

117TH CONGRESS
1ST SESSION

S. 1588

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 SENATE OF THE UNITED STATES

MAY 12, 2021

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Mrs. FEINSTEIN, Mrs. GILLIBRAND, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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—

15 “(A) holds such license or registration in
16 good standing; and

17 “(B) does not allow any individual to come
18 into direct physical contact with a prohibited
19 primate species, other than a lemur or a galago,
20 unless that individual is—

21 “(i) a trained professional employee or
22 contractor of the person or facility, or an
23 accompanying employee receiving profes-
24 sional 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;

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

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

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

7 “(A) is a corporation that is exempt from
8 taxation under section 501(a) of the Internal
9 Revenue Code of 1986 and described in sections
10 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

11 “(B) does not commercially trade in any
12 prohibited primate species, including offspring,
13 parts, and byproducts of such animals;

14 “(C) does not breed any prohibited primate
15 species;

16 “(D) does not allow direct contact between
17 the public and any prohibited primate species;
18 and

19 “(E) does not allow the transportation and
20 display of any prohibited primate species off-
21 site;

22 “(5) a person that has custody of any prohib-
23 ited primate species solely for the purpose of expedi-
24 tiously transporting the prohibited primate species

1 to a person described in this subsection with respect
 2 to the species; or

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

7 “(A) not later than 180 days after the date
 8 of the enactment of such Act, registers each in-
 9 dividual animal of each prohibited primate spe-
 10 cies possessed by the person with the United
 11 States Fish and Wildlife Service;

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

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

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

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

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

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

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

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

8 (d) EFFECTIVE DATE; REGULATIONS.—

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

12 (A) the date of promulgation of regulations
 13 under paragraph (2); and

14 (B) the expiration of the period referred to
 15 in paragraph (2).

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

21 **SEC. 4. REGULATIONS.**

22 Section 7(a) of the Lacey Act Amendments of 1981
 23 (16 U.S.C. 3376(a)) is amended—

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

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

2 “(3) The Secretary shall, in consultation with
3 other relevant Federal and State agencies, promul-
4 gate any regulations necessary to implement section
5 3(f).”.

○