



March 16, 2023

Re: Opposition to House Bill 3214

Members of the Oregon House Judiciary Committee,

You were misinformed at today's hearing! Committee members cannot make an informed decision based upon today's hearing. After waiting to testify and not being provided the opportunity to correct all of the misinformation from the animal rights activists who were allowed to speak, I must submit this second piece of written testimony on behalf of our many Oregon members. USARK's original written testimony is also included below.

As someone who has written legislation in many major cities and also at the state level, I am proficient at reading and analyzing bills. Not a single person who spoke today in support of this bill provided accurate information, including Representative Hudson.

As a quick example of what this bill actually does, this bill bans me from taking a small species of tortoise (many remain under a pound or two as adults) and a turtle into a classroom to educate children about the differences between turtles and tortoises. Even though I have a degree in education, it would be illegal for me to do this activity and educate children. This is fact. It is what the bill actually does (and more). This is not debatable.

Here are corrections to some of the misinformation provided during today's hearing:

1. The Committee was told that this bill only bans presentations with "large and wild" animals. Just a few examples of species banned from programs include:
 - a. The bill bans all *Testudinidae*, which is the Family of reptiles known as tortoises. Tortoises vary greatly in size from the very small and fairly commonly kept spider tortoises, pancake tortoises, and Greek tortoises to the "giant" Galapagos and Aldabra tortoises (both also commonly kept). Many species never grow over two pounds and some are less than one pound as adults and can easily be held in one hand. There are over 50 species of tortoises and most are not "giant."
 - b. The bill bans all *Varanidae*, which is the reptilian Family that includes all monitor lizards. Contrary to the "large monitor lizards" that Representative Hudson mentioned, many species of varanids are very small and weigh less than a pound as adults, such as the pygmy and dwarf species, and can easily be held in one hand. Many monitor species are commonly kept and are popular in educational programs, along with tortoises. There are over 60 species of varanid monitors and many are not "giant or large."
 - c. The mammalian infraclass *Marsupialia* is banned. One species commonly kept as pets and used in programs is the sugar glider, a small gliding/flying possum similar in appearance to a flying squirrel. Sugar gliders typically weigh less than five ounces as adults. Less than five ounces cannot be considered "large."



- d. Also, these animals are not “wild.” That word leads a person to believe the animals are taken from the wild. In fact, the reptiles and sugar gliders we mention are actually bred under human care and many have been for decades. While poaching of some wild animals is a problem, illegally poached tortoises, monitors, and sugar gliders are not seen in these programs and the illegal black market of animals is an issue separate and removed from this one.
 - e. Stating that this bill applies only to “large and wild” animals was hugely misleading and incorrect.
2. The Committee was told that this bill does not ban “educational presentations.” This was another falsehood. The bill does define the term “educational program” but those educational programs are only allowed if a person qualifies under one of the listed exempted institutions or licenses. Even as someone with a degree in education, I would not qualify so even if I provided an “educational program,” I would be committing a crime under this bill because I do qualify as an exempted entity. “Educational programs” are not exempt but some licensed/accredited institutions are allowed to give educational programs. There is a big difference.
3. The Committee was told that 4-H and similar fairs were exempted. They are not. If a 4-H fair had any of the listed animal at their event then it would be a crime. For example, some 4-H and similar fairs are including reptiles and other non-traditional, undomesticated species to be shown at fairs. A child could not show his tortoise at a 4-H fair as that would be a crime.
4. The Committee was told that this bill has passed in other states. This bill has not passed in any other state. Illinois was listed as an example. The Illinois' bill only banned the use of elephants and no state has passed a bill that bans *Varanidae* or *Testudinidae* in these programs.
5. Please note the actual definition of “performance” and not just listen to the emotional propaganda provided today. A “performance” includes any display where animals amuse an audience. The intent does not matter. I am stating the actual language of the bill and what the bill actually does. Almost every person who is allowed to see a tortoise walk or touch its shell is amused. They are also “entertained” if they can watch a tortoise or monitor lizard walk on the floor, or see how a sugar glider can “fly” (glide). Entertaining education is the most memorable and has the greatest impact.
6. As a reminder, intent does not matter when a law enforcement officer must enforce that actual language of the law.
7. This bill is clear collective punishment and uses a bad actor brush to paint everyone working with these animals.
8. This is not a bill written by an Oregon legislator. It is a bill written by a radical animal rights groups working to remove all animals from our lives. As verified proof that this is not legislator written, this exact same bill text was used in Oregon, North Carolina, and Congress in 2021. Three legislators did not sit down and write the exact same bill. One animal rights group did.
9. You were shown a presentation with the title slide reading “The Ethical Circuses Act.”
 - a. This bill bans many other programs and activities outside of circuses.
 - b. Circuses are just a small part of what is covered by this bill.



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- c. This bill bans even “ethical circuses” so uncertain why this title slide was chosen.
10. As a quick education, animal rights and animal welfare are very different. Animal rights groups are working to remove all animals from our lives. Legitimate animal welfare groups work to stop animal cruelty and fight for humane treatment of animals. Beware that some groups claim to be animal welfare advocates while pushing the animal rights agenda.
 11. While difficult, as legislators you must seek to write and pass reasonable and fair legislation. Much of the testimony you heard today focused on using emotion to tug at heartstrings over fact and science. When those supporting this bill must resort to such actions, surely red flags are raised for legislators.

Please be rational and stop HB3214. Our original testimony below covers more problems with this bill. Thank you for your time and have a good day.

Begin original testimony:

The United States Association of Reptile Keepers (USARK), a registered 501(c)(6) non-profit national advocacy group, appreciates the opportunity to submit this opposition to House Bill 3214, an act regarding exotic animals in “traveling animal acts,” on behalf of our many Oregon members. We work to provide education through fact and legitimate science with government agencies and legislators across the country.

We oppose HB3214 that, “prohibits persons from using specified types of animals in traveling animal acts.” The title purposefully misleads in order to have the reader believe that only what are considered to be traditional circus acts will be affected by this bill. That could not be farther from the truth. The included species list will end the use of a wide variety of animals in educational programs including tortoises, certain small lizards, and many others. HB3214 is being presented as a way to protect animals from suspected abuse in the circus but the overreach is disturbing.

The 2016 Animal Cruelty Background Brief makes it clear that animal welfare is a priority for Oregonians and that the concerns mentioned in this bill have already been covered in previous legislation. Oregon has established animal cruelty laws that cover neglect and abuse - ORS 167.315 and 167.325. If passed into law HB3214 will create many unintended consequences due to overreaching regulations that are meant to systematically remove animals from our lives.

To put it plainly, HB3214 is bad government policy and it is bad for the people and animals of Oregon. That being said, if this bill were written with the protection of animals in mind, it would



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have been drafted by veterinarians and industry professionals with species specific husbandry guidelines.

This bill does not just place a ban on iconic elephants and tigers traveling in circuses, nor is it remotely limited to circus acts. Because of the broad definition of performance any public exhibition could be called into question, even a small educational program at a school or library. Even more troubling is the section that dictates that the animal in violation will be forfeited and seized. Not only does that start to infringe on our rights to private property in the 5th Amendment, it does not say where or to whom the animal shall be transferred.

HB3214 will affect many different valid animal activities in the state. Licensed and reputable educational outreach organizations throughout Oregon will be impacted, since few will qualify for the bill's exemptions. AZA, WAZA, and GFAS are all cost prohibitive to small businesses, and even impossible to attain for most businesses due to accreditation requirements such as running a large facility that is open to the public.

We must remember that legislative intent exits the equation when vague definitions are left for interpretation by the enforcement officers. While this bill may claim to target potential animal neglect in circuses (again, the bill finds that all operators are guilty rather than using logic to only focus on actual violators), the language allows for enforcement when a student touches any of the listed animals at a school presentation or when a Boy Scout gets his picture taken with a dwarf monitor lizard or pancake tortoise at a troop seminar. By demonizing legitimate animal educators whose programs will qualify as "traveling animal acts," every person doing outreach programs is painted as a bad actor, which is the opposite of reality. Rather than the types of sideshows we witnessed in the mid-1900's (of which HB3214 leads the reader to believe is still the current state of affairs), today most of the programs are educational and benefit the audience. The animals are respected and their welfare is of the highest priority.

Responsible animal owning citizens providing educational services and presentations to the public should not be vilified. Instead, they should be celebrated for their efforts to teach people about animals.

The events which will be banned by HB3214 currently allow children to actually see animals in person. These programs are more vital now than ever in today's world of urbanization, destruction of forests, and endangered species decimation due to the snowballing human population. There are many ways to learn about animals, but seeing them up close and in person leads to much greater appreciation, while fueling the desire to learn in ways that books or videos alone cannot achieve.



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Along with cultivating a deeper respect, live animal presentations often inspire children to conserve animals and their habitats, and [seek out related careers](#). These unique experiences have proven to be one of [the most effective ways to foster personal investment and empathy for our natural world](#). Where will tomorrow's conservationists, biologists, veterinarians, and ecologists come from without these experiences to activate their interest?

While we feel the entire bill is unnecessary and unreasonable, please allow to provide a little education on two of the scientific Families covered by this bill: Testudinidae and Varanidae. Testudinidae is the Family of reptiles known as tortoises. Tortoises vary greatly in size from the very small and fairly commonly kept spider tortoises, pancake tortoises, and Greek tortoises to the “giant” Galapagos and Aldabra tortoises (both also commonly kept).

Varanidae is the reptilian Family that includes all monitor lizards. Many people are only familiar with the large monitor lizards such as Komodo dragons and Nile monitors. However, many species of varanids are very small and weigh less than a pound as adults, such as the pygmy and dwarf species, and can easily be held in one hand. Many monitor species are commonly kept and are popular in educational programs, along with tortoises.

Most people also do not realize that these animals are bred under human care. These reptiles are not commonly taken from the wild to be kept in the U.S. and some have been domestically bred for decades. There is not a rational argument for banning these reptiles and other animals from responsible, outreach programs.

USARK is a fierce advocate for responsible animal ownership and stewardship. It is unreasonable to punish those engaging in conscientious animal husbandry and outreach with such a misguided attempt to crack down upon those who are negligent. This bill is redundant, and a waste of Oregon taxpayers' money and the valuable time of legislators.

Please contact stakeholders and legitimate subject matter experts (not those providing misinformation to push this bill and advance their agenda) for any factual information regarding these programs and animals.

I implore you to do what is right for Oregon, the animals, and your constituents by stopping HB3214. Thank you in advance for your time and attention.

Sincerely,
/s/ Phil Goss
President of USARK
President@USARK.org

More about USARK:



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USARK is a registered 501(c)(6) non-profit national advocacy protecting the freedom of Americans to responsibly keep reptiles and amphibians. We are a science, education, and conservation based non-profit membership organization. We represent pet owners, conservationists, business owners, veterinarians, and scientists who work with reptiles and amphibians. We are the only national advocacy representing solely the reptile and amphibian keeping community, and true subject matter experts.

USARK is dedicated to species conservation through responsible captive propagation, and endorses a Keepers' Code of Ethics. We regularly provide science-based education to government agencies and officials at the federal, state, and local levels.