

Senate File 30 - Introduced

SENATE FILE 30

BY McCOY

A BILL FOR

1 An Act prohibiting the sale of ivory and rhinoceros horns with
2 certain permitted exceptions and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455A.4, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *k.* Issue permits for the sale, offering
4 for sale, purchase, trade, barter, or distribution of ivory
5 articles or rhinoceros horns pursuant to chapter 717G.

6 Sec. 2. NEW SECTION. **717G.1 Definitions.**

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "*Distribute*" means a transfer or change in possession
10 with an accompanying change in legal ownership.

11 2. "*Ivory article*" means any item containing worked or raw
12 ivory from any species of elephant or mammoth.

13 3. "*Raw ivory*" means an elephant or mammoth tusk, and any
14 piece thereof, the surface of which, polished or unpolished, is
15 unaltered or minimally carved.

16 4. "*Rhinoceros horn*" means the horn, or any piece thereof,
17 of any species of rhinoceros.

18 5. "*Rhinoceros horn product*" means any item that contains,
19 or is wholly or partially made from, a rhinoceros horn.

20 6. "*Worked ivory*" means an elephant or mammoth tusk, and any
21 piece thereof, which is not raw ivory.

22 Sec. 3. NEW SECTION. **717G.2 Sale of ivory and rhinoceros
23 horns prohibited.**

24 1. Except as provided in section 717G.3, a person shall not
25 sell, offer for sale, purchase, trade, barter, or distribute an
26 ivory article or rhinoceros horn.

27 2. A violation of this section is a class "D" felony.

28 Sec. 4. NEW SECTION. **717G.3 Permits.**

29 Unless prohibited by federal law, rule, or regulation,
30 the department of natural resources may issue a permit for
31 the sale, offering for sale, purchase, trade, barter, or
32 distribution of an ivory article or rhinoceros horn in any of
33 the following circumstances pursuant to rules adopted by the
34 department pursuant to chapter 17A:

35 1. If the ivory article or rhinoceros horn is part of an

1 antique and is less than twenty percent by volume of such
2 antique and the antique status is established by the owner or
3 seller with historical documentation and showing the antique to
4 be at least one hundred years old.

5 2. The distribution or change of possession of the ivory
6 article or rhinoceros horn is for an educational or scientific
7 purpose.

8 3. The distribution of the ivory article or rhinoceros horn
9 is to a legal beneficiary of a trust or to an heir of an estate.

10 4. The ivory article or rhinoceros horn is part of a
11 musical instrument and the owner or seller provides historical
12 documentation demonstrating the item was manufactured no later
13 than 1975.

14 Sec. 5. NOTICE. The department of natural resources shall
15 maintain information regarding the prohibition against the sale
16 or purchase of ivory articles or rhinoceros horns in the state
17 on its internet site within thirty days of the effective date
18 of this Act.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill prohibits the sale of ivory and rhinoceros
23 horns with exceptions. A person who sells, offers for sale,
24 purchases, trades, barter, or distributes an ivory article or
25 rhinoceros horn is guilty of a class "D" felony. The sentence
26 for a class "D" felony includes imprisonment for no more than
27 five years and a fine of at least \$750 but not more than \$7,500.
28 The bill allows the department of natural resources to issue
29 permits for sales of ivory articles or rhinoceros horns that
30 are any of the following: antiques when the ivory article or
31 rhinoceros horn constitutes less than 20 percent of the volume
32 and the buyer or seller establishes that the antique is at
33 least 100 years old, distributed for educational or scientific
34 purposes, distributed to a legal beneficiary of a trust or an
35 heir to an estate, or part of a musical instrument manufactured

1 no later than 1975. The department shall issue permits for the
2 sale of such items.