



LEGAL UPDATE

AN ACT REGULATING THE USE OF EXOTIC ANIMALS IN TRAVELING EXHIBITS AND SHOWS

On August 8, 2024, the governor signed an Act Regulating the Use of Elephants, Big Cats, Primates, Giraffes and Bears in Traveling Exhibits and Shows which goes into effect on January 1, 2025. The act adds the following statute to our general laws:

MGL c 131 § 19C.

- (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Covered animal”, any of the following animals or hybrids thereof: (i) elephantidae; (ii) lions (*panthera leo*), tigers (*panthera tigris*), leopards (*panthera pardus*), clouded leopards (*neofelis nebulosa* and *neofelis diardi*), snow leopards (*panthera uncia*), jaguars (*panthera onca*), cheetahs (*acinonyx jubatus*), mountain lions (*puma concolor*); (iii) non-human primates; (iv) ursidae; and (v) giraffidae.

“Mobile or traveling housing facility”, any vehicle used to transport or house covered animals while traveling for a performance, including, but not limited to, trucks, trailers or railway cars.

“Performance”, any presentation, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, race or similar undertaking in which a covered animal is required to perform tricks, give rides or participate as an accompaniment or be available for the entertainment, amusement or benefit of a live audience.

“Resident animal”, an animal owned, leased or loaned and otherwise exclusively housed at a non-mobile, permanent institution or other fixed facility.

“Traveling animal act”, any performance where a covered animal is transported to, from or between locations for the purpose of the performance in a mobile or traveling housing facility.

For specific guidance on the application of this case or any law, please consult your supervisor or your department’s legal advisor.

(b) Notwithstanding section 77B of chapter 272, no person shall allow for or cause the participation of a covered animal in a traveling animal act.

(c) This section shall not apply:

- (i) to a performance that takes place at a non-mobile, permanent institution or other fixed facility if the covered animal is a resident animal at the same facility in which the performance takes place;
- (ii) during the filming of a motion picture by a motion picture production company, as defined in section 38X of chapter 63, that has obtained any permits required by law, if the use does not involve a live public animal exhibition;
- (iii) to the transport of a covered animal for the purpose of veterinary care by a licensed veterinarian, including, but not limited to, examination, testing, individual treatment or operation; or
- (iv) to the transport of a covered animal from 1 non-mobile, permanent institution or other fixed facility to another for purposes of becoming a resident animal.

(d) A person who violates this chapter shall be subject to a civil penalty of not less than \$500 and not more than \$10,000 per animal involved in the violation.

(e) An officer or agent authorized by the executive office of energy and environmental affairs, a law enforcement officer of the commonwealth or law enforcement officer of any unit of local government in the commonwealth may enforce this section.

(f) The director of the division of fisheries and wildlife may adopt rules necessary for the administration and implementation of this section.

MGL c 272 § 77B referenced in subparagraph (b) states: No person shall exhibit or sponsor an exhibition of any wild animal for the purpose of attracting trade at or for any place of amusement, recreation or entertainment. This section shall not be deemed to prevent the exhibition of any wild animal in a zoological garden or in connection with any theatrical exhibition or circus or by any educational institution or wild animal farm, whether on or off the premises of such educational institution or wild animal farm. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days.