S T A T E O F N E W Y O R K

6071

2015-2016 Regular Sessions

I N A S S E M B L Y

March 11, 2015

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED, JAFFEE, ROZIC, BENEDETTO, MILLER, BUCHWALD -- Multi-Sponsored by -- M. of A. HEVESI -- (at request of the Governor) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to musical instruments containing ivory or rhinoceros horn; and to amend chapter 326 of the laws of 2014 amending the environmental conservation law relating to prohibiting the purchase and sale of ivory articles and rhinoceros horns and increasing the penalties for the illegal sale of such articles, in relation to amending the effective date thereof and permitting the sale of mammoth items through June 30, 2015

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph d of subdivision 3 of section 11-0535-a of the environmental conservation law, as added by chapter 326 of the laws of 2014, is amended to read as follows:

d. the ivory article or rhinoceros horn is [part] LESS THAN TWENTY PERCENT BY VOLUME of a musical instrument, including, without limitation, string and wind instruments and pianos, and the owner or seller provides historical documentation as the department may require, demonstrating provenance and showing the item was manufactured no later than nineteen hundred seventy-five IF THE INSTRUMENT CONTAINS ELEPHANT IVORY, OR JUNE THIRTIETH, TWO THOUSAND FOURTEEN IF THE INSTRUMENT CONTAINS ONLY MAMMOTH IVORY.

S 2. Section 7 of chapter 326 of the laws of 2014 amending the environmental conservation law relating to prohibiting the purchase and sale of ivory articles and rhinoceros horns and increasing penalties for the illegal sale of such articles, is amended to read as follows:

S 7. This act shall take effect immediately; provided, however, any person who has been issued a license or permit allowing the sale of elephant ivory articles or rhinoceros horns prior to the effective date

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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of this act may sell such articles listed on such license or permit until such license or permit has expired; AND PROVIDED FURTHER, THAT ANY PERSON WHO POSSESSES MAMMOTH IVORY ARTICLES ON THE DATE THIS ACT TAKES EFFECT MAY SELL, OFFER FOR SALE, TRADE, BARTER, OR DISTRIBUTE SUCH ARTICLES THROUGH JUNE 30, 2015, IF THE ARTICLES ARE ACCOMPANIED BY DOCUMENTATION SUFFICIENT TO SHOW THAT SUCH ARTICLES ARE MAMMOTH IVORY OBTAINED PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

S 3. This act shall take effect immediately, and shall be deemed to have been in full force and effect on the same date and in the same manner as chapter 326 of the laws of 2014, took effect.