

**In the Senate and House
117th Congress
First Session
Joint Bill # _____**

**A Bill for An Act Entitled: Nonhuman Rights Act of 2021
to amend Animal Welfare Act as Amended (7 USC, §§ 2131-2159)**

IN THE SENATE and HOUSE OF THE UNITED STATES OF AMERICA

_____, 2021

Senators Cory Booker (D-NJ) and Krysten Sinema (D-AZ)
introduced the following bill which was referred to the Committees on Agriculture,
and Health, Education, Labor and Pensions
and

Representatives Adam Schiff (D-CA), Ted Deutch (D-FL) and Jamie Raskin (D-MD)
introduced the following bill which was referred to the Committee on Agriculture

Joint Proposal

Resolved by the Senate and House of Representatives of the United States of America, that the following bill is proposed as federal law under the jurisdiction of the United States of America, enforceable by Executive action.

1. Be it enacted by the Senate and House of Representatives of the United States of America in
2. Congress assembled, That nonhuman beings possess sentience or consciousness or self-
3. awareness because they have brains or central nervous systems. Scientific evidence shows that
4. brains or central nervous systems enable all animals to feel pain. All animals have brains or
5. central nervous systems. All animals feel pain.
6. Sentience is the capability of feeling. In order to possess the capability of feeling or
7. consciousness or self-awareness, living beings must have brains or central nervous systems.
8. Scientific evidence exists that both human and nonhuman animals have brains or central nervous
9. systems unlike plants which can respond to external stimuli, but cannot experience emotions
10. because they do not have brains or central nervous systems. Scientific proof exists that in order
11. to possess sentience, the capability of feeling or consciousness, self-awareness, a being must
12. have a brain or a central nervous system. Sentience represents the exclusive requirement for
13. consciousness or self-awareness. All human and nonhuman living beings possess sentience
14. because all living beings have the ability to experience feelings of pain, sadness, loneliness,
15. depression, pleasure, happiness, love, joy, etc.
16. Sentience is the exclusive, necessary and sufficient condition for the possession of rights to life,
17. liberty and freedom not to be used as commodities or resources of other living beings.
18. Nonhuman beings, like human beings, have the right not to be regarded as property and to
19. represent members of the moral community based on sentience alone. If a living being has a
20. right to life, then that being also has a right not to be treated as property or considered as
21. property. The right to life is a fundamental right in that it gives rise to important subsidiary

22.rights such as the right not to be killed for food or clothing or for other reasons; the right not to
23.be experimented upon; or the right not to be used for entertainment. No characteristics beyond
24.sentience can represent additional necessary and sufficient conditions for fundamental rights
25.such as the ability to reason. If the ability to reason were necessary for basic rights, then human
26.infants and many mentally challenged human individuals must be regarded as property. Reason
27.cannot serve as a condition for basic rights because human infants and mentally challenged
28.human individuals who cannot reason would not be categorized as members of the moral
29.community or persons if reason were a condition of fundamental rights.

30.Nonhuman beings are not things or objects; they are living creatures with feelings like human
31.beings. Nonhuman beings possess self-awareness, have a will to live and have the capability of
32.feeling emotions like human beings. Nonhuman beings share characteristics of human infants
33.or mentally challenged human individuals, all of whom possess fundamental rights.

34.Nonhuman beings are equal to human infants or mentally challenged human
35.individuals due to their nonexistent to minimal ability to reason. Nonhuman beings shall enjoy
36.the same status in society as human infants or mentally challenged human individuals. Sentient
37.beings desire to live and want to avoid pain. Sentience is the necessary and sufficient condition
38.for the possession of fundamental rights. Thus, all sentient beings, regardless of species,
39.deserve the rights to life, liberty and the freedom not to be used as commodities or resources of
40.human beings.

41.Cruelty to Nonhuman Beings; Penalty.

42.A. Any person who (i) overrides, overdrives, overloads, ill-treats or abandons any nonhuman
43.being, whether belonging to himself or another; (ii) tortures any nonhuman being, willfully
44.inflicts inhumane injury or pain on any nonhuman being for any reason, or cruelly or
45.unnecessarily beats, maims, mutilates or kills any nonhuman being, whether belonging to
46.himself or another; (iii) deprives any nonhuman being of necessary food, drink, shelter or
47.emergency veterinary treatment; (iv) sores any nonhuman being for any purpose or administers
48.drugs or medications to alter or mask such sores for the purpose of sale, show or exhibition of
49.any kind, unless such administration of drugs or medications is within the context of a
50.veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoos or
51.otherwise obstructs or interferes with one or more legs of a nonhuman being in order to
52.intentionally cause him or her to trip or fall for the purpose of engagement in a rodeo, contest,
53.exhibition, entertainment or sport unless such actions are for the purpose of allowing veterinary
54.care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to
55.any nonhuman being; (vii) carries or causes to be carried by any vehicle, vessel or otherwise any
56.nonhuman being in a cruel, brutal or inhumane manner so as to produce torture or unnecessary
57.suffering; or (viii) causes or supports any of the above actions or being the guardian of such a
58.nonhuman being permits such acts to be done by another is guilty of a Class A misdemeanor.
59.In addition to the penalties provided in this subsection, the court may, in its discretion, require
60.any person convicted of a violation of this subsection to attend an anger management or other
61.appropriate treatment program or obtain psychiatric or psychological counseling. The court
62.may impose the costs of such a program or counseling upon the person convicted.

63.B. Any person who (i) tortures or willfully inflicts inhumane injury or pain, or cruelly and
64.unnecessarily beats, maims, mutilates or kills any nonhuman being whether belonging to
65.himself or another; (ii) sores any nonhuman being for any purpose or administers drugs or
66.medications to alter or mask such sores for the purpose of sale, show or exhibit of any kind,
67.unless such administration of drugs or medications is under the supervision of a licensed
68.veterinarian and solely for therapeutic purposes; (iii) ropes, lassoos or otherwise obstructs or
69.interferes with one or more legs of a nonhuman being in order to intentionally cause him or her
70.to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment or

71. sport unless such actions are for the purpose of allowing veterinary care; (iv) maliciously
72. deprives any nonhuman being of necessary food, drink, shelter or emergency veterinary
73. treatment; (v) instigates, engages in, or in any way furthers any act of cruelty to any nonhuman
74. being set forth in clauses (i) through (iv); or (vi) causes or supports any of the actions described
75. in clauses (i) through (v), or being the guardian of such a nonhuman being permits such acts to
76. be done by another; and has been within five years convicted of a violation of this subsection or
77. subsection A, is guilty of a Class E felony if the current violation or any previous violation of
78. this subsection or subsection A resulted in the death of a nonhuman being or the euthanasia of a
79. nonhuman being based on the recommendation of a licensed veterinarian upon determination
80. that such euthanasia was necessary due to the condition of the nonhuman being, and such
81. condition was a direct result of a violation of this subsection or subsection A.

82.C. It is unlawful for any person to kill a nonhuman being for the purpose of obtaining his or her
83. hide, fur or pelt. A violation of this subsection is a Class A misdemeanor. A second or
84. subsequent violation of this subsection is a Class E felony.

85.D. Any person who (i) tortures, willfully inflicts inhumane injury or pain, or cruelly and
86. unnecessarily beats, maims or mutilates any nonhuman being whether belonging to him or
87. another and (ii) as a direct result causes serious bodily injury to such nonhuman being, the death
88. of such nonhuman being or the euthanasia of such nonhuman being on the recommendation of a
89. licensed veterinarian upon determination that such euthanasia was necessary due to the
90. condition of the nonhuman being is guilty of a Class E felony. If a nonhuman being is attacked
91. on his or her guardians's property by another nonhuman being so as to cause injury or death, the
92. guardian of the injured nonhuman being may use all reasonable and necessary force against the
93. nonhuman being at the time of the attack to protect his or her nonhuman being. Such guardian
94. may be presumed to have taken necessary and appropriate action to defend his or her nonhuman
95. being and shall therefore be presumed not to have violated this subsection.

96. For the purposes of this subsection, "serious bodily injury" means bodily injury that involves
97. substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or
98. protracted loss or impairment of the function of a bodily member, organ or mental faculty.

99.E. Any person convicted of violating this section may be prohibited by the court from
100. guardianship of nonhuman beings.

101. **Joseph Robinette Biden Jr., President**, 46th President of the United States