



# MODEL LEGISLATION



Bill No. \_\_\_\_\_

## AN ACT Relating to the Use of Wild and Exotic Animals in Traveling Shows and Circuses

### SECTION I. Intent

It is the intent of the State of \_\_\_\_\_ to protect the public against hazards that wild and exotic animals used in traveling shows and circuses pose to society and to protect wild and exotic animals from cruel and inhumane treatment.

### SECTION II. Definitions

For the purpose of this chapter only, the following words and terms shall be deemed to mean and to be construed as follows:

- A. "Circus" means a class C licensee that is licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, regulations, and standards adopted pursuant to the Act, that offers performances by live animals, clowns, and/or acrobats.
- B. "Person" means an individual, partnership, corporation, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of these.
- C. "Traveling show" means any mobile or stationary act, circus, public show, trade show, photographic opportunity, carnival, city or county fair, agricultural fair, ride, parade, race, performance, or similar undertaking incorporating wild or exotic animals wherein the animals are taken from their permanent residence and required to travel for any distance.
- E. "Wild or exotic animal" means any or all of the following orders and families, whether born in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
1. Non-human primates and prosimians (such as chimpanzees, baboons, monkeys, etc.) – All species.
  2. Felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.) - – All species except domestic cats.
  3. Canidae (such as wolves, coyotes, etc) – All species except domestic dogs.
  4. Ursidae (such as bears) – All Species.

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5. Marsupialia (such as kangaroos, etc.) – All species.
6. Proboscidae (such as elephants) – All species.
7. Crocodylia (such as crocodiles, alligators, etc.) – All species.
8. Squamata (all species of snakes only)
9. Artiodactyla (such as hippopotamuses, giraffes, camels, etc.) – All species except domestic cattle, swine, sheep, or goats.
10. Perissodactyla (such as zebras, rhinos, and tapirs) – all species except domestic horses, donkeys, or mules.
11. Struthioniformes (such as ostriches) – All species.
12. Casuariiformes (such as emus) – All species.

F. “Wildlife sanctuary” means a 501(c)(3) organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent amendments where:

1. No commercial trade in animals occurs (including, but not limited to, sale of animals, animal parts, by-products, offspring, photographic opportunities or public events for financial profit, or any other entertainment purposes),
2. No propagation of animals occurs in the facility, and
3. No unescorted public visitation is allowed; no direct contact between the public and wild animals is allowed; animals are not taken from the sanctuary or enclosures for exhibition.

### SECTION III Prohibition

It shall be unlawful for any person to conduct, sponsor, or operate a traveling show or circus that includes wild or exotic animals on any public or private land within the State of \_\_\_\_\_.

### SECTION IV Enforcement

Police officers, humane investigators, and the animal control officers shall have the power and authority to enforce the provisions of this chapter and perform all duties imposed by the provisions of this chapter.

### SECTION V Penalty

Any person, firm, or corporation violating this section shall be fined not more than \$5000.00 dollars per animal or be imprisoned not more than one year, or both.

### SECTION VI Exceptions

The following are exempt from the provisions of this chapter:

1. Institutions accredited by the American Zoo and Aquarium Association,
2. Any wildlife sanctuary as defined under this chapter.