

**Memorandum in Support****COMMITTEE ON ANIMALS AND THE LAW**

Animals # 17-a

January 20, 2026

S. 3629-A
A. 5850

By: Senator Fernandez
By: M. of A. Glick
Senate Committee: Environmental Conservation
Assembly Committee: Codes
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AN ACT to amend the environmental conservation law, in relation to prohibiting the participation of certain animals in traveling animal acts

LAW AND SECTIONS REFERRED TO: New Section 11-0541 of the Environmental Conservation Law.

THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION

This bill adds a new Section 11-0541 to the Environmental Conservation Law banning animals covered by the new section from participating in traveling animal acts. Animals covered under subsection 4(a) are non-domestic cats, bears, kangaroos, wallabies, and all non-human primates, and any hybrids of these animals. The bill's restrictions extend beyond circuses to include two new defined terms, "performance" and "traveling animal act." The bill articulates the prohibited practices and settings in which covered animals are typically harmed and exploited. Under subsection 4(c) a performance includes activities that require the covered animal to perform tricks, give rides or otherwise serve as entertainment for a live audience, in exhibitions and public settings such as petting zoos, carnivals, fairs, trade shows, parades, races, and others similar amusement locations. Together, subsections 4(b) and 4 (d) define a traveling animal act as any performance that requires the transportation of the covered animal between locations, regardless of the type of vehicle used or the origination or destination point. Violations of the bill incur a civil penalty of up to one thousand dollars.

Animals exploited for entertainment in circuses, traveling animal acts and similar entertainment performances suffer similar physical and psychological harms that motivated the protections found in New York's Elephant Protection Act¹. Subjected to harmful and unnatural environments, inappropriate nutrition, cruel training techniques, and confined in trucks and cages that impair their ability to thrive, wild animals used for live-audience entertainment experience extreme physical and psychological trauma. This bill's prohibitions are analogous to those instituted to safeguard elephants under the Elephant Protection Act.

In a significant 2016 study in which over 650 captive wildlife experts participated, including veterinarians, biologists, sanctuary professionals, circus trainers, and animal behaviorists, everyone – excluding circus trainers – concluded that *"Life for wild animals in travelling circuses and mobile zoos does not appear to*

¹ Agriculture and Markets Law §380.

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constitute either a ‘good life’ or a ‘life worth living.’”² Paramount to the findings was the absence in traveling animal acts of the “Five Freedoms,” the fundamental essentials for captive animal wellbeing. They are the freedom from (1) hunger, thirst and malnutrition; (2) discomfort and exposure; (3) pain, injury and disease; (4) fear and distress; and (5) the inability to express normal behavior.³

Wild animal species covered under this bill experience extreme physical and psychological suffering from the unnatural demands of performance life.⁴ Injuries, many life-long, result from unnatural postures involved with tricks and cruelties committed by trainers to force compliance.⁵ Tragically, when extreme fear and acute and repeated pain are used to coerce wild animals to perform the “tricks” to thrill unknowing audiences animals suffer detrimental effects to their long-term behavioral and physical health and well-being.

Investigations have revealed horrors of tigers being repeatedly whipped or pepper-sprayed in their eyes and nostrils, baby bears chained to stand upright for hours and days, monkeys bolted into the floor with heavy neck-chains, and numerous other “training” atrocities.⁶ When not performing, wild circus animals suffer extreme duress and communicate their discomfort by engaging in stereotypies – abnormal behaviors – associated with an animal’s fear, pain and stress. Pacing, panting, over-grooming, lethargy, swaying, head bobbing, hiding and aggression are all signs of animal suffering. Trainers often mislead or encourage the public to misinterpret such behaviors as “cute,” or “natural” for the species.⁷

Frequent venue changes associated with traveling animal acts are antithetical to the “Five Freedoms.” No scientific evidence shows that captive wild animals adapt to transport. Inadequate space; unfamiliar settings; prolonged confinement without access to adequate food, water, exercise or natural posturing; exhaust fumes inside and outside transportation vehicles; thermal dysregulation; and the inability to engage in instinctive behaviors all induce extreme distress and injuries.⁸

² Dorning, Jo, S. Harris, & H. Pickett, (2016) *The welfare of wild animals in travelling circuses*, 10.13140/ RG.2.1.2404.2483, <https://www.gov.wales/sites/default/files/publications/2017-12/welfare-of-wild-animals-in-travelling-circuses.pdf>, comment APHIS-2022-0022-11180_attachment_6.pdf to proposed rulemaking by the U.S. Dep’t Agric. (USDA), Animal & Plant Health Service (APHIS), Jan. 9, 2023, 88 Fed. Reg. 1151-54 <https://www.federalregister.gov/documents/2023/01/09/2023-00021/wild-and-exotic-animal-handling-training-of-personnel-involved-with-public-handling-of-wild-and>; Exh. 21, Comments, Harvard Animal Law & Pol’y Clinic. See, Am. Vet’y Med. Ass’n News, Feb. 14, 2023: “In 2021, 44.4% of the [USDA APHIS’s] licensed exhibitors offered interactions between the public and animals as part of their business, an increase from 25% in 2019. Between 2019 and 2021, 119 handling non-compliances were reported on APHIS inspection reports, 12.6% percent of which led to human or animal injury or animal death.” <https://www.avma.org/news/usda-proposed-rulemaking-strengthen-regulations-handling-wild-exotic-animals>. (last visited May 18, 2025)

³ Mäekivi, N., *Freedom in Captivity: Managing Zoo Animals According to the “Five Freedoms*, 11 Biosemiotics 7–25 (2018) /doi.org/10.1007/s12304-018-9311-5. <https://philpapers.org/rec/MEKFIC> (last visited May 8, 2025).

⁴ Dorning, *supra*. (“vertebrates and some invertebrates can experience emotions of varying complexity from pain to empathy”).

⁵ Jay Pratte, *Shrine Circus Animal Welfare Report: James Cristy Cole Circus* (Feb. 2018), <https://www.peta.org/wp-content/uploads/2021/06/ShrineCircusReport2018PratteSigned.pdf> (last visited May 8, 2025).

⁶ Humane Soc’y of the U.S., *The ‘Greatest Show on Earth’ finally does the greatest thing for animals*, <https://www.humaneworld.org/en/blog/greatest-show-earth-finally-does-greatest-thing-animals> (last visited May 18, 2025), cited in <https://law.lclark.edu/live/files/32194-25-3-therrienpdf> (last visited May 18, 2025); see also, Parry, R. *Forced to perform handstands, throw a basketball and ‘cruel’ lives of the circus bears who perform to raise money for the Shriners is revealed*, Mar. 2017, <https://www.dailymail.co.uk/news/article-4364504/Circus-bears-forced-tricks-Shriners-Hospitals.html>.

⁷ Born Free USA, *Ten Fast Facts about Animals in Circuses*, <http://www.bornfreeusa.org/facts.php?p=433&more=1> (last visited May 18, 2025).

⁸ Dorning, *supra*, *Transport*, at 139 and Note 222; Iossa, G. et al. (2009) “*Are wild animals suited to a travelling circus life?*” 18 Animal Welfare at 129-140, <https://www.federalcircusbill.org/wp-content/uploads/2014/04/Iossa2009.pdf>.

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Public health is compromised by poor animal husbandry in traveling animal acts.⁹ Their settings typically lack the space needed to establish safe distances between animals and the public, or the ability to quarantine animals who may become sick.¹⁰ Consequently, the tight quarters increase the spread of parasites and zoonotic diseases¹¹ between animals, and from animals to humans.

Public safety and the psychological well-being of human circus goers are further jeopardized through other direct and indirect interactions with circus animals. Wild animals are trained but never “tamed,” therefore they are never “safe” for direct public interaction at an entertainment performance.¹² Over the past thirty-four years in the United States, more than 300 people have suffered injuries, forty-four of them fatal, from encounters with wild animals in exhibitions, at circuses, fairs, and carnivals. The sponsor’s memo shows in horrific detail how New Yorkers have not escaped these injuries. Escaped wild animals are often euthanized rather than captured.¹³ Wild animal acts that go badly cause harm to adults and children who witness attacks.¹⁴

The misleading promotion of wild animal shows as educational experiences harms the public and legitimate conservation efforts. Forcing wild animals to perform unnatural anthropomorphic tricks, using them for rides, and encouraging encounters with other wild animals creates and perpetuates the perception that wild animals can be pets. Clearly, these activities compromise the promotion of sound conservation stewardship, appreciation of wild animals in the wild, and New York’s commitment to wildlife conservation.¹⁵ The public is gaining interest in animal conservation, circus ticket sales are decreasing, and attendance at AZA zoos and aquariums is increasing. Continuing to support extravagant animal acts performing bizarre tricks runs counter to this trend.

Wild animals in circuses and traveling animal acts suffer from the same limited federal and state protections which led New York to enact the Elephant Protection Act.¹⁶ New York Agriculture and Markets Law Section 353 penalizes animal cruelty, abuse and mistreatment often prevalent in circuses and traveling animal acts. Unfortunately, this law provides fleeting usually unenforced protection to performing animals traveling into the state.

On April 9, 2025, Washington State became the 12th state to enact legislation banning the use of elephants, wild cats, bears and nonhuman primates in circuses and other traveling shows.¹⁷ More than 150 other

⁹ See, *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings*, Nat'l Ass'n State Pub. Health Veterinarians, https://avmajournals.avma.org/view/journals/javma/261/12/javma.23.05.0280.xml?tab_body=fulltext (last visited May 19, 2025).

¹⁰ Dorning, *supra*, notes, p.149.

¹¹ Center for Disease Control and Prevention (CDC), *Zoonotic Disease*, https://www.cdc.gov/one-health/about/about-zoonotic-diseases.html?CDC_AArefVal=https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html (last visited May 8, 2025); Dorning, *supra*, “Contact with Humans,” at 130.

¹² E.g., <https://abcnews.go.com/US/conservationist-attacked-tigers-animal-sanctuary/story?id=67575571> (last visited May 18, 2025).

¹³ Alexia Fernandez, *Tiger Killed in Atlanta Was Star of Ringling Bros. and Barnum & Bailey Before Circus Closed*, PEOPLE (Sept. 6, 2017), <https://people.com/pets/tiger-shot-atlanta-ringling-circus-star>; Alanna Quillen, *Incident at Tiger Show Causes Firestorm on Social Media; Trainers Deny Tigers Escaped*, WPTV (Feb. 16, 2017); Born Free, *supra*; Ass'n Zoos and Aquariums (AZA), <https://www.aza.org/?locale=en> (last visited May 18, 2025).

¹⁴ Schelling, A., *Crowd Watches Circus Tiger Get Whipped 'Mercilessly' After Turning on Trainer*, Oct. 28, 2016, <https://www.thedodo.com/florida-tiger-attack-whipping-2068011247.html>.

¹⁵ Dorning, *supra*, Executive Summary at 5.

¹⁶ The federal Animal Welfare Act establishes only basic standards of humane care for the transportation, housing, handling, purchase and sale of certain animals, such as those used in circuses and entertainment. 7 U.S.C. §§ 2131, *et seq.*

¹⁷ See, <https://www.humaneworld.org/en/blog/washington-restricts-wild-animals-circuses-traveling-shows> (last visited May 8, 2025)

jurisdictions, including 34 U.S. states,¹⁸ and 51 foreign countries¹⁹ have full or partial on wild animal species suffering in traveling animal acts. By enacting this important legislation, New York would further its commitment to ensuring that the senseless abuse of animals “for entertainment” purposes will no longer be tolerated. The Committee on Animals and the Law applauds the sponsors in recognizing the need to protect animals commonly harmed in traveling animal acts.

For all the reasons cited herein, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

¹⁸ Animal Defenders International, *The Traveling Exotic Animal & Public Safety Protection Act briefings*, [https://www.federalcircusbill.org/briefings/worldwide-summary/\(updated April, 2023\).](https://www.federalcircusbill.org/briefings/worldwide-summary/(updated April, 2023).) (States with full or partial bans include, AR, CA, CO, FL, HI, ID, IL, IN, KS, ME, OR, MD, MA, MI, MN, MT, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, VT, VA, WA, and WI).

¹⁹ Animal Defenders International, *supra*.

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