

2013 -- H 5853

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Representatives Gallison, and Serpa

Date Introduced: March 06, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby  
2 amended by adding thereto the following section:

3 **4-1-41. Humane treatment of elephants. -- (a) As used in this section, the following**  
4 **terms shall have the following meanings:**

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

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

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

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

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

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

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

17           (c) Whoever violates this section shall be fined not more than five thousand dollars  
18 (\$5000) per violation or imprisoned for not more than one year, or by both such fine and  
19 imprisonment.

20           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would specifically regulate the treatment of captive elephants and would make
- 2 the inhumane treatment of elephants a felony.
- 3           This act would take effect upon passage.

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