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**HOUSE BILL 8003**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Read first time XX/XX/15. Referred to Committee on Agriculture & Natural Resources.

AN ACT Relating to ivory and rhinoceros horn trafficking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds the following:

(1) Ivory trafficking is occurring at the highest rate ever recorded, with an estimated confiscation of more than forty-one tons of illegal ivory worldwide in 2013;

(2) Despite laws to protect elephants, more than thirty-five thousand African elephants were slaughtered in 2012;

(3) Scientists expect the current level of illegal ivory trade will cause the extinction of elephants within twenty years;

(4) Precious artifacts from prehistoric mammoths also need protection from illegal ivory traffickers;

(5) The current worldwide population of all rhinoceros species living in the wild has dwindled to twenty-nine thousand;

(6) A February 2014 federal ban on the commercial trade of rhinoceros horn and elephant ivory has highlighted the need to protect rhinoceros and elephant populations from poachers; and

(7) The most effective way to discourage illegal trafficking is to eliminate markets and profits.

Therefore, the legislature intends to protect all species of rhinoceros and elephants, as well as prehistoric mammoth artifacts, by prohibiting the import, sale, purchase, barter, and possession with intent to sell, of any ivory, ivory product, rhinoceros horn, or rhinoceros horn product.

NEW SECTION. **Sec.**  A new section is added to chapter 77.15 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, it is unlawful to import, sell, offer to sell, purchase, trade, traffic, barter for, or distribute any ivory article or rhinoceros horn.

(b) A conviction under this section is a class C felony punishable according to chapter 9A.20 RCW.

(2) The director or the director's designee may issue a license or permit to import, sell, offer to sell, purchase, trade, barter for, or distribute ivory articles or rhinoceros horns, provided that:

(a) The ivory article or rhinoceros horn comprises: (i) less than five percent by volume of an item, (ii) is an antique, and (iii) the owner or seller provides to both the department and the grantee or buyer documented evidence of provenance sufficient to establish the antique to be one hundred or more years old;

(b) The distribution, transfer, or other change in possession of the ivory article or rhinoceros horn is for an educational or scientific purpose or is to a museum chartered by an educational institution;

(c) The distribution of the ivory article or rhinoceros horn is to a legal beneficiary of a trust or to an heir or distributee of an estate; or

(d) The ivory article or rhinoceros horn is part of a musical instrument, including string and wind instruments and pianos, if the owner or seller provides to both the department and the grantee or buyer documented evidence of provenance sufficient to establish the instrument was manufactured prior to January 1, 1976.

(3) The department must create and make available to the public, including on its web site, the provisions of this section and information regarding the prohibition of the sale and purchase of ivory articles and rhinoceros horns.

(4)As used in this section:

(a) "Distribute" means a transfer or change in possession with an accompanying change in legal ownership.

(b) "Ivory" means any tooth or tusk composed of ivory from any elephant or mammoth, or any part thereof, whether raw ivory or worked ivory, made into, or part of, an ivory product.

(c) "Ivory article" means any item containing worked or raw ivory from any species of elephant or mammoth.

(d) "Ivory product" means any item that contains, or that is wholly or partially made from, any ivory.

(e) "Raw ivory" means any ivory the surface of which, polished or unpolished, is unaltered or minimally changed by carving.

(f) "Rhinoceros horn" means the horn, or any part thereof, of any species of rhinoceros.

(g) "Rhinoceros horn product" means any item that contains, or is wholly or partially made from, any rhinoceros horn.

(h) "Value" means the fair market value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products, or the actual price paid for the ivory, ivory products, rhinoceros horn, and rhinoceros products, whichever is greater.

(i) "Worked ivory" means embellished, carved, marked, or otherwise altered ivory such that it can no longer be considered raw ivory.

**--- END ---**

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| **Washington State**  **House of Representatives**  **Office of Program Research** | **BILL ANALYSIS** | |
| **Agriculture & Natural Resources Committee** | |  |

**HB 8003**

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| This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent. |

**Brief Description:** Concerning ivory and rhinoceros horn trafficking.

**Sponsors:** Representative \_\_\_\_\_\_\_\_\_\_\_\_\_

**Brief Summary of Bill:**

* Makes unlawful the import, sale, purchase, trade, traffic, barter, or distribution of any ivory article or rhinoceros horn except for four exceptions, all of which require a license issued by the Washington Department of Fish and Wildlife.

**Hearing Date:** XX/XX/15.

**Staff:** [Teacher’s Name]

**Background:**

It is illegal to knowingly possess, import, or export fish, shellfish, or wildlife that was taken in violation another state’s or country’s laws or regulations. It is also illegal to trade or sell items with a significant impact on wildlife species in need of special protection (for example, shark fin products). The Department of Fish and Wildlife (DFW), is responsible for enforcing these prohibitions.

**Summary of Bill:**

The importation, sale, attempted sale, purchase, trade, barter, or distribution of any article containing ivory or rhinoceros horn is prohibited.

The director of the DFW may issue a license or permit to transfer the ownership of ivory article or rhinoceros horn under the following circumstances:

* The ivory article or rhinoceros horn contains less than 5% by volume of ivory or rhinoceros horn and is an antique (the seller must provide to both the recipient and the WDFW evidence that the antique is at least 100 years old);
* The transfer is for an educational or scientific purpose or to a museum;
* The article is being inherited by the legal beneficiary of a trust or estate; or
* It is part of a musical instrument manufactured prior to January 1, 1976 (with documentation).

Violating this prohibition, is a Class C felony, and is punishable by up to 5 years in prison and up to $10,000 in fines.

The DFW must make information regarding the prohibition on ivory trafficking and exceptions available to the public online and in print.

**Appropriation:** None.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **1**

By Committee on Agriculture and Natural Resources

On page 2, line 31, after "January 1," strike "1976" and insert "1950"

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|  | EFFECT: Changes the date of the exemption on musical instruments containing ivory or rhinoceros horn from January 1, 1976 to January 1, 1950. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **2**

By Committee on Agriculture and Natural Resources

On page 2, line 16, after "than" strike "five" and insert "twenty-five"

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|  | EFFECT: Changes the exemption on ivory articles from less than five percent by volume of ivory to less than twenty-five percent by volume of ivory. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **3**

By Committee on Agriculture and Natural Resources

On page 3, after line 25 insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) The Department of Fish and Wildlife must establish an ivory antiquity certification program. The cost of a certificate of antiquity under this program must be no more than $45.

(2) The person requesting the certificate of antiquity, which may be a retailer or a consumer, will pay for the certficate.”

Renumber the remaining sections consecutively and correct any internal references accordingly.

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|  | EFFECT: Allows the Department of Fish and Wildlife to create an expanded certification process for certified antique ivory, at a cost of no more than $45 per certificate, payable by the ivory owner. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **4**

By Committee on Agriculture and Natural Resources

On page 2, line 31, after “prior to” strike "January 1, 1976" and insert "the effective date of this legislation"

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|  | EFFECT: Would allow instrument makers to use any ivory already acquired until the new restrictions take effect. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **4**

By Committee on Agriculture and Natural Resources

On page 1, line 22, after "elephants," strike "as well as prehistoric mammoth artifacts"

On page 3, line 7, after "elephant," strike "or mammoth"

On page 3, line 10, after "elephant" strike "or mammoth"

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|  | EFFECT: Allows the sale, import, purchase, barter or possession with intent to sell of prehistoric mammoth artifacts. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **5**

By Committee on Agriculture and Natural Resources

On page 2, beginning on line 5, after "(1)" strike all material through "1976." on line 31 and insert the following:

“(a) Except as authorized in subsection (2) of this section, it is unlawful for a person or entity to import, sell, offer to sell, purchase, trade, barter for, or distribute any ivory article or rhinoceros horn product.

(b) A conviction under this section is a class C felony punishable according to chapter 9A.20 RCW.

(2) A person or entity may lawfully import, sell, offer to sell, purchase, trade, barter for, or distribute an ivory article or rhinoceros horn product, provided that one of the following conditions is satisfied:

(a) The ivory article or rhinoceros horn product:

(i) Is constructed so that the ivory or rhinoceros horn comprises less than five percent by volume of the overall article or product; and

(ii) Is an antique that is at least one hundred years old;

(b) The distribution, transfer, or other change in possession of the ivory article or rhinoceros horn is for a educational or scientific purpose, or to a museum chartered by an educational institution;

(c) The distribution of the ivory article or rhinoceros horn is to a legal beneficiary of a trust or to an heir or distributee of an estate; or

(d) The ivory article or rhinoceros horn is part of a musical instrument, including string and wind instruments and pianos, and the ivory or rhinoceros horn was not acquired in violation of federal law.”

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|  | EFFECT: Removes the requirement for the Department of Fish and Wildlife to issue exemption permits to trade ivory. Makes the requirement for selling or trading musical instruments contingent on federal law instead of a date. |

**--- END ---**

8003 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8003** - H COMM AMD **6**

By Committee on Agriculture and Natural Resources

On page 2, line 27, after “a” insert "firearm, sword, knife, trinket, or”

On page 2, beginning on line 24, after "pianos," strike “if the owner or seller provides to both the department and the grantee or buyer documented evidence of provenance sufficient to establish the instrument was manufactured prior to January 1, 1976” and insert “and the ivory or rhinoceros horn was not acquired in violation of federal law”

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|  | EFFECT: Includes firearms, swords, knives, and trinkets in articles that can be sold or traded if their ivory or rhinoceros horn components were not acquired in violation of federal law. |

**--- END ---**

**Mock Role Sheet**

**HB 8003 – Ivory Trade Restrictions**

**Committee: Agriculture & Natural Resources**

**COMMITTEE MEMBERS**

*Study the bill, listen to and ask questions of lobbyists, propose amendments, vote on the bill and amendments*

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| **Majority Party** | **Minority Party** |
| Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Presides over the committee and majority caucus, decides how the meeting will run*  Vice Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Assists the chair, proposes motions*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Ranking Member\_\_\_\_\_\_\_\_\_\_\_  *Leads minority caucus*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**PRIME SPONSOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Testifies first at the hearing, as the legislator who proposed the bill*

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| **LOBBYISTS**  *Research their position on the bill and attempt to persuade legislators, by testifying at the hearing and lobbying*   |  |  | | --- | --- | | **Pro** | **Con** | | *Support passing the bill*  Point Defiance Zoo  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Department of Fish & Wildlife  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_International Elephant Conservation Group  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Citizen Activist  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | *Oppose passing the bill*  Antique Dealer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_National Rifle Association  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Legal Ivory Rights Coalition  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | |  |  |  |
| **With Concerns**  *Oppose the bill in its current form, but might support with amendments addressing problems* | | | |  |  |  |
| Antique Dealer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |