
SENATE BILL NO. 194—SENATORS DENIS, PARKS, CANCELA,
ATKINSON, MANENDO; FORD, RATTI AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN SWANK, EDWARDS, FRIERSON,
CARRILLO, HAMBRICK; BILBRAY-AXELROD, DALY,
JAUREGUI AND JOINER

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Prohibits the sale of products derived from or
containing certain animal species under certain
circumstances. (BDR 52-664)

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.

AN ACT relating to trade practices; prohibiting the sale of products
derived from or containing certain animal species under
certain circumstances; providing a penalty; and providing
other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Endangered Species Act of 1973 and the African Elephant Conservation
2 Act restrict importation to, exportation from and trade throughout the United States
3 of certain items made of or containing certain animal parts. (16 U.S.C. §§ 1531 et
4 seq.; 16 U.S.C. §§ 4201 et seq.) **Section 2** of this bill prohibits the purchase, sale or
5 possession with intent to sell any item in this State that a person knows or should
6 know contains or is, wholly or partially, made of an animal part or byproduct
7 derived from any species of elephant, rhinoceros, whale, tiger, lion, leopard,
8 cheetah, jaguar, pangolin, sea turtle, shark, ray, mammoth, narwhal, walrus or
9 hippopotamus. **Section 2** also designates the criminal and civil penalties to be
10 imposed upon a person for violating these provisions. **Section 3** of this bill exempts
11 certain classes of sales from the provisions of **section 2**, including certain sales
12 involving: (1) law enforcement; (2) antiques; (3) musical instruments; (4) knives
13 and firearms; and (5) a scientific or educational institution. **Section 2** also exempts
14 sales of items specifically authorized for sale by federal law.



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 and 3 of this act.

3 **Sec. 2. 1.** *Except as otherwise provided in section 3 of this*
4 *act, a person shall not purchase, sell, offer for sale or possess with*
5 *intent to sell any item that the person knows or should know*
6 *contains or is, wholly or partially, made of an animal part or*
7 *byproduct derived from any species of elephant, rhinoceros,*
8 *whale, tiger, lion, leopard, cheetah, jaguar, pangolin, sea turtle,*
9 *shark, ray, mammoth, narwhal, walrus or hippopotamus.*

10 2. *Any person who violates a provision of subsection 1:*

11 (a) *For the first offense, is guilty of a gross misdemeanor;*

12 (b) *For the second offense, is guilty of a category E felony and*
13 *shall be punished as provided in NRS 193.130; and*

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

17 3. *In addition to the criminal penalties set forth in this*
18 *section, a person who violates a provision of this section, upon*
19 *conviction, shall pay a civil penalty not to exceed \$6,500 or an*
20 *amount equal to four times the fair market value of the item which*
21 *is the subject of the violation, whichever is greater.*

22 4. *As used in this section, "sale" or "sell" means any act of*
23 *selling, trading or bartering, for monetary or nonmonetary*
24 *consideration, and includes any transfer of ownership that occurs*
25 *in the course of a commercial transaction, but does not include a*
26 *nonmonetary transfer of ownership to a legal beneficiary of a trust*
27 *or to a person by way of gift, donation, inheritance or bequest.*

28 **Sec. 3. 1.** *The provisions of section 2 of this act do not*
29 *apply to:*

30 (a) *Any activity undertaken by a law enforcement agency or*
31 *officer pursuant to federal or state law.*

32 (b) *An antique that contains a de minimis quantity of an*
33 *animal part or byproduct derived from any species listed in*
34 *subsection 1 of section 2 of this act, provided that the animal part*
35 *or byproduct is a fixed component of the antique and the owner or*
36 *seller of the antique establishes with documentation evidencing*
37 *provenance of the antique that the antique is at least 100 years*
38 *old.*

39 (c) *A musical instrument, including, without limitation, piano,*
40 *string instrument and bow, wind instrument and percussion*
41 *instrument, that contains a de minimis quantity of an animal part*
42 *or byproduct derived from any species listed in subsection 1 of*



1 *section 2 of this act, provided that the owner or seller of the*
2 *musical instrument:*

3 *(1) Possesses any certification or permit required by federal*
4 *law for the sale of the musical instrument; and*

5 *(2) Establishes with documentation evidencing provenance*
6 *that the musical instrument was legally acquired.*

7 *(d) A knife or firearm that contains an animal part or*
8 *byproduct derived from any species listed in subsection 1 of*
9 *section 2 of this act if:*

10 *(1) The animal part or byproduct:*

11 *(I) Is a fixed part of the knife or firearm; and*

12 *(II) Originated in or was legally imported to the United*
13 *States; and*

14 *(2) The owner or seller of the knife or firearm establishes*
15 *with documentation evidencing provenance that the knife or*
16 *firearm was legally acquired; and*

17 *(3) All the requirements for the sale of the knife or firearm*
18 *set forth in federal and state law are met.*

19 *(e) Sales authorized by the Department of Business and*
20 *Industry to a bona fide scientific or educational institution of an*
21 *item that contains an animal part or byproduct derived from any*
22 *species listed in subsection 1 of section 2 of this act, provided that*
23 *the owner or seller of the item:*

24 *(1) Possesses any certification or permit required by federal*
25 *law for the sale of the item; and*

26 *(2) Establishes with documentation evidencing provenance*
27 *that the item was legally acquired.*

28 *(f) Any item that contains an animal part or byproduct derived*
29 *from any species listed in subsection 1 of section 2 of this act for*
30 *which the owner or seller has obtained any certification or permit*
31 *required by federal law for the sale of the item or that is*
32 *specifically authorized for sale by federal law, provided that all the*
33 *requirements for the sale of the item set forth in federal or state*
34 *law have been met.*

35 *2. As used in this section, “de minimis quantity” means:*

36 *(a) Less than 20 percent of an item by volume;*

37 *(b) Less than 200 grams in weight when examined as a*
38 *separate component; and*

39 *(c) Less than 20 percent of the fair market value of an item or*
40 *of the actual price paid for the item, whichever is greater.*

41 **Sec. 4.** This act becomes effective on January 1, 2018.

