
THIRD READING

Bill No: SB 1062
Author: Lara (D)
Introduced: 2/16/16
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 7-2, 3/29/16
AYES: Pavley, Allen, Hertzberg, Hueso, Jackson, Monning, Wolk
NOES: Stone, Vidak

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Elephants: prohibited treatment

SOURCE: Author

DIGEST: This bill prohibits any person who houses, possesses, or is in direct contact with an elephant from using, or permitting an employee or contractor from using a bullhook, ankus, baseball bat, axe handle, pitchfork or other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant. (Bullhook and ankus refer to the same tool.) This bill does not impose criminal penalties but violators will be subject to civil penalties and possible revocation of an importation or possession permit from the Department of Fish and Wildlife (DFW). The civil penalties provision imposes a minimum penalty of \$500 and a maximum penalty of \$10,000.

ANALYSIS:

Existing law:

- 1) Establishes a misdemeanor for cruelty to elephants (Section 596.5 of the Penal Code). The prohibition extends to all of the following methods:
 - a) Deprivation of food, water, or rest.
 - b) Use of electricity.

- c) Physical punishment resulting in damage, scarring, or breakage of skin.
 - d) Insertion of any instrument into any bodily orifice.
 - e) Use of martingales.
 - f) Use of block and tackle.
- 2) Allows those with specific permits from the DFW to import, transport or possess wild animals including elephants (Section 2118 of the Fish and Game Code). Violations of the section or any permit conditions are subject to both civil and criminal penalties.

This bill imposes civil penalties and possible revocation of permits from the DFW for the use of a bullhook to train or control the behavior of an elephant. The civil penalties provision imposes a minimum penalty of \$500 and a maximum penalty of \$10,000.

Comments

In vetoing several bills last year that imposed criminal penalties, including SB 716 (Lara) that created a criminal offense for use of a bullhook to train elephants, the Governor objected to the creation of a new criminal statute. SB 1062 does not create a new criminal statute.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 4/11/16)

Lieutenant Governor Gavin Newsom
American Society for the Prevention of Cruelty to Animals
Animal Legal Defense Fund
Best Friends Animal Society
California Association of Zoos and Aquariums
Center for Animal Protection & Education
City of Oakland
Compassion Works International
Connection Africa
Defense of Animals
Detroit Zoological Society
Earth Island Institute
East Bay Zoological Society (Oakland Zoo)
Elephant Aid International
Elephant Sanctuary in Tennessee

Global Sanctuary for Elephants
Humane Society Wildlife Land Trust
In Defense of Animals
Lions Tigers & Bears
Laborers' International Union of North America Locals 777 & 792
March for Elephants
Marin Humane Society
Oakland Zoo
Performing Animal Welfare Society
San Diego Humane Society
San Francisco SPCA
Santa Clara County Activists for Animals
Sierra Club California
State Humane Association of California
The Elephant Sanctuary
The Humane Society of the United States
1013 Individuals

OPPOSITION: (Verified 4/11/16)

American Association of Zoo Veterinarians
American Humane Association
California Fair Network
California Fairs Alliance
Circus Fans Association of America
Feld Entertainment
International Elephant Foundation
Have Trunk Will Travel
Livingston Exotics
Pacific Animal Productions
QE Productions
The Los Angeles Foundation for the Circus Arts
Western Fairs Association's Ag Council
Wild Wonders
Zoological Association of America
75 Individuals

ARGUMENTS IN SUPPORT: According to the author, existing law does not address the most common cruel and inhumane training devices used on elephants, namely bullhooks.

Many supporters have pointed out that zoos accredited by the Association of Zoos and Aquariums (AZA) and the Performing Animal Welfare Society (PAWS) sanctuary use positive reinforcement and have moved away from what they consider the cruel and outdated use of training devices that resemble large fireplace poker. The author and supporters believe this is now the industry standard.

According to PAWS, which operates a care facility in San Andreas for animals rescued from the entertainment industry, bullhooks are intentionally used and designed to inflict pain as part of an elephant's training. PAWS states that "trainers are actually required to hook, jab, or hit elephants who miss a cue, move too slowly, or display unwanted behaviors. This association between pain and fear of the bullhook is reinforced throughout an elephant's life—behind closed doors and out of view of law enforcement. Without that association, the bullhook is useless."

Moreover, supporters assert that the positive reinforcement system used at PAWS, and in all California zoos accredited by the AZA, relies on positive reinforcement training and use of a protective barrier between keeper and elephant. To cue behaviors, keepers utilize a "target," which is a long--handled pole with a soft tip. In contrast to the bullhook, the elephant moves toward the "target," and the behavior is reinforced with a food reward and gentle words of praise. "Using this method, trainers are able to provide necessary husbandry and veterinary care, including specialized and more intensive care for our older elephants."

The supporters also point out that in California, no county fair offers elephant rides run by operators who use bullhooks, and that the Ringling Bros. and Barnum & Bailey Circus has announced a phase-out this year of its elephant acts.

The Humane Society of the United States is aware of only two California-based businesses that still use bullhooks, neither of which is accredited by the AZA or the Global Federation of Animal Sanctuaries. It also objects to the notion that the public display of elephants that are required to perform unnatural tricks does not engender respect or appreciation for wildlife. Instead, it reinforces a message that exploitation and mistreatment is acceptable entertainment.

As for public safety, the author also points out that there have been at least 16 deaths and 135 injuries in the U.S. that have been attributed to elephants, primarily in circus-related accidents. The implication is that these accidents were caused in part when an elephant rebelled against a trainer resulting in injury to circus employees or the public.

ARGUMENTS IN OPPOSITION: Much of the opposition comes from the entertainment or circus community, although some veterinarians are also opposed. As an example, Dr. James and Dr. Linda Peddie, from Ventura, have a very different view of bullhooks than the supporters of the bill. They consider the bullhook an appropriate and effective implement that “mirrors natural interaction among elephants” who frequently touch each other. Their view is that the bullhook is akin to the pull on an elephant by another elephant’s trunk. They also contend that the bullhook, when properly used, is not used in sensitive areas and never for purposes of abuse. They believe that a bullhook is necessary on occasion for the treatment of medical conditions in elephants.

Others in the opposition say that the bullhook is analogous to reins on a horse, or leashes for dogs.

The Circus Fans Association of America and some others in opposition argue that because elephants are increasingly rare in the wild, that domesticated and trained elephants enhance the survival chances of the species.

The Los Angeles Foundation for the Circus Arts says its shows often occur in disadvantaged communities and offer glimpses of wildlife that would not otherwise occur.

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