

117TH CONGRESS 1ST SESSION

H. R. 3135

To amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, or possession, of any live animal of any prohibited primate species.

IN THE HOUSE OF REPRESENTATIVES

May 12, 2021

Mr. Blumenauer (for himself and Mr. Fitzpatrick) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, or possession, of any live animal of any prohibited primate species.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Captive Primate Safety
- 5 Act".

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SEC. 2. DEFINITION OF PROHIBITED PRIMATE SPECIES. 2 Section 2 of the Lacey Act Amendments of 1981 (16 3 U.S.C. 3371) is amended— 4 (1) by redesignating paragraphs (g) through (k) 5 as paragraphs (h) through (l), respectively; and 6 (2) by inserting after paragraph (f) the fol-7 lowing: "(g) Prohibited Primate Species.—The term 8 'prohibited primate species' means any live species of 9 nonhuman primate, including chimpanzees, galagos, gib-10 bons, gorillas, lemurs, lorises, monkeys, orangutans, 11 tarsiers, or any hybrid of such a species.". 13 SEC. 3. PROHIBITIONS. 14 (a) Prohibited Acts.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended— 15 16 (1) in subsection (a)— (A) in paragraph (3)(B)(iii), by striking "; 17 or" and inserting a semicolon; and 18 19 (B) by striking paragraph (4) and insert-20 ing the following: "(4) subject to subsection (f), to import, export, 21 22 transport, sell, receive, acquire, or purchase in inter-23 state or foreign commerce, or in a manner substan-24 tially affecting interstate or foreign commerce, or to 25 possess, any prohibited primate species; or

1	"(5) to attempt to commit any act described in
2	paragraphs (1) through (4).";
3	(2) by redesignating subsection (f) as sub-
4	section (g); and
5	(3) by inserting before subsection (g) (as so re-
6	designated) the following:
7	"(f) Nonapplicability of Prohibited Primate
8	Species Offense.—Subsection (a)(4) does not apply
9	to—
10	"(1) a person exhibiting animals to the public
11	under a Class C license issued by the Department of
12	Agriculture, or a Federal facility registered with the
13	Department of Agriculture that exhibits animals, if
14	such person or facility holds such license or registra-
15	tion in good standing and—
16	"(A) does not allow any individual to come
17	into direct physical contact with a prohibited
18	primate species, unless that individual is—
19	"(i) a trained professional employee or
20	contractor of the person or facility, or an
21	accompanying employee receiving profes-
22	sional training;
23	"(ii) a licensed veterinarian, or a vet-
24	erinary student accompanying such a vet-
25	erinarian: or

1	"(iii) directly supporting conservation
2	programs of the entity or facility, the con-
3	tact is not in the course of commercial ac-
4	tivity (which may be evidenced by adver-
5	tisement or promotion of such activity or
6	other relevant evidence), and the contact is
7	incidental to humane husbandry conducted
8	pursuant to a species-specific, publicly
9	available, peer-edited population manage-
10	ment and care plan that has been provided
11	to the Secretary with justifications that the
12	plan—
13	"(I) reflects established conserva-
14	tion science principles;
15	"(II) incorporates genetic and de-
16	mographic analysis of a multi-institu-
17	tion population of animals covered by
18	the plan; and
19	"(III) promotes animal welfare
20	by ensuring that the frequency of
21	breeding is appropriate for the spe-
22	cies; and
23	"(B) ensures that during public exhibition
24	of any prohibited primate species, other than le-
25	murs and galagos, the animal is at least 15 feet

1	from members of the public unless there is a
2	permanent barrier sufficient to prevent public
3	contact with the animal;
4	"(2) a person registered as a research facility
5	by the Department of Agriculture;
6	"(3) a State college, university, or agency, or a
7	State-licensed veterinarian;
8	"(4) a wildlife sanctuary that cares for prohib-
9	ited primate species, and—
10	"(A) is a corporation that is exempt from
11	taxation under section 501(a) of the Internal
12	Revenue Code of 1986 and described in sections
13	501(e)(3) and 170(b)(1)(A)(vi) of such Code;
14	"(B) does not commercially trade in any
15	prohibited primate species, including offspring,
16	parts, and byproducts of such animals;
17	"(C) does not breed any prohibited primate
18	species;
19	"(D) does not allow direct contact between
20	the public and any prohibited primate species;
21	and
22	"(E) does not allow the transportation and
23	display of any prohibited primate species off-
24	site:

1	"(5) a person that has custody of any prohib-
2	ited primate species solely for the purpose of expedi-
3	tiously transporting the prohibited primate species
4	to a person described in this subsection with respect
5	to the species; or
6	"(6) a person that is in possession of any pro-
7	hibited primate species that was born before the
8	date of the enactment of the Captive Primate Safety
9	Act, if the person—
10	"(A) not later than 180 days after the date
11	of the enactment of such Act, registers each in-
12	dividual animal of each prohibited primate spe-
13	cies possessed by the person with the United
14	States Fish and Wildlife Service;
15	"(B) does not breed, acquire, or sell any
16	prohibited primate species after the date of the
17	enactment of such Act; and
18	"(C) does not allow direct contact between
19	the public and prohibited primate species.".
20	(b) Civil Penalties.—Section 4(a)(1) of the Lacey
21	Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is
22	amended—
23	(1) by striking "and (f)" and inserting "(f),
24	and (g)"; and

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(2) by striking "or (f)" and inserting "(f), or
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        (g)".
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        (c) Criminal Penalties.—Section 4(d) of the
   Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
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    amended—
 6
             (1) in paragraph (1), by striking "and (f)" each
 7
        place it appears and inserting "(f), and (g)"; and
             (2) in paragraph (3), by striking "(d) or (f)"
 8
 9
        and inserting "(d), (f), or (g)".
        (d) Effective Date; Regulations.—
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11
             (1)
                   EFFECTIVE
                                 DATE.—Subsections
                                                        (a)
12
        through (c), and the amendments made by those
13
        subsections, shall take effect on the earlier of—
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                 (A) the date of promulgation of regulations
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             under paragraph (2); and
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                 (B) the expiration of the period referred to
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             in paragraph (2).
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             (2) REGULATIONS.—Not later than the end of
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        the 180-day period beginning on the date of the en-
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        actment of this Act, the Secretary of the Interior
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              promulgate regulations implementing
        shall
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        amendments made by this section.
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   SEC. 4. REGULATIONS.
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        Section 7(a) of the Lacey Act Amendments of 1981
   (16 U.S.C. 3376(a)) is amended—
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1	(1) in paragraph (1), by striking "3(f)" and in-
2	serting "3(g)"; and
3	(2) by adding at the end the following:
4	"(3) The Secretary shall, in consultation with
5	other relevant Federal and State agencies, promul-
6	gate any regulations necessary to implement section
7	3(f).".

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