84.0896 TRADE IN PROHIBITED ANIMAL PARTS PROHIBITED.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

- (b) "Antique" means an item that:
- (1) contains no more than 200 grams of prohibited animal part as a fixed component of an item that is not made wholly or partially from a prohibited animal part; and
 - (2) is documented to be at least 100 years old.
 - (c) "Prohibited animal part" means any of the following:
- (1) a tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon, walrus, whale, or narwhal, or any piece thereof, whether raw or worked;
 - (2) a product containing any of the materials described in clause (1);
 - (3) a horn; piece of horn; or derivative of a horn, such as a powder, of any species of rhinoceros; and
 - (4) a product containing any of the materials described in clause (3).
- (d) "Sell" or "sale" means an exchange for consideration and includes barter and possession with intent to sell. The term does not include a transfer of ownership by gift, donation, or bequest.
- Subd. 2. **Prohibition.** A person shall not purchase or sell any item that the person knows or should know is a prohibited animal part.
- Subd. 3. **Exceptions.** (a) Subdivision 2 does not prohibit the sale or purchase of a prohibited animal part if the sale or purchase is:
 - (1) undertaken as part of law enforcement activities;
 - (2) expressly authorized by federal law;
 - (3) of an antique;
- (4) of a musical instrument containing a lawfully acquired fixed component made of no more than 200 grams of prohibited animal part; or
- (5) of a prohibited animal part by a bona fide educational or scientific institution that is a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code.
 - (b) Subdivision 2 does not prohibit possession of a cultural artifact containing a prohibited animal part.
- Subd. 4. **Disposition of seized prohibited animal parts.** Notwithstanding any other provision of law, a prohibited animal part seized under this section must, upon a conviction, be forfeited to the state and either destroyed or given to a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code, for an educational or scientific purpose.

History: 1Sp2019 c 4 art 3 s 14