

**Summary:** The primary purpose of the Lacey Act is to combat “trafficking” (import, export and interstate transport) in “illegal” wildlife, fish, and plants. To that point, Section 3 Prohibitions, (e) Captive Wildlife Offense, paragraph (2) Limitation on Application, subparagraphs i, ii, iii, iv, v, vi, vii and viii presumes to rewrite and supersede an area of established law pertaining to the “animal welfare” of “legal” wildlife that is already regulated by USDA/APHIS under the authority of the Animal Welfare Act. This language should be struck from paragraph (2). FWS under the authority Lacey Act was never intended to regulate animal welfare.

### **SEC. 3. PROHIBITIONS.**

Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting “; or”;

(ii) in subparagraph (B)

(iii), by striking “; or” and inserting a semicolon; and (iii) by striking subparagraph (C);  
and

(B) in paragraph (4), by striking “(1) through (3)” and inserting “(1) through (3) or subsection (e)”; and  
(2) by amending subsection (e) to read as follows:

“(e) CAPTIVE WILDLIFE OFFENSE.—

“(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, or to breed or possess, any prohibited wildlife species.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to—

“(A) an entity exhibiting animals to the public under a Class C license from the Department of Agriculture and that holds such license in good standing, ~~if the entity—~~

~~“(i) has not been, and does not employ any person engaged in animal care who has been, convicted of or fined for an offense involving the abuse or neglect of any animal pursuant to any State, local, or Federal law;~~

~~“(ii) has not had, and does not employ any person who has had, a license or permit regarding the care, possession, exhibition, breeding, or sale of animals revoked or suspended by any State, local, or Federal agency, including the Department of Agriculture, within the preceding 3-year period;~~

~~“(iii) has not been cited by the Department of Agriculture under the Animal Welfare Act the~~

~~preceding 12 month period for any repeat violation  
for~~

~~“(I) inadequate veterinary care;~~

~~“(II) handling that causes stress or trauma  
or a threat to public safety;~~

~~“(III) insufficient  
provisions of food or water; or~~

~~“(IV) failure to allow facility inspection;~~

~~“(iv) does not allow any individual other than a  
trained professional employee or contractor of the  
licensee (or an accompanying employee receiving  
professional training) or a licensed veterinarian (or  
an accompanying veterinary student) to come into  
direct physical contact with a prohibited wildlife  
species;~~

~~“(v) ensures that during public exhibition of a  
lion (*Panthera leo*), tiger (*Panthera tigris*), leopard  
(*Panthera pardus*), snow leopard (*Uncia uncia*), jag  
uar (*Panthera onca*), cougar (*Puma concolor*), or  
any hybrid thereof, the animal is at least 15 feet  
from members of the public unless there is a  
permanent barrier that prevents public contact or  
risk of contact;~~

~~“(vi) does not breed any prohibited wildlife  
species unless the breeding is conducted pursuant~~

~~to a species specific, publicly available, peer reviewed population management plan developed according to established conservation science principles;~~

~~“(vii) maintains liability insurance in an amount of not less than \$250,000 for each occurrence of property damage, bodily injury, or death caused by any prohibited wildlife species possessed by the person; and~~

~~“(viii) has a written plan that is made available to local law enforcement, State agencies and Federal agencies on request, for the quick and safe recapture or destruction of prohibited wildlife species in the event a prohibited wildlife species escapes, including, but not limited to, written protocols for training staff on methods of safe recapture of the escaped prohibited wildlife species;~~

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

“(C) a wildlife sanctuary that cares for prohibited wildlife species, and—

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

“(ii) does not commercially trade in prohibited wildlife species, including offspring, parts, and byproducts of such animals;

“(iii) does not breed the prohibited wildlife species;

“(iv) does not allow direct contact between the public and prohibited wildlife species; and

“(v) does not allow the transportation and display of prohibited wildlife species off-site;

“(D) has custody of the prohibited wildlife species solely for the purpose of expeditiously transporting the prohibited wildlife species to a person described in this paragraph with respect to the species; or

“(E) an entity or individual that is in possession of a prohibited wildlife species that was born before the date of the enactment of the Big Cat Public Safety Act, and—

“(i) not later than 180 days after the date of the enactment of the Big Cat Public Safety Act, the entity or individual registers each individual animal of each prohibited wildlife species with the United States Fish and Wildlife Service;

“(ii) does not breed, acquire, or sell any prohibited wildlife species after the date of the enactment of such Act; and

“(iii) does not allow direct contact between the public and prohibited wildlife species.”.