



(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Primate Safety  
3 Act”.

4 **SEC. 2. DEFINITION OF PROHIBITED PRIMATE SPECIES.**

5 Section 2 of the Lacey Act Amendments of 1981 (16  
6 U.S.C. 3371) is amended—

7 (1) by redesignating paragraphs (g) through (k)  
8 as paragraphs (h) through (l), respectively; and

9 (2) by inserting after paragraph (f) the fol-  
10 lowing:

11 “(g) PROHIBITED PRIMATE SPECIES.—The term  
12 ‘prohibited primate species’ means any live species of  
13 nonhuman primate, including chimpanzees, galagos, gib-  
14 bons, gorillas, lemurs, lorises, monkeys, orangutans,  
15 tarsiers, or any hybrid of such a species.”.

16 **SEC. 3. PROHIBITIONS.**

17 (a) PROHIBITED ACTS.—Section 3 of the Lacey Act  
18 Amendments of 1981 (16 U.S.C. 3372) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (3)(B)(iii), by striking “;  
21 or” and inserting a semicolon; and

22 (B) by striking paragraph (4) and insert-  
23 ing the following:

24 “(4) subject to subsection (f), to import, export,  
25 transport, sell, receive, acquire, or purchase in inter-  
26 state or foreign commerce, or in a manner substan-

1 tially affecting interstate or foreign commerce, or to  
2 possess, any prohibited primate species; or

3 “(5) to attempt to commit any act described in  
4 paragraphs (1) through (4).”;

5 (2) by redesignating subsection (f) as sub-  
6 section (g); and

7 (3) by inserting before subsection (g) (as so re-  
8 designated) the following:

9 “(f) NONAPPLICABILITY OF PROHIBITED PRIMATE  
10 SPECIES OFFENSE.—Subsection (a)(4) does not apply  
11 to—

12 “(1) a person exhibiting animals to the public  
13 under a Class C license issued by the Department of  
14 Agriculture, or a Federal facility registered with the  
15 Department of Agriculture that exhibits animals, if  
16 such person or facility holds such license or registra-  
17 tion in good standing and—

18 “(A) does not allow any individual to come  
19 into direct physical contact with a prohibited  
20 primate species, unless that individual is—

21 “(I) a trained professional employee  
22 or contractor of the person or facility, or  
23 an accompanying employee receiving pro-  
24 fessional training;

1           “(ii) a licensed veterinarian, or a vet-  
2           erinary student accompanying such a vet-  
3           erinarian; or

4           “(iii) directly supporting conservation  
5           programs of the entity or facility, the con-  
6           tact is not in the course of commercial ac-  
7           tivity (which may be evidenced by adver-  
8           tisement or promotion of such activity or  
9           other relevant evidence), and the contact is  
10          incidental to humane husbandry conducted  
11          pursuant to a species-specific, publicly  
12          available, peer-edited population manage-  
13          ment and care plan that has been provided  
14          to the Secretary with justifications that the  
15          plan—

16                   “(I) reflects established conserva-  
17                   tion science principles;

18                   “(II) incorporates genetic and de-  
19                   mographic analysis of a multi-institu-  
20                   tion population of animals covered by  
21                   the plan; and

22                   “(III) promotes animal welfare  
23                   by ensuring that the frequency of  
24                   breeding is appropriate for the spe-  
25                   cies; and

1           “(B) ensures that during public exhibition  
2           of any prohibited primate species, other than le-  
3           murs and galagos, the animal is at least 15 feet  
4           from members of the public unless there is a  
5           permanent barrier sufficient to prevent public  
6           contact with the animal;

7           “(2) a person registered as a research facility  
8           by the Department of Agriculture;

9           “(3) a State college, university, or agency, or a  
10          State-licensed veterinarian;

11          “(4) a wildlife sanctuary that cares for prohib-  
12          ited primate species, and—

13                 “(A) is a corporation that is exempt from  
14                 taxation under section 501(a) of the Internal  
15                 Revenue Code of 1986 and described in sections  
16                 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

17                 “(B) does not commercially trade in any  
18                 prohibited primate species, including offspring,  
19                 parts, and byproducts of such animals;

20                 “(C) does not breed any prohibited primate  
21                 species;

22                 “(D) does not allow direct contact between  
23                 the public and any prohibited primate species;  
24                 and

1           “(E) does not allow the transportation and  
2           display of any prohibited primate species off-  
3           site;

4           “(5) a person that has custody of any prohib-  
5           ited primate species solely for the purpose of expedi-  
6           tiously transporting the prohibited primate species  
7           to a person described in this subsection with respect  
8           to the species; or

9           “(6) a person that is in possession of any pro-  
10          hibited primate species that was born before the  
11          date of the enactment of the Captive Primate Safety  
12          Act, if the person—

13                 “(A) not later than 180 days after the date  
14                 of the enactment of such Act, registers each in-  
15                 dividual animal of each prohibited primate spe-  
16                 cies possessed by the person with the United  
17                 States Fish and Wildlife Service;

18                 “(B) does not breed, acquire, or sell any  
19                 prohibited primate species after the date of the  
20                 enactment of such Act; and

21                 “(C) does not allow direct contact between  
22                 the public and prohibited primate species.”.

23          (b) CIVIL PENALTIES.—Section 4(a)(1) of the Lacey  
24          Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is  
25          amended—

1           (1) by striking “and (f)” and inserting “(f),  
2           and (g)”; and

3           (2) by striking “or (f)” and inserting “(f), or  
4           (g)”.

5           (c) CRIMINAL PENALTIES.—Section 4(d) of the  
6 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is  
7 amended—

8           (1) in paragraph (1), by striking “and (f)” each  
9           place it appears and inserting “(f), and (g)”; and

10          (2) in paragraph (3), by striking “(d) or (f)”  
11          and inserting “(d), (f), or (g)”.

12          (d) EFFECTIVE DATE; REGULATIONS.—

13          (1) EFFECTIVE DATE.—Subsections (a)  
14          through (c), and the amendments made by those  
15          subsections, shall take effect on the earlier of—

16                (A) the date of promulgation of regulations  
17                under paragraph (2); and

18                (B) the expiration of the period referred to  
19                in paragraph (2).

20          (2) REGULATIONS.—Not later than the end of  
21          the 180-day period beginning on the date of the en-  
22          actment of this Act, the Secretary of the Interior  
23          shall promulgate regulations implementing the  
24          amendments made by this section.

1 **SEC. 4. REGULATIONS.**

2 Section 7(a) of the Lacey Act Amendments of 1981  
3 (16 U.S.C. 3376(a)) is amended—

4 (1) in paragraph (1), by striking “3(f)” and in-  
5 serting “3(g)”; and

6 (2) by adding at the end the following:

7 “(3) The Secretary shall, in consultation with  
8 other relevant Federal and State agencies, promul-  
9 gate any regulations necessary to implement section  
10 3(f).”.