

House Bill 3214 Briefing Q&A

Question: What is the purpose of HB 3214?

Response: HB 3214 seeks to address known animal welfare, worker, and public health and safety issues inherent to commercial traveling wild and exotic animal acts.

HB 3214 would prohibit the use of a finite list of wild and exotic species in traveling animal acts (Enclosure 1).

It is the policy of this state to protect the public against the health and safety risks that wild and exotic animals pose to the community and to ensure the health, welfare, and safety of these animals. It is impossible to ensure public and worker safety as well as appropriate physical and psychological wellbeing of exotic and wild animals under the traveling act business model, which inherently and significantly denies animals' basic needs, where abuse and neglect is prevalent, and where oversight is demonstrably problematic. The Oregon Legislature has previously declared that animals are sentient beings, capable of experiencing pain, stress, and fear, and that animals should be cared for in ways so as to minimize pain, stress, fear, and suffering. HB 3214 is responsive to these issues.

Question: Does HB 3214 apply to farm animals or domestic animals?

Response: HB 3214 DOES NOT apply to farm animals, domestic animals, amphibians, birds of prey, most reptiles, and many small mammals. As such, HB 3214 DOES NOT apply to, for example, alpacas, cats, chickens, cows, dogs, donkeys, ducks, falcons, ferrets, geckos, geese, goats, guinea pigs, hawks, horses, iguanas, llamas, mules, parakeets, parrots, ponies, rabbits, reindeer, sheep, or snakes, among other species. HB 3214 applies ONLY to a finite list of exotic and wild species and hybrids of those listed.

Question: Why does HB 3214 exempt some entities while prohibiting others?

Response: HB 3214 is narrowly focused. It does not attempt to solve all issues associated with wildlife, trade, exploitation, or public safety. Legislation does not have to answer every aspect of a problem, and successful legislation rarely does. The bill prohibits the use of wild and exotic animals as traveling (mobile) acts and only those that use animals on the specified finite list of species. HB 3214 does NOT apply to:

- A facility that is accredited, certified, or verified by the Association of Zoos and Aquariums (AZA), the World Association of Zoos and Aquariums, or the Global Federation of Animal Sanctuaries (GFAS)
 - These are primarily permanent (not traveling) facilities. The exempted accreditations are consistent with Oregon state and federal law, as Oregon defines "zoos and aquariums" via reference to AZA, and federal law references GFAS (an international gold standard for wildlife sanctuaries) related to a sanctuary exemption.
- Persons using such animals as part of an education program if such animal is not kept in a transport vehicle for more than 12 hours in a 24-hour period and the person is:
 - An agent of a state-permitted wildlife rehabilitation facility (ORS 497.308)
 - A licensed or accredited academic, medical, or research institution (including University Extension Programs such as 4-H)
 - A licensed veterinary hospital or clinic

Question: Why do we need HB 3214? Why not enforce existing laws?

Response: The Animal Welfare Act standards for animal care are weak and vague, leaving the USDA with inadequate criteria for addressing the plethora of animal welfare issues that are systemic in this the industry. Federal oversight of traveling animal acts is costly, problematic, and unmanageable. The US Office of Inspector General has repeatedly criticized USDA oversight, citing vague standards that are consistently challenged in the field and in the courtroom, as well as overworked, underperforming agencies that frustrate inspectors and regulated entities, and leave animals and humans unprotected.ⁱ While the USDA has authority over the exhibition of exotic species, the state of Oregon has authority over the exhibition of native species and there is little oversight of traveling animal acts. Moreover, state agencies typically don't engage in cross-jurisdictional communications or authority regarding traveling acts. Local authorities often lack the funding, familiarity, or facilities to deal with wild and exotic animals, and largely rely upon the existence of federal licensing or otherwise defer upstream to federal agencies that claim that public safety is not their mandate. Local law enforcement is not trained to handle wild animal escapes or attacks; often they are surprised to learn there is no plan; that it's left to them when things go awry.ⁱⁱ Many traveling exhibitors lease their animal acts, which further complicates oversight because exhibitors can claim they're not responsible for animals they don't actually own.

Even with the best intentions and under the best circumstances, traveling animal shows simply cannot provide what these animals need and there is a good deal of evidence that physical abuse and deprivation are systemic throughout the industry.ⁱⁱⁱ Conditions inherent to traveling performances— constant travel for weeks or months at a time; temporary, collapsible facilities; prolonged confinement; physical coercion; lack of natural conditions—compromise animal welfare and cause behavioral, physical, and psychological problems. The chronic distress these animals live under adds additional risk to human health^{iv} and safety^v which is not adequately addressed by current law or regulation. This narrowly drafted bill — to ban the use of specific animals in commercial traveling animal acts — is the most cost-effective and efficient way to safeguard animals, workers, and the public.

Question: Why prohibit monitor lizards in traveling acts?

Response: Monitor lizards are highly intelligent and extremely shy; they do not tolerate travel, public contact, or handling. Some species used in traveling acts are large (up to 10 or more feet) and are confined for prolonged periods in small crates that don't provide sufficient air flow, temperature regulation and allow normal biologic movement. Semi-aquatic species require large pools that are nearly impossible to provide in traveling shows.

While HB 3214 does not apply to most reptiles, reptile trade and trafficking remains a serious problem; 98 percent of smuggled reptilian species are found in the legal US exotic pet market.^{vi} Programs that allow petting or photo interactions and those that show such animals in unnatural settings, costumes or acts, actually increase demand and stimulate trade, including illegal trade. Such exploitation negatively impacts conservation of these species and increases public health risks associated with wildlife trade. The limited inclusion of these few, large, highly intelligent, extremely shy species in HB 3214 is a minor sacrifice that helps to address the larger global issue of exotic animal trade.

Question: How will HB 3214 impact local and state economies and traveling Oregon-based animal exhibitors?

Response: The economic benefits of restricting traveling animal acts include job creation, taxpayer savings, and fewer regulations and inspections. Circuses and other traveling animal acts do not generate new economic spending; they only redistribute people’s discretionary spending.

According to a 2015 Gallup poll, 69 percent of Americans are concerned about the treatment of animals in circuses. In response to public sentiment and declining ticket sales — of as much as 50 percent over the past 20 years — circuses with animals have shut down or eliminated some or all of their animal acts. For example, in response to the public’s awareness and intolerance for their horrific treatment of elephants, Ringling Bros Circus terminated elephant acts in 2016 and closed down permanently in 2017. This decline in animal-based circuses is matched by an increased demand for contemporary, dazzling, family-friendly, animal-free troupes, such as Cirque du Soleil and Oregon-based traveling acts that are thriving and profitable. Ringling returned in 2022 with shows that feature only human acts.

Circus staff can be retrained to work at human-powered circuses so that jobs are not lost. Bringing in new, modern acts may increase employment opportunities.

Oversight by local animal control and state wildlife agencies is costly and wastes time and resources. Taxpayers also pay for expensive USDA inspections and cruelty complaint investigations, which are not covered by circuses’ negligible USDA license fees.

HB 3214 will not put Oregon-based traveling animal acts out of business. They can continue to operate, as long as the animals used are not included in the bill’s list of covered species. Alternatively, exhibitors could be exempted by either becoming a licensed wildlife rehabilitator, acquiring accreditation for their private zoo, or becoming certified as an Environmental Education provider through a university extension program.



Oregonians for Cruelty-Free Entertainment



ⁱ See, for example, the [Audit Report by the Office of the Inspector General, Controls Over APHIS Licensing of Animal Exhibitors \(June 2010\)](#); see also 2014 USDA APHIS Audit Report, Office of Inspector General.

ⁱⁱ Sheriff Lutz, of Zanesville, Ohio, speaks [in this video](#) on the challenges for law enforcement with wild animal escapes. See also the congressional testimony of Police officer Blayne Doyle, describing an [elephant rampage](#) that resulted in 17 injured, 6 hospitalized, and two handlers thrown, noting that local law enforcement is unprepared and incapable of handling these dangerous incidents (*I have never seen a situation as frightening - or one I was less capable of controlling – than that day the elephant ran wild. The greatest shock to me as a police officer was when I discovered that the owner and trainer ... had absolutely no control over her He had no plan for such an emergency and his only strategy was to keep yelling at me to shoot her. I have discovered that, once an elephant goes out of control, nothing can be done. It is not a predictable or preventable accident. The only thing that can be done – and even this is a danger to the public – is to get a battery of police officers in with heavy weapons and gun the elephant down.*)

ⁱⁱⁱ See Harris, Iossa, & Soulsbury, *A review of the welfare of wild animals in circuses*, School of Biological Sciences, University of Bristol (2006) (*inevitably impoverished and stressed*); *Circus Captivity is beastly for wild animals*, Andy Coghlan, New Scientist (May 2009); and Dorning, Harris, Pickett, *The welfare of wild animals in traveling circuses* (2016) (*'not a good life' or even a life 'worth living'*; also found that any education or conservation role would likely be marginal, "outweighed by the negative impression generated by using wild animals for entertainment"), available at https://www.ad-international.org/admin/downloads/adi_c01d3ee14f17115f6f5c51e93beb52b9.pdf.

^{iv} *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings*, National Association of Public Health Veterinarians (2013) (*No federal laws address pathogen transmission risk at venues where the public has contact with animals. Direct contact with dangerous animals should be completely prohibited. Certain domestic, exotic, or wild animals should be prohibited from exhibition settings where a reasonable possibility of animal contact exists, especially nonhuman primates and certain carnivores.*). Also, [USDA no longer requires annual tuberculosis blood tests, contrary to USAHA recommendations](#) (APHIS Voluntary Elephant TB Policy (Oct. 16, 2015); *Elephant Tuberculosis Guidelines*, United States Animal Health Association, Committee on Tuberculosis (2010)).

^v A 2017 report presented evidence of the public safety risks associated with wild animal circus acts, concluding that [incidents involving animals in circuses occur regularly and frequently, causing varying degrees of public disorder or even the injury or the death of people](#). (*Wild Animals in EU Circuses* (2017), available at http://www.eurogroupforanimals.org/wp-content/uploads/E4A-Circus_Report-Digital-OK-v2.pdf?utm_source=PDF&utm_campaign=CircusReport.) Selection of incidents (not exhaustive), demonstrates repeated frequency: [Lion attacks trainer](#) (2019); [African serval bites toddler's head](#) (2018); [bear attacks trainer](#) (2018); [camel runs amok, injures 6 in ~11 seconds](#) (2018); [elephant dies, 2 others injured, wander highway, after transport wrecks](#) (2018), see also [this link](#); [elephant escape](#) (2018); [elephant escape](#) (2018); [leopard attacks, drags around 4yo girl](#) (2018); [lion mauls 4yo girl, girl then hospitalized, in coma](#) (2018); [lion and tiger maul horse during circus act](#) (2018); [tiger kills trainer](#) (2018); [tiger rips caretaker's arms off](#) (2018); [tiger suffers a seizure during performance](#) (2018); [two elephants shove another elephant into the audience](#) (2018); [zebras escape again](#) (2018); [bear attacks handler](#) (2017); [elephant kills owner](#) (2017); [elephant rampage kills 1, injures 12](#) (2017); [kangaroo escape](#) (2017); [lion attack](#) (2017); [tiger attacks keeper](#) (2017); [tiger attacks worker](#) (2017); [tiger escape](#) (2017); [tiger escape](#) (2017); [tiger escape](#), roams city, causes metro shutdown (2017); [tiger escape, roams residential area, attacks dog](#) (2017); [tiger cubs kill caretaker](#) (2017); [zebras escape](#), another of many zebra escapes from this circus (2017); [tiger attacks trainer in front of schoolchildren, cage door left open](#); see also [this link](#) (2016); [elephant tosses car at trainers after beating](#) (2015); [camel kills caretaker](#) (2014); [elephant attacks trainer and another elephant](#) (2014); [lion attacks circusgoer, drags her around ring](#) (2014); [tiger kills trainer](#) in front of 200 'horrified' schoolchildren (1997); [1 dead, 13 injured in elephant's 3rd rampage](#) (1994); [elephant injures 6, throws 2 handlers with a mom and 4 kids still on her back](#) (1992); [elephants rampage, kill 2, injure 24](#); more incidents at [this link](#).

^{vi} Stringham, O., García-Díaz, P., Toomes, A., Mitchell, L., Ross, J. V., & Cassey, P. (2021, January 28). Reptile smuggling is predicted by trends in the legal exotic pet trade. <https://doi.org/10.32942/osf.io/t42fd>. Preprint available at <https://ecoevorxiv.org/t42fd/>.