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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1403**

02/18/2019 Authored by Lee, Persell, Gunther, Huot, Becker-Finn and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy
03/20/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to wildlife; prohibiting trade in certain animal parts; proposing coding for
1.3 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) a 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) a 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.** (a) Subdivision 2 does not prohibit the sale or purchase of a
2.4 prohibited 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 (b) Subdivision 2 does not prohibit possession of a cultural artifact containing a prohibited
2.13 animal part.

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

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

2.20 Sec. 2. **OUTREACH AND EDUCATION.**

2.21 The commissioner of natural resources, in coordination with interested organizations,
2.22 must provide outreach and education to communities concerned about cultural artifacts
2.23 about the new requirements established under Minnesota Statutes, section 84.0896.