

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”.

1 **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:

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

13 **SEC. 3. PROHIBITIONS.**

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

16 (1) in subsection (a)—

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

19 (B) by striking paragraph (4) and insert-
20 ing the following:

21 “(4) subject to subsection (f), to import, export,
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(c)(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)”;

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

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

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

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

10 (d) EFFECTIVE DATE; REGULATIONS.—

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

14 (A) the date of promulgation of regulations
15 under paragraph (2); and

16 (B) the expiration of the period referred to
17 in paragraph (2).

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

23 **SEC. 4. REGULATIONS.**

24 Section 7(a) of the Lacey Act Amendments of 1981
25 (16 U.S.C. 3376(a)) is amended—

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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