



Legislation Details (With Text)

File #: Int 1233-2016 **Version:** A **Name:** Prohibiting the display of wild or exotic animals for public entertainment or amusement.
Type: Introduction **Status:** Enacted
In control: Committee on Health

On agenda: 7/14/2016

Enactment date: 7/22/2017 **Enactment #:** 2017/118

Title: A Local Law to amend the administrative code of the city of New York, in relation to wild or exotic animal circus performances

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Indexes: Agency Rule-making Required

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1233-A, 3. Summary of Int. No. 1233, 4. Int. No. 1233, 5. Committee Report 10/20/16, 6. Hearing Testimony 10/20/16, 7. Hearing Transcript 10/20/16, 8. Proposed Int. No. 1233-A - 6/15/17, 9. June 15, 2017 - Stated Meeting Agenda with Links to Files, 10. Committee Report 6/15/17, 11. Hearing Testimony 6/15/17, 12. Hearing Transcript 6/15/17, 13. June 21, 2017 - Stated Meeting Agenda with Links to Files, 14. Fiscal Impact Statement, 15. Hearing Transcript - Stated Meeting 6-15-17, 16. Hearing Transcript - Stated Meeting 6-21-17, 17. Int. No. 1233-A (FINAL), 18. Letter to Mayor, 19. Local Law 118, 20. Minutes of the Recessed Stated Meeting of June 6, 2017 held on June 15, 2017, 21. Minutes of the Recessed Stated Meeting of June 6, 2017 held on June 21, 2017, 22. Minutes of the Stated Meeting - June 21, 2017

Date	Ver.	Action By	Action	Result
7/14/2016	*	City Council	Introduced by Council	
7/14/2016	*	City Council	Referred to Comm by Council	
10/20/2016	*	Committee on Health	Hearing Held by Committee	
10/20/2016	*	Committee on Health	Laid Over by Committee	
6/15/2017	*	Committee on Health	Hearing Held by Committee	
6/15/2017	*	Committee on Health	Amendment Proposed by Comm	
6/15/2017	*	Committee on Health	Amended by Committee	
6/15/2017	A	Committee on Health	Approved by Committee	Pass
6/15/2017	A	City Council	Laid Over by Council	
6/21/2017	A	City Council	Approved by Council	Pass
6/21/2017	A	City Council	Sent to Mayor by Council	
7/22/2017	A	Administration	City Charter Rule Adopted	

Int. No. 1233-A

By Council Members Mendez, Johnson, Palma, Cabrera, Dromm, Koslowitz, Williams, Rodriguez, Rosenthal, Gibson, Torres, Cohen, Levin, Vacca, Cornegy, Richards, Reynoso, Salamanca, Menchaca, Espinal, Ferreras-Copeland, Chin, Lander, Gentile, Van Bramer, Levine, Perkins, Cumbo, Maisel, Garodnick, Grodenchik, Vallone, Treyger, Wills, Mealy, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to wild or exotic animal circus performances

Be it enacted by the Council as follows:

Section 1. Legislative Findings. The Council finds that traveling circuses are detrimental to animal welfare due to the adverse effects of frequent transport, extended periods of confinement and physically abusive training techniques. The extended period of time in vehicles and temporary facilities utilized by the circus industry restrict natural behaviors and cause animals to suffer and be prone to health, behavioral and psychological problems. Tricks that exotic and wild animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of bullhooks (a heavy bar with a sharpened point and hook), electric shocks, metal bars, whips, and other forms of physical abuse.

The conditions in traveling circuses, including constant travel, limited facilities, long periods of restricted movement, separation from natural groupings, stress, and physical coercion inevitably compromise the welfare of animals, which can lead to abnormal behavior and increased risks to public safety. Restricting the use of exotic and wild animals in traveling circuses and shows is the most cost-effective and efficient way to safeguard both animal welfare and public safety.

Passage of this bill will add New York City to the list of four states and 125 localities in 34 states across the country that have enacted partial or full bans on circus animals.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.5 to read as follows:

§ 17-199.5 Wild and exotic animal circus performances prohibited. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Cause a performance. The term “cause a performance” means to be financially or operationally responsible for the management of a performance, or to officially or financially sponsor a performance.

Circus. The term “circus” means any live show or carnival which, along with clown, acrobatic, or stunt performances, features performances by live wild or exotic animals that, in order to be able to perform, have traveled in mobile housing facilities or were taken from their permanent residence and required to travel for any distance.

Companion animal. The term “companion animal” means any domesticated animal normally maintained in or near the household of the owner or person who cares for such animal. The term “companion animal” does not include farm animals or animals that cannot be sold, given, possessed, harbored, kept or yarded pursuant to paragraph (1) of subdivision (a) of section 161.01 of the New York city health code.

Farm animal. The term “farm animal” means poultry, sheep, swine, goats, donkeys, mules, horses, alpacas, llamas, camels, or any species of cattle.

Wild or exotic animal. The term “wild or exotic animal” means any animal, other than a companion animal or farm animal, from any of the following superorders, orders, classes, families or clades, or any hybrid of any such animal, including a hybrid with a companion animal or farm animal:

1. Artiodactyla (including hippopotamuses and giraffes);
2. Canidae (including wolves, foxes and jackels);
3. Cetacea (including whales and dolphins);
4. Crocodilia (including alligators and crocodiles);
5. Elephantidae (elephants);
6. Felidae (including tigers, lions, jaguars and leopards);
7. Hyaenidae (hyenas);
8. Kangaroos;
9. Non-human primates (including apes, monkeys and lemurs);

10. Perissodactyla (including rhinoceroses, tapirs and zebras);

11. Pinnipedia (including seals, sea lions and walruses);

12. Struthio (ostriches); and

13. Ursidae (bears)

b. Prohibited acts. It shall be unlawful for any person to cause a performance of any wild or exotic animal that is part of a circus.

c. Enforcement. Any authorized employee, officer, or agent of the department or any other city agency designated by the mayor may enforce the provisions of this section or any rule promulgated thereunder.

d. Rules. The commissioner may promulgate rules as may be necessary for the purpose of carrying out this section.

e. Violation and penalties. Any person who violates subdivision b of this section or any rule promulgated thereunder shall be liable for a civil penalty not to exceed \$2,500 for each violation recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings; except that for a first such violation and other violations of subdivision b occurring on the same day, such person shall be liable for a civil penalty not to exceed \$1,000 for each violation recoverable in a proceeding before any such tribunal. Each performance of an individual wild or exotic animal constitutes a separate violation of this section.

f. Other laws not affected. Nothing in this section shall be construed to affect any other protections or prohibitions related to animals pursuant to any other provision of law.

§ 3. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner shall take such actions, including the promulgation of rules, as may be necessary for the timely implementation of this local law prior to such date.

DSS
LS 778/2014
5/25/17