

1 State of Arkansas As Engrossed: S3/17/11 S3/23/11 H3/25/11 H3/30/11

2 88th General Assembly

A Bill

3 Regular Session, 2011

SENATE BILL 901

4
5 By: Senator P. Malone

For An Act To Be Entitled

8 AN ACT TO PROTECT THE PUBLIC HEALTH BY *REGULATING* THE
9 PRIVATE OWNERSHIP OF NONHUMAN PRIMATES; AND FOR OTHER
10 PURPOSES.

Subtitle

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12
13 *AN ACT TO PROTECT THE PUBLIC HEALTH BY*
14 *REGULATING THE PRIVATE OWNERSHIP OF*
15 *NONHUMAN PRIMATES.*

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

23 *Subchapter 6 – Personal Possession of Primates*

24
25 *20-19-601. Definition.*

26 *As used in this subchapter, "wildlife sanctuary" means a nonprofit*
27 *organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code*
28 *1986 as it existed on January 1, 2011, that operates a place of refuge where*
29 *abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced*
30 *exotic animals are provided care for their lifetime or are released back to*
31 *their natural habitat, and with respect to any animal owned by the*
32 *organization, does not:*

33 *(1) Conduct any activity that is not inherent to the animal's*
34 *nature;*

35 *(2) Use the animal for any type of entertainment;*

36 *(3) Sell, trade, or barter the animal or the animal's body*



1 parts; or

2 (4) Breed the animal.

3
4 20-19-602. Permit for personal possession.

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

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

8 (2)(A) Not more than ninety (90) days after the effective date
9 of this subchapter, applies for a permit for personal possession for each
10 primate in the person's possession under this subchapter; or

11 (B) Within two (2) years after the effective date of this
12 subchapter can prove that:

13 (i) The person s had possession of a primate on or
14 before August 12, 2011; and

15 (ii) Provides proof of ownership of the primate on
16 or before August 12, 2011 with one (1) or more of the following documents:

17 (a) A United States Department of Agriculture
18 transfer document;

19 (b) An Arkansas State Game and Fish Commission
20 translocation permit;

21 (c) A health certificate;

22 (d) A veterinarian's record;

23 (e) A bill of sale; or

24 (f) Any other legal documentation.

25 (b)(1) A new permit for personal possession of a primate shall not be
26 issued after August 12, 2013.

27 (2) A permit for personal possession of a primate may be
28 transferred to a person who meets the criteria under subdivision (a)(2)(B)
29 (i) and (ii) of this section.

30 (c) A person who brings a primate into Arkansas shall possess
31 documentation signed by a licensed veterinarian that shows the primate to
32 free of:

33 (1) Ebola virus;

34 (2) Hepatitis; and

35 (3) Any other incurable disease known to be carried by primates.

36 (d)(1) An applicant shall file on forms designed and provided by the

1 Simian Society of Arkansas, LLC, an application to receive a permit for
2 personal possession of a primate with the sheriff's department of the county
3 in which the primate is kept.

4 (2) The application shall include:

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

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

10 (C) A photograph of the primate; and

11 (D) The location at which the primate is kept and a
12 photograph of the location.

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

16 (e) A county sheriff shall issue a permit for an application that
17 meets the criteria under subsection (a) of this section.

18 (f) A county sheriff's office shall not grant an initial permit
19 unless:

20 (1) The application is accompanied by an initial permit fee of
21 two hundred dollars (\$200) for one (1) primate and ten dollars (\$10.00) for
22 each additional primate owned by a person;

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

24 (3) The applicant has not pleaded guilty to or been found guilty
25 of in the past ten (10) years a violation of a law prohibiting animal
26 cruelty; and

27 (4) The facility and the conditions in which the primate is kept
28 comply with this subchapter.

29 (g)(1) A person who holds a permit for personal possession of a
30 primate under subsection (a) of this section shall renew the permit for
31 personal possession one (1) time every two (2) years.

32 (2) An application for renewal of a permit for personal
33 possession of a primate shall be accompanied by a renewal fee of twenty-five
34 dollars (\$25.00) for one (1) primate and ten dollars (\$10.00) for each
35 additional primate owned by a person.

36 (h)(1) The county sheriff's department shall keep a record of each

1 person issued a permit for personal possession of a primate.

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

5 (3)(A) The county sheriff's department shall provide to the
6 Department of Health a copy of the record of the issuance of and each change
7 to a permit for personal possession of a primate to the Department of Health.

8 (B) The Department of Health shall compile and maintain an
9 electronic database of each personal possession of a primate issued and
10 active in the state.

11 (i)(1) Except for nonhuman primates on the endangered species list, a
12 primate possessed in this state shall not be bred.

13 (2) A primate on the endangered species list may be bred only
14 by:

15 (A) An institution accredited by or certified by the
16 American Zoo and Aquarium Association; or

17 (B) A facility or person that holds a current signed
18 memorandum of participation with an Association of Zoos and Aquariums species
19 survival plan.

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

25
26 20-19-603. Inspection.

27 The possessor of a primate shall allow an official of the county
28 sheriff's department, an animal control officer, or a law enforcement officer
29 of the municipality or county in which the primate is kept to enter the
30 premises to ensure compliance with this subchapter.

31
32 20-19-604. Public contact – Warnings of escape.

33 (a)(1) A possessor of a primate shall not bring a primate to a retail
34 establishment unless the possessor is bringing the primate to a veterinary
35 clinic.

36 (2) A primate may be brought to a:

1 (A) Veterinary clinic;

2 (B) A meeting of the Simian Society of Arkansas, LLC; or

3 (C) A private rented space.

4 (b)(1) If a primate escapes or is released, the possessor of the
5 primate shall contact immediately the sheriff of the county in which the
6 possessor resides to report the escape or release.

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

9
10 20-19-605. Confiscation.

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

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

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

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

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

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

24 (2) The county sheriff's department shall seek to place the
25 confiscated primate with a wildlife sanctuary, the Simian Society of
26 Arkansas, LLC; or an institution accredited by the American Zoo and Aquarium
27 Association.

28
29 20-19-606. Disposition of confiscated primate.

30 (a) If the possessor of a confiscated primate cannot be located or if
31 a confiscated primate remains unclaimed, the sheriff's office shall:

32 (1) Request that the primate be taken by:

33 (A) A wildlife sanctuary;

34 (B) An institution accredited by the American Zoo and
35 Aquarium Association; or

36 (C) The Simian Society of Arkansas, LLC; or

1 (2) Allow the animal to be adopted by a person who currently
2 possesses a permit under this subchapter.

3 (b) A primate may be returned to the possessor only if the possessor
4 of the primate:

5 (1) Holds a valid permit under this subchapter;

6 (2) Has corrected the conditions resulting in the confiscation;

7 (3) Has paid the cost of placement and care of the animal while
8 under the care and control of the sheriff's office; and

9 (4) Has not had a primate previously confiscated by the
10 sheriff's office.

11 (c) If the sheriff's office cannot relocate the primate under
12 subsection (a) of this section or return the primate to the possessor under
13 subsection (b) of this section, the sheriff's office shall request the
14 prosecuting attorney to seek a court order to have the animal euthanized if
15 the court decides that the best interests of the animal or that the public
16 health and safety would be best served by euthanizing the animal based on the
17 sworn testimony of a licensed veterinarian or animal control office.

18
19 20-19-607. Penalties.

20 (a) If a person who possesses a primate fails to apply for a personal
21 possession permit under this subchapter, the person is subject to:

22 (1) The initial permit fee under § 20-19-602(f), the biannual
23 renewal fee, and a fine of one hundred dollars (\$100); or

24 (2) Confiscation of the primate.

25 (b) The sheriff's office shall revoke a permit for personal possession
26 of a primate held by a possessor who has had a primate confiscated more than
27 one (1) time.

28 (c) A person who violates this subchapter is guilty of a misdemeanor
29 and on conviction is subject to a fine not exceeding one thousand dollars
30 (\$1,000).

31
32 20-19-608. Exemptions.

33 This subchapter does not apply to:

34 (1) An institution accredited by the American Zoo and Aquarium
35 Association or under mentorship through the American Zoo and Aquarium
36 Association;

1 (2) An incorporated nonprofit animal protection organization
2 housing a wild and exotic animal at the written request of a law enforcement
3 agency;

4 (3) A law enforcement agency or officer acting under this
5 subchapter;

6 (4)(A) A person who is licensed by the Arkansas State Game and
7 Fish Commission to rehabilitate native wildlife.

8 (B) A person is exempt under subdivision (4)(A) of this
9 section only for the native wildlife that the person possesses;

10 (5) A licensed veterinary hospital or clinic treating wild and
11 exotic animals; or

12 (6) A wildlife sanctuary.

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14 /s/P. Malone
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