§ 11-0535-b. Vulnerable species.

1. As used in this section, "vulnerable species" shall mean any species of wildlife designated by the department, by regulation filed with the secretary of state, which meet the following criteria:

(a) On the basis of credible scientific evidence, which may include information contained on the international union for conservation of nature and natural resources red list of threatened species, or other similar data:

(i) the species has an observed, estimated or projected population decline that if unreversed, will likely result in the species becoming endangered or threatened within the foreseeable future; or

(ii) other factors that may cause the species to go extinct if they are not identified and reversed;

(b) The species is known to be in trade in this state;

(c) The species is not protected as an endangered or threatened species by the secretary of the interior; and

(d) The species is not protected under the Marine Mammal Protection Act.

2. Except as otherwise provided in subdivision three of this section, no person shall sell, or possess with the intent to sell, any article made in whole or in part from the skin, hide, or other parts of any vulnerable species, except under license or permit from the department.

3. The commissioner may issue licenses or permits for the sale or possession with intent to sell of any article made in whole or in part from the skin, hide, or other parts of any vulnerable species, provided that:

(a) the article is part of a bona fide antique and the antique status of such antique is established by the owner or seller thereof with historical documentation evidencing provenance and showing the antique to be not less than one hundred years old; or

(b) the article is for bona fide educational or scientific purposes, or to be made part of a temporary or permanent collection of a museum chartered by the board of regents pursuant to the education law or to a museum authorized by a special charter from the legislature of this

state, provided that the article is not thereafter sold to any private party.

4. The department shall maintain a list of vulnerable species identified pursuant to this section and post such list on the department's website.

5. Species shall not be designated as a vulnerable species for the purposes of this section if:

(a) the species is protected pursuant to any other provision of this chapter; or

(b) the taking of the species is regulated by the department pursuant to permit or license.