AN ACT

To amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Captive Wildlife Safety Act”.

5
SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

   ``(g) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means—

       ``(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

       ``(B) any live hybrid of any of those species.”.

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—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 ‘‘, or’’ at the end and inserting a semicolon;

       (ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and

       (iii) by adding at the end the following:

           ``(C) any prohibited wildlife species (subject to subsection (e));’’;
(B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and

(C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”; and

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

“(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

“(A) any exhibitor or research facility licensed or registered and inspected by a Federal agency;

“(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

“(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

“(II) does not engage in commercial trade of animals listed in section 2(k) (includ-
byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

“(iv) does not—

“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or
“(E) any person having custody of a wild
animal solely for the purpose of expeditiously
transporting the animal to a person referred to
in this paragraph.

“(2) REGULATIONS.—Not later than 180 days
after the date of enactment of this subsection, the
Secretary, in cooperation with the Director of the
Animal and Plant Health Inspection Service and in
consultation with the heads of other relevant Federal
agencies, shall promulgate regulations describing the
persons or entities to which paragraph (1) applies.

“(3) STATE AUTHORITY.—Nothing in this sub-
section preempts or supersedes the authority of a
State to regulate wildlife species within that State.”.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey
Act Amendments of 1981 (as added by subsection
(a)(1)(A)(iii)) shall apply beginning on the effective date
of regulations promulgated under section 3(e)(2) of that
Act (as added by subsection (a)(2)).

Passed the Senate October 31, 2003.

Attest:

Secretary.
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