sets forth eight legislative findings concerning the welfare of elephants used in entertainment acts. Specifically, these findings include the recognition that: (a) "elephant abuse is a matter of worldwide concern," (b) "elephants used for entertainment purposes . . . suffer physical and psychological harm due to the living conditions and treatment," (c) "elephants are trained with cruel techniques that involve the use of objects to control and punish," (d)

<sup>&</sup>lt;sup>1</sup> N.Y. Environmental Conservation Law section 11-0103 provides that a wildlife sanctuary is a tax-exempt organization "that is in compliance with all applicable provisions of the Animal Welfare Act, 7 USC §§ 2131 *et seq.* and operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals are provided care for their lifetime or rehabilitated and released back to their natural habitat, and, with respect to any animal owned by the organization, does not:

a. Use the animal for any type of entertainment, recreational or commercial purpose except for the purpose of exhibition as defined by the department;

b. Sell, trade, lend or barter the animal or the animal's body parts; or

c. Breed the animal."

"elephants live in conditions that are in no way similar to their natural habitat," (e) "entertainment elephants are subjected to confinement and social isolation, leading to physiological, behavioral and psychological impairments," (f) "entertainment elephants transported into the state spend a significant portion of their lives inside trucks, trains or trailers, enduring additional physical restrictions and social isolation," and (g) "the use of elephants in entertainment provides a false and inaccurate educational experience for children and adults." As explained below, evidence strongly supports these findings and the necessity of this legislation to protect elephants used in entertainment acts.

### a. The tricks that elephants are forced to perform require extreme physical coercion and abusive tactics.

Elephants are highly sensitive animals with the capacity to feel fear, stress, and pain.<sup>2</sup> Circuses and some other exhibitors exploit these characteristics to make elephants perform unnatural tricks such as headstands, standing and sitting on each other, and spinning hoops.<sup>3</sup> In order to make elephants perform these tricks, exhibitors use extreme physical coercion that results in trauma and physical injury and, in extreme circumstances, death. Former circus employees report that circus elephants were beaten in the face with sharp metal hooked rods known as bullhooks, whipped, and cursed at by employees in order to force them to perform stunts.<sup>4</sup> Photographs taken by a former circus employee show a baby elephant being tied up with rope and forcibly stretched and beaten by several men to make him perform tricks like headstands.<sup>5</sup> An eight-month old circus elephant was euthanized after fracturing its back legs after falling off of a platform.<sup>6</sup>

# b. Traveling entertainment acts are detrimental to elephants' physical and psychological health.

In addition to being victims of coercive training tactics, elephants that are used in entertainment acts that travel to different locations suffer during long hours of transport in confined conditions that bear no resemblance to their natural habitats. Dangers inherent in transporting elephants have existed almost as long as trains started transporting them at the end of the 19<sup>th</sup> Century. Jumbo, P.T. Barnum's most famous elephant, was killed by a train in 1885

<sup>&</sup>lt;sup>2</sup> G.A. Bradshaw, Animals and Society Institute, Elephants in Circuses: Analysis of Practice, Policy, and Future 11-12 (2007), <a href="http://endcap.eu/wp-content/uploads/2013/02/Bradshaw\_ASI-Elephant\_Policy-2007.pdf">http://endcap.eu/wp-content/uploads/2013/02/Bradshaw\_ASI-Elephant\_Policy-2007.pdf</a>. (All websites referenced were last visited April 30, 2017.)

<sup>&</sup>lt;sup>3</sup> For example, an article in *Newsweek* is accompanied by a photograph showing a line of four elephants sitting on stands. Delcianna Winders, *Cruelty to Circus Elephants is Not Entertainment*, NEWSWEEK (Oct. 29, 2016), <a href="http://www.newsweek.com/cruelty-circus-animals-not-entertainment-514167">http://www.newsweek.com/cruelty-circus-animals-not-entertainment-514167</a>.

<sup>&</sup>lt;sup>4</sup> Deborah Nelson, *The Cruelest Show on Earth*, MOTHER JONES 48-57 (Nov./Dec. 2011), http://motherjones.com/environment/2011/10/ringling-bros-elephant-abuse.

<sup>&</sup>lt;sup>5</sup> Ameena Schelling, *The Sadness of Circus Elephants, In One Photo*, THEDODO.COM (Nov. 25, 2015) (showing photographs and video by Samuel J. Haddock, former Ringling Bros. and Barnum & Bailey employee), <a href="https://www.thedodo.com/elephant-ringling-training-photos-1476507419.html">https://www.thedodo.com/elephant-ringling-training-photos-1476507419.html</a>.

<sup>&</sup>lt;sup>6</sup> Marc Kaufman, *USDA Investigates Death of Circus Lion*, WASHINGTON POST (Aug. 8, 2004) A3, <a href="http://www.washingtonpost.com/wp-dyn/articles/A48042-2004Aug7.html">http://www.washingtonpost.com/wp-dyn/articles/A48042-2004Aug7.html</a>.

when he was being loaded into his car. Estimates suggest that many circus animals spend eleven months a year traveling, which can cause stress. Inspections and internal circus memoranda document that elephants have been confined to train boxcars for periods of over 24 hours, including a trip of 36 hours through the California and Arizona desert region. The stress and conditions of traveling can result in mental trauma and physical harm and, occasionally, the animals' traveling conditions are so extreme that they result in death. For example, in 1997 an elephant owned by the King Royal Circus died from heat prostration in a trailer in New Mexico. Mexico.

Further, elephants that are subjected to coercive training techniques, stressful travel conditions, and long periods of confinement are prone to serious health problems as is documented in reports by governmental agencies and animal advocacy organizations. For example, an investigation memo issued by the Division of Animal Care Services of the City of Sacramento California ("SACS") dated September 9, 2010, regarding the care and treatment of four Asian elephants by Ringling, revealed that the elephants suffered from: "(1) Short stepping; (2) Lameness; (3) Walking on the outside of their feet; (4) Shuffling; and (5) Instability in their [breathing]" and concluded that "[t]hese four elephants show evidence of osteo-arthritis as exemplified by gait deficits and lameness." A November 18, 2010 USDA inspection report of Ringling in Chicago revealed that one of the elephants "had chronic lameness since early 2009, and that the licensee has not conducted adequate diagnostics, developed an adequate treatment plan, or ensured that the elephant received prescribed treatments." An elephant exhibited by Liebling Bros. Circus allegedly suffered from a serious skin condition that was untreated for many years. <sup>13</sup>

# c. The public safety and the safety of workers are put at risk by the exhibition of elephants in entertainment acts.

The nature of entertainment acts involving elephants is inherently dangerous to both the public and the workers. With respect specifically to circuses, reports document escapes and attacks by circus animals and zoonotic illnesses that put the public, circus employees', and the

<sup>10</sup> Donna Horowitz, *Elephant Death has Marin Wary of Fall Circus*, SF GATE, (Aug. 8, 1997), http://articles.sfgate.com/1997-08-08/news/28576686\_1.

<sup>&</sup>lt;sup>7</sup> Bob Brooke, *Step Right Up!*, HISTORY MAGAZINE (Oct./Nov. 2001), <a href="http://www.history-magazine.com/circuses.html">http://www.history-magazine.com/circuses.html</a>.

<sup>&</sup>lt;sup>8</sup> Four Reasons You Should Not Attend Animal Circuses, BORNFREEUSA.ORG, http://www.bornfreeusa.org/a1a2 circus.php.

<sup>&</sup>lt;sup>9</sup> Nelson, *supra* note 4.

<sup>&</sup>lt;sup>11</sup> Letter from Penny E. Cistaro, City of Sacramento Animal Care Services Manager, to Feld Entertainment regarding the findings of an inspection of Ringling (Sept. 9, 2010), http://www.mediapeta.com/peta/PDF/20100909LetterFromCityofSacramentotoFeldEntmt(00057028).pdf.

<sup>&</sup>lt;sup>12</sup> By Tamara Dietrich, *This Debate Turns into a Circus*, DAILY PRESS (Apr. 9, 2011), http://articles.dailypress.com/2011-04-09/news/dp-nws-tamara-circus-0410-20110409 1 dennis-schmitt-elephants-usda-inspections.

<sup>&</sup>lt;sup>13</sup> People for the Ethical Treatment of Animals, *Fact Sheet, Liebel Family Circus*, <a href="https://www.allcreatures.org/alert/alert-20141002.pdf">https://www.allcreatures.org/alert/alert-20141002.pdf</a>.

elephants' safety at risk. For example, on April 9, 2010, an elephant in the Irem Shelter Circus killed her handler. In 2009, an elephant escaped a circus in Oklahoma and was hit by an SUV. In 1994, an elephant crushed her trainer at a circus in Honolulu; after the attack, the elephant charged the audience and was gunned down by police. And more than a third of Ringling's elephants have been diagnosed with tuberculosis, a potentially deadly disease that can be transmitted to humans. In

## d. Law enforcement cannot properly monitor violations of animal-related laws due in part to the transitory nature of traveling performances.

Some or all of the coercive activities used to train elephants to perform in entertainment acts, such as striking their faces or other body parts with bullhooks and depriving them of necessary water and food—may be violations of New York Agriculture and Markets Law section 353, which provides:

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance . . . is guilty of a Class A misdemeanor . . .

Unfortunately, the enforcement of section 353 with respect to the training and use of elephants in entertainment acts in New York is difficult because it calls for a subjective determination of what is "unjustifiable" or "cruel" and what is "necessary" sustenance and food and drink. These can be difficult determinations for police officers and even humane enforcement officers to make in any circumstance, but particularly with respect to elephants because they lack experience with elephant species. In addition, because some elephants in entertainment acts move between jurisdictions, the investigative efforts of local law enforcement officers are necessarily limited.

The Animal Welfare Act is not adequate to protect elephants in entertainment acts. The USDA's *Office of Inspector General* has criticized the USDA's oversight of animal exhibitors, citing vague standards that are consistently challenged in the field and in the courtroom, and overworked, underperforming agencies, which frustrate inspectors and regulated entities, and leave animals and humans unprotected.<sup>18</sup>

<sup>18</sup> AUDIT REPORT BY THE USDA OFFICE OF THE INSPECTOR GENERAL, CONTROLS OVER APHIS LICENSING OF ANIMAL EXHIBITORS, 33601-10-CH 2 (June 2010), <a href="https://www.usda.gov/oig/webdocs/33601-10-CH.pdf">https://www.usda.gov/oig/webdocs/33601-10-CH.pdf</a>. See also BRADSHAW, supra note 2, 8-9, citing the fact that "approximately 100 inspectors are responsible for nearly 12,000

<sup>&</sup>lt;sup>14</sup> Jen Marckini, *Circus Fatal Blamed on Wire Sparks The Worker Killed by a Shrine Circus Elephant on Friday is Identified as Andrew Anderton, of Florida*, THE TIMES-LEADER (WILKES-BARRE) (April 11, 2010), http://archives.timesleader.com/2010 16/2010 04 11 Circus fatal blamed on wire sparks -news.html.

<sup>&</sup>lt;sup>15</sup> Murray Evans, *Elephant That Escaped and Was Hit by SUV OK*, THE SEATTLE TIMES (Nov. 6, 2009), <a href="http://www.seattletimes.com/nation-world/circus-elephant-that-escaped-and-was-hit-by-suv-ok/">http://www.seattletimes.com/nation-world/circus-elephant-that-escaped-and-was-hit-by-suv-ok/</a>.

<sup>&</sup>lt;sup>16</sup> Rosemarie Bernardo, *Shots Killing Elephant Echo Across Decade*, HONOLULU STAR-BULLETIN (Aug. 16, 2004), http://archives.starbulletin.com/2004/08/16/news/story2.html.

<sup>&</sup>lt;sup>17</sup> Nelson, *supra* note 4, at 56.

### III. OTHER JURISDICTIONS

Several jurisdictions have banned the use of all or some wild animals, including elephants, in circuses. On April 24, 2017, the Los Angeles City Council unanimously approved a motion to instruct the City Attorney to draft an ordinance that "would prohibit the exhibition of wild or exotic animals for entertainment or amusement, including circuses, other wild or exotic animal shows, and rentals for house parties." Other jurisdictions that have enacted bans include Boulder, Colorado, Hollywood, Florida, Revere and Somerville, Massachusetts, and Richmond, Missouri. And several countries have banned the use of wild animals in circuses, among them: Austria, Greece, Israel, the Netherlands, and Peru. A comprehensive list of countries that have banned the use of all or some wild animals in circuses is available on the Animal Defenders International, Worldwide Circus Bans Web page.

### IV. ADDRESSING OPPOSING ARGUMENTS

We approve the Bill due to the overwhelming evidence that elephants used in entertainment acts suffer from their training, use in performances and conditions of captivity and travel. Because existing animal welfare laws are difficult to enforce and offer elephants little meaningful protection, a complete ban on their use in entertainment acts is necessary to ensure the welfare of elephants.

facilities nationwide. Understaffing undermines what are considered to be systemic problems: achieving appropriate monitoring, and keeping and obtaining accurate current counts of elephants and health reports."

<sup>&</sup>lt;sup>19</sup> Press Release, Los Angeles City Councilmember David Ryu, Ban Approved by City Council, City to Begin Drafting Ordinance (Apr. 24, 2017), http://davidryu.lacity.org/pr\_exotic\_animal\_ban.

<sup>&</sup>lt;sup>20</sup> Boulder, Colorado Code § 6-1-4.

<sup>&</sup>lt;sup>21</sup> City of Hollywood, Florida Code § 92.60(D)(2)(c).

<sup>&</sup>lt;sup>22</sup> Revere, Massachusetts Code § 6.04.031.

<sup>&</sup>lt;sup>23</sup> City of Somerville, Massachusetts Code § 3-39(a).

<sup>&</sup>lt;sup>24</sup> Richmond, Missouri Code § 210.390.

<sup>&</sup>lt;sup>25</sup> In December 2011, the Austrian Constitutional Court determined that Austria's ban on the use of wild animals in circuses was not unconstitutional. Decision G74/11; V63/11 (Dec. 1, 2011), *at* http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT 09888799 11G00074 00.

<sup>&</sup>lt;sup>26</sup> Victoria Mindova, *Greece Bans Circuses with Animals*, GR REPORTER (Greece) (Feb. 9, 2012), <a href="http://www.grreporter.info/en/greece">http://www.grreporter.info/en/greece</a> bans circuses animals/6044.

<sup>&</sup>lt;sup>27</sup> Animal Defenders International, Worldwide Circus Bans (updated Mar. 23, 2017), *at* <a href="http://www.adinternational.org/animals">http://www.adinternational.org/animals</a> in entertainment/go.php?id=281.

<sup>&</sup>lt;sup>28</sup> Government of the Netherlands Web page, Agriculture and Livestock, Animal Welfare, *at* <a href="http://www.government.nl/issues/agriculture-and-livestock/animals/animal-welfare">http://www.government.nl/issues/agriculture-and-livestock/animals/animal-welfare</a>. ("The cabinet Rutte-Asscher has decided that circuses will be banned from using wild animals in their performances.")

<sup>&</sup>lt;sup>29</sup> Stacey Samuel, *Bob Barker Touts Bill to Protect Traveling Circus Animals*, CNN.com (Nov. 2, 2011), *at* <a href="http://www.cnn.com/2011/11/02/politics/barker-circus-animals-bill/index.html">http://www.cnn.com/2011/11/02/politics/barker-circus-animals-bill/index.html</a>.

<sup>&</sup>lt;sup>30</sup> Worldwide circus bans, Animal Defenders International, <a href="http://www.ad-international.org/animals">http://www.ad-international.org/animals</a> in entertainment/go.php?id=281. (See list of worldwide circus bans in Appendix A.)

Opposition to similar bills involving the use of elephants or other exotic and wild animals in entertainment acts has historically centered on the view that the American public should have the final voice in deciding whether circuses using animals should be allowed to operate.<sup>31</sup> In fact, the public has spoken and in January 2017, the Feld organization (parent company to Ringling) announced its decision to close down the largest animal-act based circus tour in the U.S.<sup>32</sup> The Feld family itself attributed its decision to decreasing ticket sales over the last decade and to high costs, describing the industry as no longer sustainable from a business perspective. Kenneth Feld, the family patriarch actually said "[i]t isn't relevant to people in the same way."<sup>33</sup>

Opponents also predict that passage of the Bill will bring an end to all circuses and similar entertainment acts in America and a concomitant loss of hundreds of jobs. But such concerns are exaggerated. These businesses would simply have to focus on acts that do not use elephants. There are more than twenty (20) human-performance circuses in the United States, including some that were once animal exhibitors.<sup>34</sup>

Articles in *Forbes Magazine*<sup>35</sup> and *The Wall Street Journal*<sup>36</sup> quote major players in circuses describing diversification away from "traditional" acts and identifying the primary economic driver in today's circus as being the celebrity clown or "power clown"–not the animals. Notably, Ringling's announcement includes its own refocus on the human performance divisions of its parent company, FEI's live entertainment human performance shows, such as *Disney on Ice* and *Marvel*.<sup>37</sup> James Hamid (of *Hamid Circus*, the oldest single-family operated US circus) was quoted saying:

As we look into the future, we see all circuses moving to non-animal productions. Over the last 20 years both through strict regulation as well as changing public sentiment, performing animal acts have begun to be a thing of the past. So it's up to creative

<sup>&</sup>lt;sup>31</sup> E.g., Los Angeles News Group, Editorial: A Big Gray Area -- L.A. City Council can Protect Circus Animals Without Banning Elephants, PRESS TELEGRAM (Dec. 5, 2012), http://www.presstelegram.com/article/ZZ/20121205/NEWS/121209669.

<sup>&</sup>lt;sup>32</sup> Press release, Ringling Bros., Feld Entertainment Announces Final Performances of Ringling Bros. and Barnum & Bailey® Circus in May 2017, (Jan. 14, 2017), <a href="https://www.ringling.com/ringling-bros-final-performances">https://www.ringling.com/ringling-bros-final-performances</a>.

<sup>&</sup>lt;sup>33</sup>The Final Days of Ringling Bros. and Barnum & Bailey Circus, THE CHICAGO TRIBUNE (Jan, 15, 2017), http://www.chicagotribune.com/entertainment/ct-ringling-bros-circus-closing-20170115-story.html.

<sup>&</sup>lt;sup>34</sup> Animal Free Circuses, BORNFREEUSA.COM, <a href="http://www.bornfreeusa.org/facts.php?more=1&p=419">http://www.bornfreeusa.org/facts.php?more=1&p=419</a>.

<sup>&</sup>lt;sup>35</sup> Kate Vinton, *Meet The Third-Generation Circus Maven Who Put Ringling Bros. On Ice*, FORBES (Nov. 30, 2016), <a href="https://www.forbes.com/sites/katevinton/2016/11/30/meet-the-third-generation-circus-maven-who-put-ringling-bros-on-ice/#537214f57688">https://www.forbes.com/sites/katevinton/2016/11/30/meet-the-third-generation-circus-maven-who-put-ringling-bros-on-ice/#537214f57688</a>.

<sup>&</sup>lt;sup>36</sup> Kelly Crow, *The Power Clown*, THE WALL STREET JOURNAL (Aug. 12, 2005), https://www.wsj.com/articles/SB112380371510711446.

<sup>&</sup>lt;sup>37</sup> Press Release, Ringling Bros., *supra* note 32.

minds to conceive new and entertaining all-human performances...<sup>38</sup>

Perhaps the most familiar human-performance circus may be *Cirque du Soleil*, which had its first show in 1990, and has now grown to an \$800 million plus enterprise, appearing eight times in the top ranking international tours. Unlike the noted decline in animal circus attendance, these human-performance shows are proliferating worldwide. Human-performance circuses are popular; they require labor, create jobs, are great fundraisers, and can bring dollars to New York and other states without exposing our citizens to chronically stressed and abused elephants.

In addition to the foregoing, a 2015 Gallup poll showed two out of three Americans are troubled by the plight of animals in traveling shows.<sup>39</sup>

Most significantly, what opposing arguments consistently fail to address is the overwhelming evidence that elephants experience profound suffering when they are forced to endure coercive training techniques, and in the case of traveling entertainment acts, many hours of travel. This is acknowledged even by senior zoo management in testimony supporting legislation to prohibit the use of wild and exotic animals in entertainment:

By definition, traveling shows cannot provide the space, substrates, climate and social conditions necessary to meet even the basic needs of animals. It is extremely hard for even a modern zoo with great technical expertise and expansive space and resources to meet these needs. In addition to the constant stressful travel, the daily living conditions, often with prolonged restraint, aversive and cruel methods of physical training are very harmful.<sup>40</sup>

Elephants belong in their natural habitat<sup>41</sup> or sanctuaries, instead of being forced to perform headstands and other abusive, unnatural, and demeaning<sup>42</sup> acts for human entertainment.

<sup>&</sup>lt;sup>38</sup> Bill Blankenship, *Topeka's Arab Shrine Circus Returns For 75th Straight Year*, CJONLINE.COM (Feb. 19, 2015), <a href="http://cjonline.com/news-life-arts-entertainment-local/2015-02-19/topekas-arab-shrine-circus-returns-75th-straight-year">http://cjonline.com/news-life-arts-entertainment-local/2015-02-19/topekas-arab-shrine-circus-returns-75th-straight-year</a>.

<sup>&</sup>lt;sup>39</sup> Rebecca Riffkin, *In U.S.*, *More Say Animals Should Have Same Rights as People*, *Gallup Poll*, Gallup U.S. Daily survey conducted May 6, 2015, <a href="http://www.gallup.com/poll/183275/say-animals-rights-people.aspx">http://www.gallup.com/poll/183275/say-animals-rights-people.aspx</a>.

<sup>&</sup>lt;sup>40</sup> Testimony of Ron L. Kagan, Executive Director/Chief Executive Officer, Detroit Zoological Society, in support of Int. 1233-2016, New York City Council Health Committee (Oct, 17, 2016), <a href="http://legistar.council.nyc.gov/View.ashx?M=F&ID=4743537&GUID=D33FD1F1-F946-4E71-AF27-6BDE16C2A2FA">http://legistar.council.nyc.gov/View.ashx?M=F&ID=4743537&GUID=D33FD1F1-F946-4E71-AF27-6BDE16C2A2FA</a>. Even modern zoos have concluded they are unable to meet the needs of elephants and have closed their elephant exhibits. In Defense of Animals, Closed or closing elephant zoo exhibits, <a href="https://www.idausa.org/campaign/elephants/closed-closing-elephant-zoo-exhibits">https://www.idausa.org/campaign/elephants/closed-closing-elephant-zoo-exhibits</a> (listing 27 U.S. zoos that have closed their elephant exhibits (22 AZA-accredited and five non-AZA-accredited) and five additional ones (all AZA-accredited) which have announced plans to close or phase out their elephant exhibits).

<sup>&</sup>lt;sup>41</sup> Even modern zoos have concluded they are unable to meet the needs of elephants and have closed their elephant exhibits. In Defense of Animals, Closed or closing elephant zoo exhibits, <a href="https://www.idausa.org/campaign/elephants/closed-closing-elephant-zoo-exhibits">https://www.idausa.org/campaign/elephants/closed-closing-elephant-zoo-exhibits</a> (listing 27 U.S. zoos that have closed their elephant exhibits (22 AZA-accredited and five non-AZA-accredited) and five additional ones (all AZA-accredited) which have announced plans to close or phase out their elephant exhibits).

#### V. SUMMARY

For the reasons set forth above, the Bill is approved.<sup>43</sup>

Animal Law Committee Lori A. Barrett, Chair

May 2017

http://s3.amazonaws.com/documents.nycbar.org/files/20073187-

WildlifeBanEntertainment Animal Report FINAL 11.9.16.pdf; report in support of New York State legislation to prevent the cruel treatment of elephants, <a href="http://www2.nycbar.org/pdf/report/uploads/20072860-">http://www2.nycbar.org/pdf/report/uploads/20072860-</a>

<u>ALCReportonS56A1555BullhookBan.pdf</u>; report in support of New York State legislation in relation to restricting the use of exotic and wild animals in traveling circuses and shows

http://www2.nycbar.org/pdf/report/uploads/20072638-RestrictionsofWildAnimalsinCircuses.pdf; report in support of the federal Traveling Exotic Animal Protection Act, <a href="http://www2.nycbar.org/pdf/report/uploads/20072237-HRBillTravelingExoticAnimalProtectionAct.pdf">http://www2.nycbar.org/pdf/report/uploads/20072237-HRBillTravelingExoticAnimalProtectionAct.pdf</a>.

<sup>&</sup>lt;sup>42</sup> See generally, Reed Elizabeth Loder, *Animal Dignity*, ANIMAL LAW 42-46 (2016) (in addition to the suffering caused by the use of animals in some entertainment acts, causing animals to perform unnatural tricks in circuses and similar acts violate the animals' dignity).

<sup>&</sup>lt;sup>43</sup> Over the past several years, the Animal Law Committee has supported federal, state, and local legislation that would protect animals in circuses and similar types of performances. Those reports can be accessed on the New York City Bar Association website, Animal Law Committee webpage as follows: Report in support of TEAPSA, <a href="http://s3.amazonaws.com/documents.nycbar.org/files/201797-TEAPSPA">http://s3.amazonaws.com/documents.nycbar.org/files/201797-TEAPSPA</a> Animal FINAL 4.12.17.pdf; report in support of a New York City bill barring exhibition of wild and exotic animals,