

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1505

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DATE	D-PG	OFFICIAL STATUS
02/21/2019	472	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
02/27/2019		Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to wildlife; prohibiting trade in certain animal parts; providing criminal
- 1.3 penalties; proposing coding for new law in Minnesota Statutes, chapter 84.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[84.0896] TRADE IN PROHIBITED ANIMAL PARTS PROHIBITED.**
- 1.6 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.
- 1.7 (b) "Antique" means an item that:
- 1.8 (1) contains no more than 200 grams of prohibited animal part as a fixed component of
- 1.9 an item that is not made wholly or partially from a prohibited animal part; and
- 1.10 (2) is documented to be at least 100 years old.
- 1.11 (c) "Prohibited animal part" means any of the following:
- 1.12 (1) a tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon,
- 1.13 walrus, whale, or narwhal, or any piece thereof, whether raw or worked;
- 1.14 (2) any product containing any of the materials described in clause (1);
- 1.15 (3) a horn, piece of horn, or derivative of a horn, such as a powder, of any species of
- 1.16 rhinoceros; and
- 1.17 (4) any product containing any of the materials described in clause (3).
- 1.18 (d) "Sell" or "sale" means an exchange for consideration and includes barter and
- 1.19 possession with intent to sell. The term does not include a transfer of ownership by gift,
- 1.20 donation, or bequest.

2.1 Subd. 2. **Prohibition.** A person shall not purchase or sell any item that the person knows
2.2 or should know is a prohibited animal part.

2.3 Subd. 3. **Exceptions.** Subdivision 2 does not prohibit the sale or purchase of a prohibited
2.4 animal part if the sale or purchase is:

2.5 (1) undertaken as part of law enforcement activities;

2.6 (2) expressly authorized by federal law;

2.7 (3) of an antique;

2.8 (4) of a musical instrument containing a lawfully acquired fixed component made of no
2.9 more than 200 grams of prohibited animal part; or

2.10 (5) of a prohibited animal part by a bona fide educational or scientific institution that is
2.11 a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code.

2.12 Subd. 4. **Disposition of seized prohibited animal parts.** Notwithstanding any other
2.13 provision of law, a prohibited animal part seized under this section shall, upon conviction,
2.14 be forfeited to the state and either destroyed or given to a nonprofit corporation, as defined
2.15 in section 501(c)(3) of the Internal Revenue Code, for an educational or scientific purpose.

2.16 Subd. 5. **Violations.** A violation of this section is punishable as follows:

2.17 (1) for a first violation, as a misdemeanor;

2.18 (2) for a second violation, as a gross misdemeanor; and

2.19 (3) for a subsequent violation, a felony.

2.20 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to crimes
2.21 committed on or after that date.