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

MARCH 17, 2015

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

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.

~

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

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.*

