

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 17, 2015

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Sharon M. Tso *KEK*
Chief Legislative Analyst

Assignment No: 15-04-0301
Council File No: 15-0002-S38

SUBJECT: SB 716 (Lara) Elephant Protection

CLA RECOMMENDATION: Adopt the attached Resolution (Koretz - Blumenfield) to include in the City's 2015-16 State Legislative Program SUPPORT for SB 716 (Lara), which would prohibit the use of bullhooks and other similar implements to control and train elephants anywhere in the state of California.

SUMMARY

The attached Resolution (Koretz - Blumenfield) states the following:

- A ban on use of bullhooks in the City of Los Angeles will become effective in January 2017;
- The Los Angeles Zoo has adopted the national Association of Zoos and Aquariums' policy prohibiting the use of bullhooks on elephants; and
- SB 716 (Lara) was recently introduced and would ban the use of the bullhook, ankus, guide or pitchfork in the handling of elephants, effective 2018.

The Resolution recommends support to SB 716 to ensure protection for elephants beyond City limits.

BACKGROUND

Existing California law makes it a misdemeanor to abusively mistreat or discipline an elephant by methods including deprivation of food, water or rest; use of electricity; and physical punishment resulting in damage, scarring or breakage of skin.

SB 716 (Lara) would add to existing law that it would also be a misdemeanor to use the following items in training or controlling the behavior of elephants: bullhook or ankus (which resemble a fireplace poker with a sharp metal hook and spiked tip); baseball bat; axe handle; pitchfork; or similar device. The bill specifies that using a prohibited item includes brandishing, exhibiting or displaying a device in the presence of an elephant. The bill, if adopted, will become effective January 1, 2018.

According to the bill's author, bullhooks are commonly used by elephant handlers to train, punish, and control elephants. A bullhook is used to prod, hook, strike, and hit elephants on sensitive areas of skin in order to inflict pain during training, performing and handling.

The City of Los Angeles prohibited the use of bullhooks, and other implements or tools designed to inflict pain for the purpose of training or controlling the behavior of an elephant. The City passed the ban in 2014 and it will become operative on January 1, 2017.

The author advises that bullhooks are used to apply varying degrees of pressure to sensitive spots on an elephant's body, which often cause puncture wounds and lacerations if the animal moves away from the source of pain. The sight of a bullhook is used as a constant reminder to follow direction or suffer the consequences.

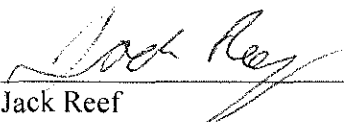
Other municipalities including the City of Oakland are considering action or have also banned the use of bullhooks or similar devices. Six California zoos accredited by the Association of Zoos and Aquariums use the "protected contact" management method which uses positive reinforcement training paired with food treats and praise to humanely care for elephants. Performing Animal Welfare Society (PAWS) a California based animal sanctuary that cares for elephants has not used a bullhook in over 30 years.

BILL STATUS

SB 716 (Lara)

02/27/15	Introduced. To Committee on Rules for assignment. To print.
04/06/15	From Committee chair, with author's amendments. Read second time and amended. Re-referred to Committee on Rules.
04/16/15	Re-referred to Committee on Public Safety.
05/04/15	From committee: Do pass as amended and re-refer to Committee on Appropriations.
05/18/15	From committee: Be ordered to second reading.
05/22/15	Read third time. Passed. Ordered to the Assembly.
05/22/15	In Assembly. Read first time. Held at Desk.
06/11/15	Re-referred to Committee on Public Safety.

ST:KK:JR
Attachment: Resolution



Jack Reef
Analyst

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City Council and the Mayor have determined that the use of bullhooks and other implements to hit, and break the skin of, elephants in the context of training and controlling them for use in performances is a form of mistreatment of the animals; and

WHEREAS, in April 2014 the Council formally adopted an ordinance prohibiting the use of bullhooks and other implements that could be used to control an elephant by inflicting pain or threatening to do so; and

WHEREAS, this prohibition becomes fully operational on January 1, 2017; and

WHEREAS, the City's action has placed Los Angeles in the forefront of a movement spreading across California and the nation that finds other local jurisdictions taking similar actions; and

WHEREAS, the Los Angeles Zoo has adopted the national Association of Zoos and Aquarium's policy prohibiting the use of bullhooks on elephants; and

WHEREAS, Ringling Brothers-Barnum and Bailey Circus, the largest and most famous traveling circus still using performing elephants, responded to these actions in March 2015 by announcing its intention to end the use of elephants in its shows by 2018; and

WHEREAS, State Senator Ricardo Lara (D-Bell Gardens) has introduced Senate Bill (SB) 716, which proposes an amendment to California Penal Code Section 596.5 that would establish a ban on use of the bullhook, ankus, guide or pitchfork in the handling of elephants, effective January 1, 2018; and

WHEREAS, Los Angeles should support SB 716 as an expansion of the City's policy that will ensure that this protection for elephants does not end at the city limits.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 State Legislative Program SUPPORT of SB 716 (Lara), which would prohibit the use of bullhooks and other similar implements to control and train elephants anywhere in the state of California.

PRESENTED BY



PAUL KORETZ
Councilmember, 5th District

SECONDED BY



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