

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred House Bill No. 99 entitled “An act relating to trade in covered animal  
4 parts or products” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 124 is added to read:

8 CHAPTER 124. TRADE IN COVERED ANIMAL PARTS OR PRODUCTS

9 § 5501. DEFINITIONS

10 As used in this chapter:

11 (1) “Bona fide educational or scientific institution” means an institution  
12 that establishes through documentation that it is a tax-exempt institution under  
13 the Internal Revenue Service’s educational or scientific tax exemption.

14 (2) “Covered animal” means any species of:

15 (A) Cheetah (Acinonyx jubatus);

16 (B) Elephant (family Elephantidae);

17 (C) Giraffe (Giraffa camelopardalis) ;

18 (D) Hippopotamus (family Hippopotamidae);

19 (E) Jaguar (Panthera onca);

20 (F) Leopard (Panthera pardus);

21 (G) Lion (Panthera leo);

1           (H) Mammoth (genus Mammuthus);

2           (I) Mastodon (genus Mammut);

3           (J) Pangolin (family Manidae);

4           (K) Endangered ray, as listed by the Convention on International

5           Trade in Endangered Species of Wild Fauna and Flora;

6           (L) Rhinoceros (family Rhinocerotidae);

7           (M) Sea turtle (family Chelonioidea);

8           (N) Endangered shark, as listed by the Convention on International

9           Trade in Endangered Species of Wild Fauna and Flora;

10          (O) Tiger (Panthera tigris);

11          (P) Whale (families Balaenidae, Balaenopteridae, Cetotheriidae,

12          Eschrichtiidae, Monodontidae, Physeteridae, Kogiidae, and Ziphiidae); or

13          (Q) The following primates: gorillas, bonobos, orangutans, gibbons,

14          or chimpanzees.

15           (3) “Covered animal part or product” means any item that contains, or is  
16           wholly or partially made from, a covered animal, including the meat or flesh of  
17           a covered animal sold as food.

18           (4) “Sale” or “sell” means any act of selling, trading, or bartering for  
19           monetary or nonmonetary consideration, and includes any transfer of  
20           ownership that occurs in the course of a commercial transaction. “Sale” or

1 “sell” shall not include a nonmonetary transfer of ownership by way of gift,  
2 donation, or bequest.

3 (5) “Secretary” means the Secretary of Natural Resources.

4 (6) “Total value” means either the fair market value or the actual price  
5 paid for a covered animal part or product, whichever is greater.

6 § 5502. PROHIBITION

7 Except as provided in this chapter, notwithstanding any other provision of  
8 law to the contrary, a person shall not purchase, sell, offer for sale, or possess  
9 with intent to sell any item that the person knows or should know is a covered  
10 animal part or product.

11 § 5503. EXCEPTIONS

12 The prohibition on the purchase, sale, offer for sale, or possession with  
13 intent to sell set forth in section 5502 of this title shall not apply:

14 (1) to employees or agents of the federal or State government  
15 undertaking any law enforcement activities pursuant to federal or State law, or  
16 any mandatory duties required by federal or State law;

17 (2) when the activity is expressly authorized by federal law;

18 (3) when the covered animal part or product is a fixed component of an  
19 antique that is not made wholly or partially from the covered animal part or  
20 product, provided that:

1           (A) the antique status is established by the owner or seller of the  
2           covered animal part or product with documentation providing evidence of the  
3           provenance of the covered animal part or product and showing the covered  
4           animal part or product to be not less than 100 years old; and

5           (B) the total weight of the covered animal part or product is less than  
6           200 grams;

7           (4) when the covered animal part or product is a fixed component of a  
8           musical instrument, including string instruments and bows, wind and  
9           percussion instruments, and pianos, provided that the covered animal part or  
10          product was legally acquired and provided that the total weight of the covered  
11          animal part or product is less than 200 grams; or

12          (5) the activity is authorized under section 5504 of this title.

13          § 5504. EDUCATIONAL OR SCIENTIFIC USE

14          The Secretary may permit, under terms and conditions as the Secretary may  
15          require, the purchase, sale, offer for sale, or possession with intent to sell of  
16          any covered animal part or product for educational or scientific purposes by a  
17          bona fide educational or scientific institution unless the activity is prohibited  
18          by federal law, and provided that the covered animal part or product was  
19          legally acquired.

20          § 5505. PRESUMPTION OF POSSESSION WITH INTENT TO SELL

1        There shall be a rebuttable presumption that a person possesses a covered  
2        animal part or product with intent to sell when the part or product is possessed  
3        by a retail or wholesale establishment or other forum engaged in the business  
4        of buying or selling similar items. This rebuttable presumption shall not  
5        preclude a court from finding intent to sell a covered animal part or product  
6        based on any other evidence that may serve to independently establish intent.

7        § 5506. PENALTIES

8        The penalties for a violation of a provision of this chapter are as follows:

9            (1) For a first offense, where the total value of the covered animal part  
10        or product does not exceed \$250.00, a person shall be fined not more than  
11        \$1,000.00 nor less than \$400.00 or imprisoned for not more than 30 days, or  
12        both.

13           (2) For a first offense, where the total value of the covered animal part  
14        or product exceeds \$250.00, a person shall be fined not more than \$2,000.00  
15        nor less than \$1,000.00 or imprisoned for not more than 60 days, or both.

16           (3) For a second offense, where the total value of the covered animal  
17        part or product does not exceed \$250.00, a person shall be fined not more than  
18        \$2,000.00 nor less than \$1,000.00 or imprisoned for not more than 60 days, or  
19        both.

20           (4) For a second offense, where the total value of the covered animal  
21        part or product exceeds \$250.00, a person shall be fined not more than

1 \$4,000.00 nor less than \$2,000.00 or imprisoned for not more than 90 days, or  
2 both.

3 § 5507. SEIZURE.

4 A person convicted of violating a provision of this chapter shall forfeit to  
5 the Secretary the covered animal part or product that is the subject of the  
6 violation. The Secretary may:

7 (1) authorize that the covered animal part or product be maintained for  
8 educational or training purposes;

9 (2) authorize that the covered animal part or product be donated to a  
10 bona fide educational or scientific institution; or

11 (3) require that the covered animal part or product be destroyed.

12 § 5508. RULES

13 The Secretary may adopt rules necessary to implement the requirements of  
14 this chapter.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on **January 1, 2022.**

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2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE