

SENATE THIRD READING
 SB 1062 (Lara)
 As Amended June 15, 2016
 Majority vote

SENATE VOTE: 29-9

Committee	Votes	Ayes	Noes
Water	12-2	Levine, Gallagher, Bigelow, Dodd, Eggman, Cristina Garcia, Eduardo Garcia, Gomez, Lopez, Olsen, Salas, Williams	Harper, Medina
Arts	4-2	Hadley, Levine, Low, Nazarian	Obernolte, Medina
Appropriations	16-2	Gonzalez, Bigelow, Bloom, Bonta, Calderon, Chang, Daly, Eggman, Gallagher, Roger Hernández, Holden, Quirk, Santiago, Wagner, Weber, Wood	Jones, Obernolte

SUMMARY: Prohibits, beginning January 1, 2018, the use of a bullhook and other devices designed to inflict pain to train or control an elephant. Specifically, **this bill:**

- 1) Prohibits any person who houses, possesses, manages, or is in direct contact with an elephant, from using, or authorizing or allowing an employee, agent or contractor to use, a bullhook, ankus, baseball bat, axe handle, pitchfork, or other device designed to inflict pain for the purpose of training or controlling an elephant. Use includes brandishing, exhibiting, or displaying the devices in the presence of an elephant.
- 2) Makes any person who violates this prohibition subject to a civil penalty of not less than \$500 and not more than \$10,000 per violation, and immediate suspension or revocation of a restricted species permit.
- 3) Authorizes a person to appeal a restricted species permit suspension or revocation to the Fish and Game Commission (FGC).
- 4) Clarifies that a person who violates the prohibition is not subject to criminal penalties under the Fish and Game Code.
- 5) Provides that the prohibition in this bill is in addition to and not in lieu of other existing animal welfare laws, including any state or local laws.

EXISTING LAW:

- 1) Prohibits the importation, transportation, possession, or release of specified wild animals, including elephants, in California except under a restricted species permit issued by the Department of Fish and Wildlife (DFW), in cooperation with the Department of Food and Agriculture. Authorizes the FGC to adopt regulations governing the importation, possession, transportation, keeping, and confinement of wild animals, including elephants. Makes a

violation of these requirements subject to a civil penalty of not less than \$500 and not more than \$10,000 per violation. Also makes a violation a misdemeanor, punishable by up to six months imprisonment in a county jail, or a fine of up to \$1,000.

- 2) Makes it a misdemeanor for any owner or manager of an elephant to engage in abusive behavior towards the elephant, including disciplining an elephant by any of the following methods:
 - a) Deprivation of food, water or rest.
 - b) Use of electricity.
 - c) Physical punishment resulting in damage, scarring, or breaking of skin.
 - d) Insertion of any instrument into any bodily orifice.
 - e) Use of martingales (head immobilizing straps).
 - f) Use of block and tackle.
- 3) Makes it unlawful to purchase, sell, offer for sale, possess with intent to sell, or import with intent to sell, elephant ivory or rhinoceros horn, or to possess, sell, offer for sale, trade, or distribute a shark fin in this state. Makes it unlawful to import into this state for commercial purposes, or possess with intent to sell, the dead body, or any part or product thereof, of a polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf, zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin, porpoise, Spanish lynx, or elephant.

FISCAL EFFECT: According to the Assembly Appropriations Committee, minor state costs.

COMMENTS: This bill prohibits the use of bullhooks and other devices designed to inflict pain for the purpose of training or controlling the behavior of an elephant. According to the author, bullhooks are used by a dwindling number of elephant handlers to train, punish and control elephants. The author and sponsors describe a bullhook as a device that resembles a fireplace poker, with a sharp metal hook and spiked tip, and a plastic or wood handle. According to the author, this bill codifies industry standards for elephant management by prohibiting the use of bullhooks, bats, and pitchforks to discipline an elephant. The cities of Los Angeles and Oakland have prohibited use of the bullhook, and San Francisco has banned performances using elephants and other performing wild animals. In 2014 the Association of Zoos and Aquariums (AZA) adopted a policy prohibiting keepers from sharing unrestricted space with elephants. Protected contact, a new elephant management method based on positive reinforcement instead of punishment, was developed and is viewed by supporters as a viable and more humane alternative. The California Association of Zoos and Aquariums, in support of this bill, notes that all zoos accredited by the AZA in California are now using protected contact and operant conditioning training, making use of the bullhook obsolete. Today no county fair in California offers elephant rides, and the Ringling Brothers circus has also ended all use of elephants for circus performances in California, effective May 2016.

This bill follows last year's SB 716 (Lara) of 2015, which proposed to criminalize the use of bullhooks. SB 716 was vetoed by the Governor, along with several other bills, because the bills

created new crimes. This bill responds to the veto by proposing to make the use of bullhooks subject to civil penalties, and grounds for revocation of a restricted species permit, instead of creating a new crime. Restricted species permits are issued and enforced by the DFW, and are required for possession and handling of elephants and other wild animals in California.

Supporters emphasize that bullhooks have historically been used by elephant handlers to train, punish and control elephants, and have been used to inflict pain and evoke fear in order to forcefully achieve desired behaviors. The presence of the bullhook even when not in active use is a threat of punishment for elephants that have been trained by this method. Supporters assert there have been numerous documented incidents of elephants being wounded or scarred by abusive use of bullhooks. In addition to the inhumane treatment of elephants, performances that use elephants threaten public safety by bringing people into dangerously close proximity to elephants. Supporters believe use of bullhooks promotes aggression and will not prevent an elephant from rampaging, or protect the public when such an incident occurs. Supporters note that since 1990 there have been 16 human deaths and 135 injuries in the United States attributed to elephants, primarily in circus-related accidents.

In summary, supporters assert the bullhook is an outdated and inhumane tool that unnecessarily subjects elephants to fear and pain, and puts keepers and veterinarians at serious risk of injury and death. They assert that the protected contact method of elephant training and management is a superior method of managing elephants, eliminates the need for bullhooks, and is now the industry preferred standard. This method relies on positive reinforcement training and a protected barrier, enables keepers to provide high quality elephant husbandry and veterinary care, and is based on cooperation and respect rather than domination and control. The protected contact method is now required for all facilities certified by the AZA.

Opponents of this bill, which include members of the circus and entertainment community, as well a number of veterinarians and researchers, assert that the bullhook or guide is an important tool that facilitates the ability of elephant handlers to provide veterinary care and conduct elephant research. They prefer the term guide to describe the tool rather than bullhook, and assert that it is not harmful or abusive when used correctly. They emphasize that the guide is the only husbandry tool effective for managing elephants in a free contact environment where elephants are not confined exclusively to their enclosures. Opponents also assert that the use of bullhooks helps those who use them to provide more superior care than can be provided to those managed without them. They are concerned that taking away the ability to use bullhooks or guides will adversely affect their ability to provide elephants with required care. Some opponents assert the bullhook is comparable to the use of a harness and reins for horses, or collars and leads for dogs. Because the bullhook or guide is useful in providing veterinary care, opponents assert the state of California by removing its use would be removing an essential safety and welfare tool for handling a large and potentially dangerous animal.

Some opponents are also concerned that this bill will negatively impact the ability of the entertainment industry to use elephants in performances, fairs and festivals, and for people in the animal industries to maintain their livelihoods. Others believe it will hamper research and conservation efforts that are beneficial to elephants.