

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Hedlund**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relating to the treatment of elephants.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mr. Hedlund

Plymouth and Norfolk

Bruce E. Tarr

First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02002 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATING TO THE TREATMENT OF ELEPHANTS.

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

1 SECTION 1. Chapter 272 of the General Laws, is hereby amended by inserting after section 77B  
2 the following section: -

3 Section 77C. (a) As used in this section, the following terms shall have the following meanings:

4 "Circus" , a class C licensee under the Animal Welfare Act, 7 U. S. C. section 2131 et seq. , and  
5 its subsequent amendments, regulations and standards adopted pursuant to the Act, that offers a  
6 performance by a live animal, clown or acrobat.

7 "Person" , an individual, partnership, corporation, organization, trade or professional association,  
8 firm, limited liability company, joint venture, association, trust, estate, or any other legal entity,  
9 and any agent, or representative thereof.

10 "Traveling show", circus, public show, trade show, photographic opportunity, carnival, city or  
11 county fair, agricultural fair, ride, parade, race, performance or a similar undertaking in which  
12 elephants do not permanently reside or that moves the elephants from location to location, but  
13 not including the transportation of elephants for the purpose of obtaining required medical  
14 services for an elephant or for the exchange of an elephant between sanctuaries.

15 (b) It shall be unlawful for any person who houses, possesses, is in contact with, or travels with  
16 any elephant utilized in a circus or traveling show within Massachusetts to engage in any of the  
17 following:

18 (1) Use of any implement on an elephant that may reasonably result in harm to the elephant  
19 including, but not limited to, the damage, scarring or breakage of an elephant's skin. Any  
20 such implement or device that is used, purchased, contrived for or constructed for the  
21 purpose of poking, striking, hitting, stabbing, piercing, pinching or other physical contact  
22 of an elephant shall be construed as an implement or device which may reasonably result  
23 in harm, damage, scarring or breakage of skin to an elephant. For purposes of this  
24 subsection such implement or device includes, but is not limited to, a bullhook, ankus or  
25 other similar device.

26 (2) Possession of any implement or device that may reasonably result in harm, damage,  
27 scarring or breakage of skin to an elephant. Any such implement or device that is used,  
28 purchased, contrived for or constructed for the purpose of poking, striking, hitting,  
29 stabbing, piercing, pinching or other physical contact of an elephant shall be construed as  
30 an implement or device which may reasonably result in harm, damage, scarring or  
31 breakage of skin to an elephant. For purposes of this subsection such implement or  
32 device includes, but is not limited to, a bullhook, ankus, or other similar device.

33 (3) Use of a chain or similar device to restrain an elephant, except if utilized for the shortest  
34 amount of time necessary to provide actual medical treatment.

35 (c) Whoever violates this section shall be fined not more than \$5000 per violation or imprisoned  
36 in the house of correction for not more than 1 year, or by both such fine and imprisonment.