

ASP-CAN Action letter - How Can Primatologists Deter Ownership of Pet Primates in the U.S.? History and Legislation

International laws and conventions have gone a long way to reduce the number of wild primates entering the U.S. for the pet trade. However, breeding primates for sale in the U.S. continues and individual states present a bewildering array of laws and regulations to the public on the holding of primates as pets. What can primatologists do to highlight and deter the continued problem of seeking, acquiring and owning a primate pet?

Primates involved in the pet trade include: 1) habitat-country primates that are illegally captured and exported specifically for the pet trade, or as a front for another illicit activity; 2) primates that are kept as pets in habitat countries; owners sometimes believe that they can provide animals with a better life than they would have in the wild; and 3) primates that are bred in the U.S. and Europe and sold for the pet trade in those countries. Here, we focus on the third category and **discuss the scope of protections for primates bred in the U.S. that are destined for the pet trade.**

Photo: Cotton-top tamarin: *Saguinus oedipus* (Paignton Zoo)



“There are many privately owned cotton-top tamarins in the U.S. and their welfare is of serious concern. It is very common to have these social animals living alone in homes or in small cages. Most owners believe their singly housed animals are well cared for and do not understand the consequences of their actions. For those owners who have a mated pair, they frequently hand-rear the offspring, as the parents do not have the appropriate social skills to care for their own infants. Owners also believe that hand-rearing will make the animals better suited for the pet trade. Many pet owners believe that if we have enough cotton-tops in private facilities they will not be faced with extinction. They honestly believe they are helping to conserve and care for the species by keeping them as pets.” (A. Savage, March 8, 2021)

THE NATIONAL LEVEL- The primate pet trade in the U.S. has been active since at least the [1970's](#), with documented use of chimpanzees in media for much longer (Ross, Vreeman & Lonsdorf, 2011). In December, 2020, Bee Friedlander, J.D. conducted a “Workshop on U.S. Federal and State Legislative Processes to Protect Primates and their Conservation.” She discussed legislative efforts to limit the primate pet trade with members of the ASP. Highlighted in this workshop was H.R.1776/S.2562, the “Captive Primate Safety Act” which was introduced in the 116th Congress (2019-2020) to amend the major wildlife trade act in the U.S., the Lacey Act (1900). [The current bill under the same name in the 117th Congress (2021-2023) is H.R. 3135/S.1588 and is discussed further below.]

Another important federal law, the [Animal Welfare Act](#) (AWA)¹, also fails to fully protect primates in the pet trade. The AWA was enacted to ensure that animals used in research and exhibition (e.g., zoos) are provided with humane care. It also regulated the transportation of primates and other animals between facilities (Cardon, Bailey & Bennett, 2012). The USDA enforces the guidelines of the AWA by enforcing welfare regulations and granting permits to primate breeders, transporters or exhibitors. The AWA does not regulate retail [pet stores](#), pet owners or home sellers.²

THE STATE LEVEL- There is broad acknowledgment that trading endangered species across international and U.S. state borders is prohibited (e.g., CITES or ESA), but states are not unified in their approach to banning primates as pets. Mott (2003) estimated that 15,000 primates were held as pets in the U.S. Even though the paper was more than 15 years old, [some have](#) noted that there was no reason to think the number has declined.

THE INDIVIDUAL LEVEL- The sale of exotic animals, including primates, is a growing industry with little regulation. Whether it is a retail pet shop, animal dealers, exotic animal facility or an individual’s home, primates pose potential risk to humans through the spread of zoonotic diseases (e.g., Lappan et al., 2020), and the welfare of individual primate pets is of serious concern as they tend to suffer from long-standing emotional and behavioral disorders as a result of isolation from conspecifics (Bee, 2017; Freeman & Ross, 2014; RSPCA, 2012; Soulsbury et al., 2009). Physical well-being is also at risk, as veterinary care and proper nutrition for these individuals is of concern.

¹ Originally the Laboratory Animal Welfare Act of 1966.

² According to Favre (2002), home sellers are subject to self-regulation and public pressure, and retail pet stores are subject to state laws.

Four problems confound the reduction of the primate pet trade in the U.S.

1. Regulations of primates in the pet trade are inconsistent among states and often confusing.
2. Species taxonomy is updated more quickly than changes in regulatory bodies such as the ESA (e.g., Nekaris & Jaffe, 2007).
3. Conservation categories (e.g., IUCN, CITES) do not necessarily provide accurate guidelines for all taxa in a genus (Table 1).
4. Pet primates are commercialized in the U.S.

First, according to the [Michigan State University Animal Legal and Historical Center](#) (2020), permission to obtain and keep a primate in a private home in the U.S. ranges from absence of statutory oversight, to partial ban that may permit ownership of small-bodied primates, to permit/licensure schemes that do not prohibit primates in private homes, to a comprehensive ban on primate pets (Table 1). Examples of the variation in [state laws](#) include the following: MN and ME ban all non-human primates from the pet trade; MA refers to IUCN and ESA to identify endangered species that are banned as pets; NV does not require any permit to hold a primate pet; and NC has no state regulations on exotic pet ownership. Furthermore, the irregularities of ownership at the state level do not capture the entire problem that includes breeding, selling and transporting primates, permitted by the USDA. The USDA is charged with implementing the Animal Welfare Act and requires licensing for breeding, transporting and exhibiting primates. Even so, the concern of the USDA is maintaining an adequate level of primate care, not regulating the number of breeders or volume of infants produced.

Second, as an international body focused on the international trade in animals and plants, CITES is the first barrier limiting the primate pet trade. In the U.S., the [ESA](#) prohibits the importation and interstate transfer of endangered species. While the ESA, state laws, and the Lacey Act can all be amended to provide more specific protections, the more uniform approach would be to remove all primates from breeding and transporting for the pet trade at the federal level.

Table 1. Overview of U.S. state regulations on ownership of primate pets

State regulations pertaining to private ownership of non-human primate pets	States or territories
Lack statutory or regulatory oversight	AL, NC, NV, OK, WI
Partial ban	AK, AR, CT, FL, KA, LA, MA, MI, NE, TN, VA, WV, WY

Licensure or permit required	AZ, DC, DE, ID, IN, MO, MS, MT, ND, PA, RI, SD, TX
Comprehensive ban	CA, CO, GA, HI, KY, IL, IO, MD, ME, MN, NH, NJ, NM, NY, OR, SC, UT, VI, VT, WA

Third, while regulatory bodies provide a clear assessment for some taxa (e.g., all great apes and lemurs are designated as “endangered,” EN), designations for other taxa are more ambiguous. We noted disparities in the levels of species protection by three regulatory agencies for some 10 primate genera (dozens of species) endemic to Mexico, and Central and South America (Table 2). Overall, tamarins are especially well represented in commercial breeding facilities. Note that ESA designations (endangered, threatened, or not mentioned) do not always correspond to the IUCN RedList or CITES. Species classifications range from LC (least concern) to CR (critically endangered) by IUCN. Night monkeys (*Aotus*), pygmy marmosets (*Cebuella*) and capuchins (*Sapajus* & *Cebus*) are not listed in the ESA at all. [See the recent ASP action letter, [Vol 2 \(3\), March 2021](#); Call to protect night monkeys.]

Table 2. Primate genera from the Americas found in the U.S. primate pet trade and their conservation status in existing national and international laws or conventions.

Genus/species	Common name	ESA	CITES (Appendix)	IUCN RED LIST
AMERICAS				
<i>Alouatta</i> spp.	howlers	EN	I or II	LC, NT, EN, VU
<i>Aotus</i> spp.	night monkey	—	II	LC, VU, NT, EN
<i>Ateles</i> spp.	spider monkey	EN	I or II	VU, EN, CR
<i>Callithrix</i> spp.; <i>Mico</i> spp.	marmoset	EN	I or II	LC, VU, NT, EN, CR
<i>Cebuella pygmaea</i>	pygmy marmoset	—	II	VU
<i>Cebus</i> spp.	capuchin	—	II	LC, VU, NT, EN,

				CR
<i>Saguinus</i> spp. & <i>Leontopithecus</i> spp.	tamarins	EN	I or II	LC, VU, NT, EN, CR
<i>Saimiri</i> spp.	squirrel monkey	(EN)	I or II	LC, NT, EN
<i>Sapajus</i> spp.	brown capuchin	—	II	LC, NT, EN, CR

Fourth, breeding primates for the pet trade is commercialized and lucrative. A common sentiment is expressed by this advertisement:

“We breed capuchins, owl monkeys, squirrel monkeys, and Marmoset monkeys. They are known as finger monkeys, or pocket monkeys. We also sell golden handed, (red handed) tamarins. We have hand fed babies available year round. We are one of the largest breeders in the state. **\$6900** DELIVERY ANYWHERE IN THE UNITED STATES. FINANCING AVAILABLE.” (Emphasis in original text, [Monkeys for Sale website](#)).

While reviewing similar websites, it does not take long to realize that “tame babies” receive higher return, and tameness is related to hand-rearing and removing infants from parents. This headline in the [Tampa Bay Times](#) notes resistance to the Captive Primate Safety Act: “Congress moves to make monkey trading illegal across state borders: A Florida monkey breeder says legislation would hurt business.” Our goal is not to increase or decrease the profitability for breeders, but to abolish the practice of breeding primates for the pet trade. It should not be a business proposition.

The Captive Primate Safety Act

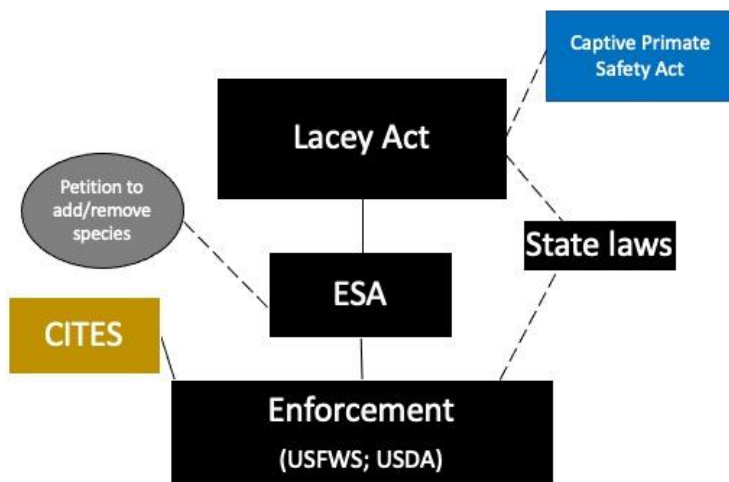
The intention of the Captive Primate Safety Act, H.R. 1776/S. 2562, introduced in the 116th Congress (2019-2021), is to “prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce. . .” of any live animal of any prohibited wildlife species. This category refers to “any live species of nonhuman primate.” Thus, depending on the final language of the bill, it could provide the broadest protection yet for primates and place an end to interstate commerce for primates as pets.

Stephen Ross and colleagues from Lincoln Park Zoo in Chicago submitted [a letter in support of H.R. 1776](#), “The number of smaller primates such as monkeys, has not undergone the same change [in legislation as chimpanzees] despite the same public

safety and animal welfare concerns.” They noted further that the bill is focused on pet primates. The previous bill was heard in the House Subcommittee on Water, Oceans and Wildlife (6/2020), but no further action was taken.

The bill was reintroduced as H.R.3135/S.1588 in May 2021, the 117th Congress. A [press release](#) from Congressman Blumenhauer’s office (D-OR) noted that “the bipartisan and bicameral Captive Primate Safety Act would strengthen existing protections to prohibit interstate commerce and private ownership of monkeys, apes, and other primates” (5/12/2021). He also noted the ease by which non-human primates are acquired for pets on the internet and the intrinsic harm of private/unlicensed ownership of primates as pets in the U.S. The final text of the bill was not available as of (6/25/2021), but Blumenhauer noted that the current bill would “explicitly ban private ownership of primates as pets and address the trade of primates through interstate commerce.” H.R.3135/S.1588 would amend the Lacey Act that was introduced in 1981.

Designed to protect game birds in the U.S. and restrict the introduction of exotic species, the [Lacey Act](#) (1981) provided the foundation for more specific legislation regulating animal and plant trade. It prohibits trade in wildlife, fish, or plants that have been taken, transported or sold illegally according to state, federal or foreign laws (Anderson 1995). In 1988, the Lacey Act was amended to strengthen requirements for documentation and increased the penalties of some actions from misdemeanor to felony offenses.



Schematic representation of the Lacey Act at the core of wildlife protection in the U.S. The Captive Primate Safety Act (HR 3135) proposed to amend the Lacey Act to restrict trade of primates for pets across state lines. Dashed lines indicate methods to amend or enhance legislation. CITES limits international trade of wildlife and plants. (ESA = Endangered Species Act; USFWS = U.S. Fish & Wildlife Service).

The scope of the Lacey Act (i.e., species covered and penalties for transgression) is more comprehensive with stricter penalties than other federal (U.S.) wildlife statutes. For example, the Endangered Species Act (ESA) penalizes capture (taking from the wild) or trade of species that are assessed as “Endangered” in the U.S. As noted above,

not all primates are included in the ESA and recent enhancements have been limited to captive chimpanzees.

Is Everyone Supportive of the Captive Primate Safety Act?

The proposed Act has gained broad support from conservationists and primatologists interested in further regulations on the pet primate trade. Though the Act appears to exempt primates housed in research institutions, accredited sanctuaries and zoos in the U.S., some biomedical primatologists are concerned that the Act, if passed in its current form, could be misused to prohibit the sale of NHPs for use in research. Those concerned also feel that the Act contains contradictory language that proposes enforcement of the Act by an agency that has no authority to do so. As such, it appears that further clarification would be warranted.

ACTION ITEMS:

What can individual primatologists do to reduce the number of primates kept as pets in the U.S.? We provide two broad recommendations and specific suggestions.

1. **Be aware of new legislative initiatives** as they unfold.
 - a. Work with the ASP Board of Directors to offer professional expertise to provide strong and specific wording for the legislation.
 - b. Collaborate with ASP members and committees to develop language to remove primates from the pet trade including issues of primate welfare, public safety and health.
 - c. Make sure language is broad enough to curtail breeding and sale of primates by retail pet stores and animal dealers.

2. The ASP Conservation Committee plans to **conduct an awareness-building campaign** as a source of information about the perils of the primate pet trade. using the ASP website, social and print media, and public-interest webinars:
 - a. Highlight primate species that are frequently found in the U.S. pet trade;
 - i. provide general information on species-specific traits including photos from the wild and status of conservation efforts in the wild;
 - ii. focus on behavioral & ecological characteristics, including specific problems of pet ownership, such as reduced life expectancy, and behavioral problems (e.g., Bee, 2017; Freeman & Ross, 2014), and disease transmission between primates and pet owners;
 - b. Debunk perceptions that having a primate as a pet in the U.S. will improve their conservation status or well-being;

- c. Increase awareness of how humans and primates portrayed by primatologists on web sites and social media affect public perception of them as potential pets (also see [ASP Action Letter 2021, Vol. 2, Issue 2](#) and the [IUCN Primate Specialist Group for Human-Primate Interactions](#)).

Authors

Marilyn A. Norconk, Professor Emeritus, Department of Anthropology, Kent State University. ASP Conservation Committee Co-chair (2018-2021).

Sylvia Atsalis, Founder & Independent Consultant, Professional Development for Good.

Beatrice M. Friedlander, Board President, Attorneys for Animals, Inc.

Anne Savage, Executive Director, Proyecto Tití, Inc.

Stephen Ross, Director, Lester Fisher Center for the Study and Conservation of Apes and founder of Project ChimpCARE, Lincoln Park Zoo.

Acknowledgments: We thank Paul Garber, Francine Dolins, Angela Maldonado and the ASP Board of Directors (Lynne Isbell, Matthew Novak, Mollie Bloomsmith, Kristine Coleman and Michael Reid) for providing comments on the letter.

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