

# Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

## Amendment Form

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### Subtitle of House Bill No. 1391

TO PROHIBIT THE IMPORT, POSSESSION, SALE, TRANSFER, AND BREEDING OF NONHUMAN PRIMATES, EXCEPT BY QUALIFIED FACILITIES; AND TO PROTECT PUBLIC SAFETY AND PROHIBIT MISTREATMENT OF NONHUMAN PRIMATES.

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### Amendment No. 1 to House Bill No. 1391

Amend House Bill No. 1391 as originally introduced:

Page 1, delete lines 8 through 11 and substitute the following:  
"AN ACT TO PROHIBIT THE IMPORT, POSSESSION, SALE, AND BREEDING OF APES, MACAQUES, AND BABOONS, EXCEPT BY QUALIFIED FACILITIES; TO REQUIRE REGISTRATION OF ALL PRIMATES; TO PROTECT PUBLIC SAFETY AND PROHIBIT MISTREATMENT OF PRIMATES; AND"

AND

Page 1, delete lines 16 through 20 and substitute the following:  
"TO PROHIBIT THE IMPORT, POSSESSION, SALE, AND BREEDING OF APES, MACAQUES, AND BABOONS, EXCEPT BY QUALIFIED FACILITIES; TO REQUIRE REGISTRATION OF ALL PRIMATE; AND TO PROTECT PUBLIC SAFETY AND PROHIBIT MISTREATMENT OF PRIMATES."

AND

Page 1, line 34, delete "20-19-606" and substitute "20-19-607"

AND

Page 2, delete line 11 and substitute the following:

"(5)(A) "Temporary holding facility" means an incorporated nonprofit animal protection organization, such as a registered humane society and shelter, that temporarily houses a primate at the written request of a law enforcement officer.

(B) "Temporary holding facility" includes a person who is a registered primate owner who is temporarily caring for a primate; and

(6) "Wildlife sanctuary" means a nonprofit entity that:"

AND

Page 2, delete line 31 and substitute the following:



"(a) A person shall not import, possess, sell, or breed the following primates:

- (1) An ape;
- (2) A baboon; or
- (3) A macaque."

AND

Page 2, line 32, delete "(b)(1)" and substitute "(b)(1)(A)"

AND

Page 2, delete line 33 and substitute the following:  
"come into direct contact with a primate.

(B) Subdivision (b)(1)(A) of this section does not apply to a registered primate owner, the family of a registered primate owner, an invited guest of a registered primate owner."

AND

Page 3, delete line 12 and substitute the following:  
"public safety.

(e) It is unlawful to operate a primate commercial breeding facility in this state."

AND

Page 3, line 15, delete "Subdivisions" and substitute "(a) Subdivisions"

AND

Page 3, delete lines 24 through 27 and substitute the following:  
"(4) A temporary holding facility;"

AND

Page 4, line 7, delete "or" from the end of the line

AND

Page 4, line 8, delete "primate" and substitute "primate, including an ape, macaque, or baboon,"

AND

Page 4, delete lines 10 through 14 and substitute the following:

"(i) The transit time is not more than ten (10) days; and

(ii) The primate, including an ape, macaque, or baboon, is not exhibited."

AND

Page 4, line 17, delete "at least seventy-two (72) hours"

AND

Page 4, line 18, delete "primate that" and substitute "primate, including an ape, macaque, or baboon, that"

AND

Page 4, delete line 21 and substitute the following:

"permit required by state, local, or federal law.

(iii) The transporter has complied with all state and federal regulations regarding the transport; or

(9) A person who is temporarily transporting a legally owned primate under § 20-19-604.

(b) However, a registered primate owner, including an ape, macaque, or baboon owner may transfer a registered primate, including an ape, macaque, or baboon."

AND

Page 4, delete lines 24 through 26 and substitute the following:

"A person eighteen (18) years of age or older may continue to lawfully possess a primate, including an ape, macaque, or baboon, if within one hundred eighty (180) days after the effective date of this subchapter the primate, including an ape, macaque, or baboon is registered under § 20-19-605 and if:"

AND

Page 4, lines 29 through 31 and substitute the following:

"primate, including an ape, macaque, or baboon, before the effective date of this subchapter;

(2) The person does not acquire an ape, macaque, or baboon after the effective date of this subchapter by purchase, trade, or breeding;"

AND

Page 4, line 32, delete "plead" and substitute "pleaded"

AND

Page 4, delete lines 34 and 35 and substitute the following:

"under a state, local, or federal law;"

AND

Page 5, line 4, delete "suspended by" and substitute "suspended for more than six (6) months by"

AND

Page 5, delete line 8 and substitute the following:

"retail establishment, unless it is owned or rented by the registered primate owner, or a licensed veterinarian's office, an educational facility, a facility rented for the sole purpose of education, or a hotel/motel where the primate would not have direct contact with the public; or"

AND

Page 5, delete lines 12 through 36

AND

Page 6, delete lines 1 through 23 and substitute the following:

"well-being.

20-19-605. Registration of primates.

(a)(1) Within one hundred eighty (180) days after the effective date of this subchapter, a person who currently owns or possesses a primate or who in the future may purchase, import, trade for or otherwise own or possess a primate not prohibited under this subchapter shall submit to the county sheriff of the county in which the person keeps a primate a registration form provided by the sheriff's office.

(2)(A) The registration form shall include:

(i) The name, address, and telephone number of the registrant;

(ii) A description of each primate, including the scientific classification, name, gender, age, color, weight, and distinguishing marks;

(iii) A photograph of the primate and the enclosure in which the primate is kept with measurements to show compliance with this subchapter;

(iv) The location at which the primate is kept;

(v) The name, address, and telephone number of the person from whom the registrant obtained the primate, if known; and

(vi) A written statement giving the name and address of the veterinarian who provides veterinary care to the primate, signed by the veterinarian; and

(B) The registrant shall submit with the registration form a one-time registration fee of fifty dollars (\$50.00) for the initial registration and a fee of ten dollars (\$10.00) for each additional registration to be deposited into the county treasury, which the county sheriff's department shall use to offset the cost of issuing registration for possession of a primate and for costs involved in controlling primates located within the county.

(3) The county sheriff's office shall notify the Arkansas State Game and Fish Commission of each registration received by the county sheriff's office.

(b) The person shall notify the county sheriff's office of any changes in the information provided on the registration form, including the death or transfer of the primate."

AND

Page 6, line 25, delete "20-19-605" and substitute "20-19-606"

AND

Page 6, delete lines 34 through 36

AND

Page 7, line 2, delete "20-19-606" and substitute "20-19-607"

AND

Page 7, delete line 11 through 17 and substitute the following:

"placed in the custody and control of a registered primate owner if possible.

(2) If placement is not possible under subdivision (c)(1) of this section, a primate seized and forfeited under this section shall be placed in the custody and control of a zoo accredited by the Association of Zoos and Aquariums or a wildlife sanctuary."

AND

Page 7, line 18, delete "(d)" and "(d)(1)"

AND

Page 7, delete line 19 and substitute the following:

"impounded or quarantined at the home of a registered primate owner if possible.

(2) If impoundment and quarantine under subdivision (d)(1) of this section is not possible, a primate seized but not forfeited under this section shall be kept in the custody of an institution accredited by the Association of Zoos"

AND

Page 8, line 4, delete "sanctuary, or" and substitute "sanctuary, a registered primate owner, or"

AND

Page 8, delete lines 15 through 17 and substitute the following:

"(D) If the court orders the posting of security under this section;"

AND

Page 8, delete lines 20 through 24 and substitute the following:

"(E) Upon judicial determination on the disposition of the seized"

AND

Page 8 delete lines 28 through 32 and substitute the following:

"(f) Voluntary relinquishment does not affect criminal charges"

AND

Page 8, delete lines 35 and 36

AND

Page 9, delete lines 1 through 9

AND

Page 9, delete lines 14 thorough 21 and substitute the following:

"This subchapter does not preempt the authority of a city, town, or county."

AND

Page 9, delete line 27 and substitute the following:

"exempt entities or species of primates or impose additional fees or insurance requirements."

The Amendment was read \_\_\_\_\_

By: Representative Sabin

MGF/NJR - 03-25-2013 10:50:42

MGF303

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Chief Clerk