



## MEMORANDUM IN SUPPORT

### COMMITTEE ON ANIMALS AND THE LAW

Animals # 33

May 29, 2024

S.6905

By: Senator Skoufis

A.7624

By: M. of A. Rosenthal

Senate Committee: Agriculture

Assembly Committee: Agriculture

Effective Date: This act shall take effect two years after it has become a law; effective immediately, the amendment and/or repeal of any rule or regulation necessary for the implementation of this act are authorized to be made

**AN ACT:** to amend the Agriculture and Markets Law and the Environmental Conservation Law in relation to prohibiting the use of primates in entertainment acts

**LAW AND SECTIONS REFERRED TO:** Amends the Agriculture and Markets Law by adding a new Section 380-a. Amends the Environmental Conservation Law by adding a new Section 11-0540-a.

#### **THE COMMITTEE ON ANIMALS AND THE LAW** **SUPPORTS THIS LEGISLATION**

S.6905/A.7624 amends the Agriculture and Markets Law by adding a new Section 380-A, the “Primate Protection Act,” providing that “no person shall use or cause to be used primates in any type of entertainment act.” By definition, the entertainment acts subject to this prohibition include “any exhibition, act, circus, trade show, carnival, ride, parade, race, performance or similar undertaking which is primarily undertaken for the entertainment or amusement of a live audience.” The prohibition is enforced through the permits issued by the NYS Department of Environmental Conservation for possession of wildlife. New Section 11-0540-a of the Environmental Conservation Law provides that, “[t]he department shall not issue any license or permit that would authorize the use of a primate in an entertainment act pursuant to section 380-A of the Agriculture and Markets Law.” Violation of the prohibition on using a primate in an entertainment act will be subject to a civil penalty up to \$1,000 for each violation. Exempted from the prohibitions in the bill are institutions accredited by the Association of Zoos and Aquariums and wildlife sanctuaries as defined in subsection thirty-two of Section 11-0103 of the Environmental Conservation Law.

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The purpose of the Primate Protection Act is to protect all primates<sup>1</sup> from the physical and psychological harm inflicted upon them when they are used in entertainment acts. Harms include often cruel methods used to train primates to perform in entertainment acts and the all too common isolated and unnatural living conditions in which they are forced to live.

A similar bill that is also supported by the Committee on Animals and the Law is S.4363-A / A.4005-A. This bill provides that no person shall allow for the participation of non-domestic cats, bears, kangaroos, wallabies, non-human primates, and any hybrids of these animals, in a traveling animal act. However, the Primate Protection Act goes even further to protect primates by providing that no license or permit shall be issued for the purpose of using any primate in any entertainment act -- going beyond banning traveling animal acts that use primates in their shows to include banning all such acts, displays, and shows that use primates in their performances.

As the sponsor's memo in support of this bill points out, "primate abuse is a matter of worldwide concern." Non-human primates are highly intelligent sentient beings that naturally live in complex social structures and communities. The conditions in which they are forced to live as part of an entertainment act may be very harmful. These primates are forced to provide entertainment by acting out unnatural performances. They are subjected to harmful and unnatural environments, inappropriate nutrition, and cruel training techniques. They are confined in trucks and cages that impair their ability to move and to thrive. These wild animals used for live-audience entertainment experience extreme physical and psychological trauma from all these conditions. These animals often suffer many life-long injuries from being subjected to unnatural postures while traveling in cages and the unnatural movements they must perform for the tricks that constitute "entertainment."

In a seminal 2016 study of over 650 captive wildlife experts, including veterinarians, biologists, sanctuary professionals, circus keepers and animal behaviorists, everyone, excluding circus trainers, concluded that, "Life for wild animals in travelling circuses and mobile zoos does not appear to constitute either a 'good life' or a 'life worth living.'"<sup>2</sup>

It is important to note that amendments to the Animal Welfare Act (AWA) made in 1985 directed the U.S. Secretary of Agriculture to "promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors."<sup>3</sup> The 1985 amendments further provided that such standards "shall include minimum requirements" for, inter

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<sup>1</sup> New Section 380-a(4)(a) of the Agriculture and Markets Law defines "Primate" as "a gibbon or siamang (Hylobatidae, Hylobates sp.), orangutan (Hominidae Ponginae, Pongo sp.), chimpanzee (Hominidae, Homininae Pan. Sp.), gorilla (Hominidae, Homininae, Gorilla sp.), macaque (Cercopithecoidea, Cercopithecinae, Macaca sp.), baboon (Cercopithecoidea, Cercopithecinae, Papio sp., Theropithecus sp., Mandrillus sp.), langur (Cercopithecoidea, Colobinae, Presbytis sp., Trachypithecus sp.), colobus monkey (Cercopithecoidea, Colobinae, Colobus sp.), guenon (Cercopithecoidea, Cercopithecinae, Cercopithecus sp.), new world monkeys (Callitrichidae, Cebidae, Aotidae, Pitheciidae, and Atelidae), and old world monkeys, taxonomically known as Cercopithecoidea.

<sup>2</sup> See, Harris, Stephen & Doming, Jo & Pickett, Heather, (2016) The Welfare of wild animals in traveling circuses., 10.13140/RG.2.1.2404.2483,

[https://www.ispca.ie/uploads/The\\_welfare\\_of\\_wild\\_animals\\_in\\_travelling\\_circuses.pdf](https://www.ispca.ie/uploads/The_welfare_of_wild_animals_in_travelling_circuses.pdf) (last visited May 20, 2024).

<sup>3</sup> Pub.L. No. 99-198, § 1752, 99 Stat. 1354, 1645 (1985), codified at 7 U.S.C. § 2143(a) (1994).

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alia, "a physical environment adequate to promote the psychological well-being of primates."<sup>4</sup> This bill takes the position that no entertainment acts provide an adequate environment for primates or provide for their psychological well-being and that primates should not be part of any entertainment act. The Committee on Animals and the Law agrees with this position and supports this legislation prohibiting primates in entertainment acts. Conditions in all entertainment acts are harmful to non-human primates and primates should not be subject to them.

The Committee on Animals and the Law supports this bill that recognizes the need for the further protection of non-human primates. The Committee further supports the Primate Protection Act because in addition to its ban on primates in entertainment acts, the bill allows for the conservation of these beautiful and highly intelligent animals through wildlife sanctuaries and institutions that are accredited by the Association of Zoos and Aquariums, and the education of humans about them in a manner that is not harmful to them.

For all the reasons cited herein, the New York State Bar Association's Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

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<sup>4</sup> See, 7 U.S.C. § 2143(a)(2)(B).