

**ARKANSAS SENATE**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of Senate Bill No. 901**

AN ACT TO PROTECT THE PUBLIC HEALTH BY RESTRICTING THE PRIVATE  
OWNERSHIP OF NONHUMAN PRIMATES.

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**Amendment No. 1 to Senate Bill No. 901**

Amend Senate Bill No. 901 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 19, is amended to add an 21 additional subchapter to read as follows: 22

Subchapter 6 – Personal Possession of Primates

20-19-601. Permit for personal possession.

(a) A person may possess a primate only if the person:

(1) Was in possession of the primate and was the legal possessor of the primate on or before August 12, 2011; and

(2) Not more than ninety (90) days after the effective date of this subchapter, applies for and is granted a permit for personal possession for each primate in the person's possession under this subchapter.

(b)(1) A person who holds a permit for personal possession of a primate under subsection (a) of this section shall renew annually the permit for personal possession.

(2) Beginning ninety (90) days after the effective date of this subchapter, a permit shall not be issued for personal possession of a primate if the primate was not previously the subject of a permit under this subsection.

(c)(1) An applicant shall file on forms provided by the sheriff's department an application to receive a permit for personal possession of a primate with the sheriff's department of the county in which the primate is kept.

(2) The application shall include:

(A) The name, address, and telephone number of the applicant;

(B) A description of the primate, including without limitation the scientific classification, name, gender, age, color, weight, and distinguishing marks or coloration that would aid in the identification of the primate;

(C) A photograph of the primate;



(D) The location at which the primate is kept and a photograph of the location; and

(E) The name, address, and telephone number of the person from whom the applicant obtained the primate, if known.

(3) The application shall be signed by the veterinarian who is expected to provide veterinary care to the primate and shall include the veterinarian's name, address, and telephone number.

(d) The county sheriff's department shall not grant a permit unless:

(1) An annual permit fee of two hundred fifty dollars (\$250) for each primate accompanies the application;

(2) The applicant is eighteen (18) years of age or older;

(3) The applicant has not pleaded nolo contendere or guilty to or been found guilty of in the past ten (10) years:

(A) A violation of a law prohibiting animal cruelty; or

(B) A felony offense for possession, sale, or use of a controlled substance;

(4) The facility and the conditions in which the primate is kept complies with this subchapter; and

(5) The applicant has obtained the liability insurance coverage for the primate required under this subchapter.

(e)(1) The county sheriff's department shall keep records of persons issued a permit for personal possession of a primate and shall provide a copy of the record to the Arkansas State Game and Fish Commission when each permit is issued.

(2) A permit holder shall notify the county sheriff's department of a change of the permit holder's information, including without limitation the death of the primate.

(f)(1) A primate possessed in this state shall be spayed, neutered, or sterilized before a permit is issued to the possessor unless a veterinarian confirms that spaying and neutering or sterilization would endanger the primate.

(2) The permit holder shall keep a record of the primate's being spayed, neutered or sterilized by a veterinarian.

(g) Fees levied and collected for permits of personal possession of a primate under this section shall be deposited into the county treasury to be used by the county sheriff's department to offset the cost of issuing permits of personal possession of a primate, for any costs involved in controlling primates located within the county, and for any other animal control costs.

#### 20-19-602. Insurance – Signs – Notification.

(a)(1) A possessor of a primate shall maintain liability insurance coverage of not less than one hundred thousand dollars (\$100,000) for each occurrence for liability damages for destruction of or damage to property and for death or bodily injury to a person caused by the primate.

(2) The possessor of a primate shall provide a copy of the policy for liability insurance to the county sheriff's department on an annual basis to obtain or renew a permit.

(b)(1) The possessor of a primate shall post and display a sign at each possible entrance on the premises where a primate is kept.

(2) The sign shall be clearly legible and easily readable by the public.

(3) The sign shall warn that there is a primate on the premises.

20-19-603. Inspection.

The possessor of a primate shall allow an official of the county sheriff's department, an animal control officer, the Arkansas State Game and Fish Commission Wildlife Officer, or a law enforcement officer of the municipality or county in which the primate is kept to enter the premises to ensure compliance with this subchapter.

20-19-604. Public contact – Warnings of escape.

(a) A possessor of a primate shall not bring a primate to a commercial or retail establishment unless the possessor is bringing the primate to a veterinarian clinic.

(b)(1) If a primate escapes or is released, the possessor of the primate shall contact immediately the Arkansas State Game and Fish Commission and law enforcement officials of the city or county in which the possessor resides to report the escape or release.

(2) The possessor is liable for all expenses associated with efforts to recapture the primate.

20-19-605. Confiscation.

(a) A primate may be confiscated immediately by a county sheriff's department if:

(1) The possessor does not have a permit for personal possession issued under this section;

(2) The possessor does not have the liability insurance coverage required under this subchapter;

(3) The conditions under which the primate is kept are directly or indirectly dangerous to human health and safety; or

(4) The caging violates requirements of the Arkansas cruelty to animals statutes.

(b)(1) If a primate is confiscated, the possessor is liable for the costs of placement and care for the primate from the time of confiscation until the time the primate has been relocated to an alternative facility.

(2) The county sheriff's department shall seek to place the confiscated primate with a wildlife sanctuary, humane society, or an institution accredited by the American Zoo and Aquarium Association."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator P. Malone

MGF/CDS - 03/15/11 07:05

MGF449 Secretary \_\_\_\_\_

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator P. Malone

MGF/CDS - 03/16/11 10:24

MGF456

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Secretary