

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11

A Bill

SENATE BILL 901

5 By: Senator P. Malone
6

For An Act To Be Entitled

8 AN ACT TO PROTECT THE PUBLIC HEALTH BY RESTRICTING
9 THE PRIVATE OWNERSHIP OF NONHUMAN PRIMATES; AND FOR
10 OTHER PURPOSES.
11

Subtitle

14 AN ACT TO PROTECT THE PUBLIC HEALTH BY
15 RESTRICTING THE PRIVATE OWNERSHIP OF
16 NONHUMAN PRIMATES.
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18

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 21
22 additional subchapter to read as follows: 22

Subchapter 6 – Personal Possession of Primates

20-19-601. Permit for personal possession.

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

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

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

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

35 (2) Beginning ninety (90) days after the effective date of this
36 subchapter, a permit shall not be issued for personal possession of a primate



1 if the primate was not previously the subject of a permit under this
2 subsection.

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

7 (2) The application shall include:

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

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

14 (C) A photograph of the primate;

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

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

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

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

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

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

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

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

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

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

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

35 (e)(1) The county sheriff's department shall keep records of persons
36 issued a permit for personal possession of a primate and shall provide a copy

1 of the record to the Arkansas State Game and Fish Commission when each permit
2 is issued.

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

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

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

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

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18 20-19-602. Insurance – Signs – Notification.

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

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

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

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

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

31
32 20-19-603. Inspection.

33 The possessor of a primate shall allow an official of the county
34 sheriff's department, an animal control officer, the Arkansas State Game and
35 Fish Commission Wildlife Officer, or a law enforcement officer of the
36 municipality or county in which the primate is kept to enter the premises to

1 ensure compliance with this subchapter.

2
3 20-19-604. Public contact – Warnings of escape.

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

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

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

13
14 20-19-605. Confiscation.

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

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

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

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

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

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

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

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32 /s/P. Malone