



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Bill: SB 547

Committee: Education, Energy, and the Environment

Position: Support

Date: February 12, 2024

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee:

On behalf of the Humane Society of the United States and our Maryland members, we respectfully request that the Environment and Transportation Committee support HB 379 which would prevent circuses and other traveling wild animal acts from using bears, big cats, elephants, and primates in traveling acts in Maryland. This legislation is consistent with laws passed in eight states as well as almost 200 U.S. localities, including Gaithersburg and Montgomery County. With growing public awareness about the miserable lives endured by animals used in traveling shows, animal-based circuses have been dwindling in popularity. While some circuses, such as Ringling Bros. and Barnum & Bailey Circus and UniverSoul Circus have eliminated animal acts, others still use these sensitive—and still very much wild—animals and force them to perform, including here in Maryland. Please see appendix for more information about the traveling shows that have recently brought wild animal acts to Maryland.

Cruel treatment

These inhumane and outdated acts force wild animals into unnatural displays and grueling performances that involve often-hidden abusive training methods. Training tools commonly used by circuses include bullhooks, whips, sticks, ropes, and electric prods to force animals to perform confusing tricks on command. These archaic training tools can result in trauma, suffering, lacerations, puncture wounds, and abscesses. Many wild animal exhibitors have histories of poor animal care and violations of the federal Animal Welfare Act. For example, shows that travel to Maryland have been cited by the U.S. Department of Agriculture for failure to provide animals with adequate veterinary care, shelter, and minimum space as well as unsafe handling.

Prolonged confinement

Wild animals used in traveling shows endure months of prolonged confinement while being hauled from city to city, including stops in Maryland. Animals such as bears, big cats, and primates are confined to the same small transport cages that they eat, sleep, defecate, and urinate in. Elephants are kept chained by two legs, barely able to take a step. Deprived of adequate exercise and appropriate social groupings and with no opportunities to express natural behaviors, wild animals often exhibit signs of severe and chronic stress. Life in an unhealthy environment on the road also means that sick animals may not have access to immediate and expert veterinary care.

Public health and safety concerns

Traveling shows bring stressed, unpredictable wild animals dangerously close to the public. Animal trainers have been attacked, and sometimes killed, in front of horrified audiences. Elephants have rampaged during rides with frightened children clinging to their backs. Primates have run amok at fairs, injuring fair goers. In Landover Hills, a tiger escaped from a circus with elementary schoolchildren

nearby. Wild animal escapes also endanger first responders who are not trained to deal with a bear, big cat, primate, or elephant running loose in the community.

Wild animals can also spread viral, bacterial, parasitic, and fungal infections that pose serious health risks to people. For example, approximately 12.4 percent of captive elephants in the U.S. have tested positive for *Mycobacterium tuberculosis* (a human strain of TB), but many more may actually be infected with this deadly bacterial lung disease since TB testing on elephants is not required and unreliable. Captive big cats and primates in the U.S. have contracted SARS-CoV-2, the virus that causes COVID, but again, testing is not required, even when an animal is showing symptoms of the disease.

No impact on zoos or the local economy

Many forms of family entertainment, including former animal-based circuses, deliver quality amusement without the suffering inherent in wild animal acts. HB 379 does not impact exhibits at zoos or other non-mobile, permanent institutions, so long as animals are not transported offsite or to the facility for a performance. If a traveling show that continues to use wild animals chooses not to perform in Maryland, residents will simply spend their entertainment budget on something else in the community, such as a ballgame, miniature golf, live theater, or amusement park.

In light of the overwhelming public health and safety and animal welfare concerns associated with using bears, big cats, elephants, and primates in traveling shows, we urge you to support HB 379

Thank you for your consideration.

Sincerely,

Jennifer Bevan-Dangle
Maryland State Director, State Affairs
jbevandangel@humanesociety.org
c 410-303-7954

APPENDIX

Brian Franzen/Loomis Bros.

Loomis Bros. Circus, which continues to make stops in Maryland, frequently contracts with Brian Franzen to provide big cat acts for its tours. Franzen—a notorious animal exhibitor—has a long history of abysmal animal care including failing to provide tigers with sufficient space and adequate shelter. He was cited by the U.S. Department of Agriculture (USDA) after he kept five adult tigers—which can range from six to ten feet long and weigh between 220 to 660 pounds—each in a 5-foot by 6-foot pen for three days. One of these small pens contained two tigers. On a separate occasion, the USDA cited Franzen for failing to provide adequate shelter to tigers held outside in traveling pens in the rain and temperatures in the upper 50s. The weather rendered the pens wet and left the tigers with no dry space to rest.

Frazen has also admitted to spraying cayenne pepper in tigers' eyes and noses when they refuse to obey.

The USDA also issued an official warning to Franzen for mishandling an elephant named Kosti, who was struck forcefully with a bullhook multiple times around the eyes and ears to “teach” her not to take another elephant’s food. Franzen freely admitted to officials that the incident occurred and defended the actions of the employee who hit Kosti. That same year, Indiana Animal Care and Control received a complaint from a witness observing an elephant being beaten repeatedly with a baton. The agency confirmed the incident with Franzen, who reported that the elephant had been struck with a bullhook in the face and trunk because she lunged at the handler.

On more than one occasion, the Franzen family’s animal performances have turned dangerous. Brian Franzen’s own father was killed by a tiger in front of 200 horrified schoolchildren during a performance in Pennsylvania. The tiger pounced on him, grabbed him by the neck, and dragged him around the circus ring. Brian Franzen himself required stitches after he was clawed by a tiger during a performance in Nebraska.

Tarzan Zerbini/Loomis Bros.

Tarzan Zerbini Circus, operated by the Zerbini family, provides animal exhibitions for various purposes, such as rides, photo opportunities, and weddings. Loomis Bros. Circus has contracted with Zerbini for elephant shows in Maryland as recently as 2023. The USDA has repeatedly cited Zerbini for multiple violations of the Animal Welfare Act, including inadequate veterinary care and insufficient enclosures.

Tarzan Zerbini’s history is riddled with alarming incidents, including a woman encountering one of Zerbini’s loose tigers in a women’s restroom in 2013. The tiger escaped from a performance ring, ran into the concourse, and entered the women’s restroom. In 1997, a caged and muzzled bear bit off the tip of a child’s finger, as there were no safety barriers around the bear cages, and 30 other children had been petting the bear prior to the incident. One incident even proved fatal, where an animal trainer was trampled to death in 2005 after attempting to load an elephant onto a trailer in Fort Wayne, Indiana.

Zerbini has also carelessly jeopardized the safety and wellbeing of his animals. In one instance in 2011, Zerbini received a citation from the USDA for his failure to protect his elephants from TB exposure. Luke, a TB-positive male, was housed in the same building as two females. A partition was installed to separate the airflow between the elephants, but holes in the partition led to air contamination, endangering the female elephants with TB exposure.

Bruno Blaszak/Loomis Bros.

Loomis Bros. Circus, which continues to make stops in Maryland, frequently contracts with Blaszak’s Royal Bengal Tigers, a traveling show that appears at fairs and other events around the country. For six to ten months a year, Blaszak, who hails from a circus family, hauls the tigers from venue to venue to perform in shows that require them to do tricks such as roll over, sit up, jump through a hoop, walk a tightrope and “smile” for the camera.

Over the years, the USDA has cited Blaszak multiple times for failing to provide tigers with even the paltry minimum space required by the federal Animal Welfare Act, including an incident where six tigers were kept in travel cages for two days and were unable to stretch and walk.

While performing at a festival in Wisconsin, a tiger charged at Blaszak, knocked him down, and clawed him, resulting in injuries that required 30-40 stitches.

Tim Lepard/Cowboy Monkey

Tim Lepard's Cowboy Monkey act, which appeared at Harry Grove Stadium for a number of years, features one or more capuchin monkeys dressed as cowboys and tethered to a saddle on the back of border collies who dash around a field herding sheep. The dogs can reach speeds of up to 30 m.p.h. and abruptly stop, start, turn, lie down, and stand up, causing the monkey to be violently jerked forwards and backwards and slide wildly from side to side. Primate experts have condemned the Cowboy Monkey spectacle as terrifying and potentially harmful to the monkeys.

Between 2011 and 2023, the USDA cited Lepard for failure to provide four monkeys with minimum space, giving dogs heartworm preventative medication intended for horses, unsafe transport conditions for a dog, failure to provide adequate veterinary care, repeatedly being unavailable for animal welfare inspections, enclosures in disrepair, repeated lack of a safety fence for the monkeys, failure to maintain records of acquisition and disposition, and one dog tested positive for heartworm after Lepard administered less than the prescribed amount of heartworm preventative.

Frank Murray

Frank Murray's Elephant Walk has traveled around the country for years, renting elephants to perform in circuses and provide rides at fairs and other events. In 1996, the New Jersey SPCA charged Murray with four counts of animal cruelty for "inflicting unnecessary cruelty upon a living animal and not providing sustenance and proper shelter" during Murray's appearance with his elephants for the Shrine Circus. A warrant was issued for Murray's arrest, which he evaded for 16 years before he was finally arrested in May 2012.

In 2012, Murray's elephant Topsy was denied entry to the states of Maine and Wisconsin because her tuberculosis (TB) test results revealed that she had TB antibodies. That same year, Murray fled New Hampshire, fearing that his elephants would be confiscated after the state learned about Topsy's test results.

In 2014, Topsy passed away, leaving Murray with a solitary elephant named Annette (aka Essex), who, until recently, was featured yearly at the Maryland Renaissance Festival.

Commerford & Sons

Commerford & Sons, which has brought an elephant and lemurs (a type of primate) to Maryland, has been involved in numerous dangerous incidents involving its elephant rides and has been cited more than 50 times by the USDA for failing to adhere to the Animal Welfare Act.

In 2019, Commerford's elephant, Beulah, died from blood poisoning caused by a painful, chronic uterine infection while she was exhibited at a Massachusetts fair. Commerford was aware of the infection and still forced Beulah to travel to various fairs. Beulah spent the majority of her 54 years of life in chains—she was born in the wild around 1967, captured as a baby, sold to Commerford & Sons when she was 6 years old, and used in exhibits and rides until the day she died.

Minnie, another Commerford elephant, was involved in several dangerous incidents over the years. In one incident, as children were loaded onto her back, she became agitated (a witness reported an employee struck her in the face), suddenly swung her head toward the employees, shifted her weight, and pinned them against a loading ramp. In another incident, she panicked while carrying children on her back at a state fair, knocked down and stepped on the trainer, and a 3-year-old girl was injured after falling off her. While two children were riding on her in 1989, she picked up a handler with her trunk and threw him against a trailer after he struck her with a stick, breaking his shoulder and jaw and leaving the kids stranded. Commerford continued using Minnie for rides at the fair.