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SENATE BILL NO. 398—SENATORS DENIS, MANENDO, PARKS,  
KIHUEN; FORD, SEGERBLOM, SETTELMAYER, SMITH AND  
WOODHOUSE

MARCH 17, 2015

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JOINT SPONSORS: ASSEMBLYMEN BUSTAMANTE ADAMS,  
FLORES, JOINER AND THOMPSON

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Referred to Committee on Commerce, Labor and Energy

SUMMARY—Prohibits the sale or transfer of ivory under certain  
circumstances. (BDR 52-1022)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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AN ACT relating to trade practices; prohibiting the sale or transfer  
of ivory and ivory products under certain circumstances;  
setting forth certain exceptions; providing a penalty; and  
providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 5** of this bill prohibits the sale or transfer of ivory and ivory products in  
2 this State. **Section 6** of this bill provides certain exemptions from the prohibition on  
3 the sale or transfer of ivory and ivory products if: (1) the ivory or ivory product is  
4 an antique and makes up less than 20 percent of the antique and the owner or seller  
5 provides certain historical documentation; (2) the sale or transfer is for an  
6 educational or scientific purpose; (3) the ivory or ivory product is being distributed  
7 to a beneficiary or heir of a trust or estate, or the transfer or sale is between multiple  
8 beneficiaries or heirs of a trust or estate for the purpose of dividing the assets of the  
9 trust or estate; or (4) the ivory or ivory product is a musical instrument, or part of a  
10 musical instrument, manufactured before December 31, 1975. **Section 7** of this bill  
11 provides that a person who violates the provisions of this bill is guilty of a gross  
12 misdemeanor for the first offense, a category E felony for the second offense and a  
13 category D felony for the third or subsequent offense.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 597 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless*  
5 *the context otherwise requires, the words and terms defined in*  
6 *sections 3 and 4 of this act have the meanings ascribed to them in*  
7 *those sections.*

8       **Sec. 3.** *“Ivory” means a hard white substance that is a*  
9 *variety of dentin which composes the main part of the teeth or*  
10 *tusks of certain animals, including, without limitation, elephants,*  
11 *hippopotamuses, mammoths, narwhals, walruses and whales.*

12       **Sec. 4.** *“Ivory product” means any item that is manufactured*  
13 *and contains worked or raw ivory or that is made, in whole or in*  
14 *part, from ivory.*

15       **Sec. 5.** *Except as otherwise provided in section 6 of this act, a*  
16 *person shall not sell or offer for sale, lease, purchase, trade,*  
17 *barter, place in the stream of commerce or otherwise distribute or*  
18 *transfer possession of ivory or an ivory product in this State.*

19       **Sec. 6. 1.** *A person may sell or offer for sale, lease,*  
20 *purchase, trade, barter, place in the stream of commerce or*  
21 *otherwise distribute or transfer the possession of ivory or an ivory*  
22 *product in this State if:*

23       (a) *The ivory or ivory product is an antique and:*

24       (1) *The ivory or ivory product within the antique makes up*  
25 *less than 20 percent by volume of the antique; and*

26       (2) *The antique status of the ivory or ivory product is*  
27 *established by the owner or seller thereof with historical*  
28 *documentation evidencing provenance and demonstrating that the*  
29 *antique is at least 100 years old at the time of the sale or transfer*  
30 *of possession;*

31       (b) *The sale, offer for sale, lease, purchase, trade, barter,*  
32 *placement in the stream of commerce or other distribution or*  
33 *transfer of possession of the ivory or ivory product is for a bona*  
34 *fide educational or scientific purpose, including, without*  
35 *limitation, historical research or display in a public museum;*

36       (c) *The distribution or transfer of possession of the ivory or*  
37 *ivory product is to a legal beneficiary of a trust or heir of an*  
38 *estate, or a sale, offer for sale, lease, purchase, trade, barter or*  
39 *other distribution or transfer of possession of ivory or an ivory*  
40 *product is engaged in between multiple beneficiaries of a trust or*  
41 *heirs of an estate for the purpose of dividing the assets of the trust*  
42 *or estate; or*



1       (d) *The ivory or ivory product is a musical instrument, or part*  
2 *of a musical instrument, including, without limitation, string and*  
3 *wind instruments and pianos, and the owner or seller thereof*  
4 *provides historical documentation evidencing provenance and*  
5 *demonstrating that the musical instrument was manufactured not*  
6 *later than December 31, 1975.*

7       2. *As used in this section, "antique" means a unique object of*  
8 *personal property that has special value primarily because of its*  
9 *age.*

10       **Sec. 7.** *Any person who violates any provision of sections 2 to*  
11 *7, inclusive, of this act:*

12       1. *For the first offense, is guilty of a gross misdemeanor;*

13       2. *For the second offense, is guilty of a category E felony and*  
14 *shall be punished as provided in NRS 193.130; and*

15       3. *For the third and any subsequent offense, is guilty of a*  
16 *category D felony and shall be punished as provided in*  
17 *NRS 193.130.*

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