

# HOUSE BILL No. 6503

November 27, 2018, Introduced by Rep. Cochran and referred to the Committee on  
Commerce and Trade.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 367.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 367

ENDANGERED SPECIES TRAFFICKING

SEC. 36701. (1) AS USED IN THIS PART:

(A) "SELL" MEANS TO SELL, TRADE, OR BARTER, FOR MONETARY OR  
NONMONETARY CONSIDERATION, AND INCLUDES ANY TRANSFER OF OWNERSHIP  
THAT OCCURS IN THE COURSE OF A COMMERCIAL TRANSACTION, BUT DOES NOT  
INCLUDE A TRANSFER OF OWNERSHIP TO A BENEFICIARY OF A TRUST WITHOUT  
MONETARY CONSIDERATION OR TO A PERSON BY GIFT, DONATION,

1 INHERITANCE, OR BEQUEST. "SALE" HAS A CORRESPONDING MEANING.

2 (B) "SHARK FIN" MEANS THE DETACHED FIN OR TAIL OF A SHARK.

3 SEC. 36702. EXCEPT AS PROVIDED IN SECTION 36703, A PERSON  
4 SHALL NOT PURCHASE, SELL, OFFER TO SELL, OR POSSESS WITH INTENT TO  
5 SELL ANY ITEM THAT IS, WHOLLY OR PARTIALLY, MADE OF AN ANIMAL PART  
6 OR BYPRODUCT DERIVED FROM ANY OF THE FOLLOWING:

7 (A) A SHARK FIN.

8 (B) A LION OF THE SPECIES *Panthera leo* OR ANY SPECIES OF  
9 ELEPHANT, RHINOCEROS, TIGER, LEOPARD, CHEETAH, JAGUAR, PANGOLIN,  
10 SEA TURTLE, RAY, MAMMOTH, NARWHAL, WALRUS, OR HIPPOPOTAMUS.

11 (C) ANY ANIMAL SPECIES COVERED ON THE EFFECTIVE DATE OF THE  
12 AMENDATORY ACT THAT ADDED THIS SECTION BY THE CONVENTION ON  
13 INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA.

14 SEC. 36703. SECTION 36702 DOES NOT APPLY TO ANY OF THE  
15 FOLLOWING:

16 (A) ANY ACTIVITY UNDERTAKEN BY A LAW ENFORCEMENT AGENCY OR  
17 OFFICER PURSUANT TO FEDERAL OR STATE LAW.

18 (B) A KNIFE OR FIREARM, OR A COMPONENT THEREOF, THAT CONTAINS  
19 AN ANIMAL PART OR BYPRODUCT DERIVED FROM A SPECIES LISTED IN  
20 SECTION 36702 IF ALL OF THE FOLLOWING APPLY:

21 (i) THE ANIMAL PART OR BYPRODUCT IS A FIXED OR INTEGRAL PART  
22 OF THE KNIFE OR FIREARM, OR THE COMPONENT THEREOF.

23 (ii) THE ANIMAL PART OR BYPRODUCT ORIGINATED IN OR WAS LEGALLY  
24 IMPORTED TO THE UNITED STATES.

25 (iii) THE OWNER OR SELLER OF THE KNIFE OR FIREARM, OR THE  
26 COMPONENT THEREOF, ESTABLISHES WITH DOCUMENTATION EVIDENCING  
27 PROVENANCE THAT THE KNIFE OR FIREARM, OR THE COMPONENT THEREOF, WAS

1 LEGALLY ACQUIRED.

2 (iv) ALL THE REQUIREMENTS FOR THE SALE OF THE KNIFE OR  
3 FIREARM, OR THE COMPONENT THEREOF, SET FORTH IN FEDERAL AND STATE  
4 LAW ARE MET.

5 (C) ANY ITEM THAT IS, WHOLLY OR PARTIALLY, MADE OF AN ANIMAL  
6 PART OR BYPRODUCT DERIVED FROM ANY SPECIES LISTED IN SECTION 36702  
7 FOR WHICH THE OWNER OR SELLER HAS OBTAINED EACH CERTIFICATION OR  
8 PERMIT REQUIRED BY FEDERAL LAW FOR THE SALE OF THE ITEM OR THAT IS  
9 SPECIFICALLY AUTHORIZED FOR SALE BY FEDERAL LAW, IF ALL THE  
10 REQUIREMENTS FOR THE SALE OF THE ITEM SET FORTH IN FEDERAL OR STATE  
11 LAW HAVE BEEN MET.

12 SEC. 36704. (1) A PERSON THAT VIOLATES SECTION 36702 IS GUILTY  
13 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1  
14 YEAR OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

15 (2) IN ADDITION TO THE CRIMINAL PENALTIES SET FORTH IN THIS  
16 SECTION, A PERSON THAT VIOLATES SECTION 36702, UPON CONVICTION, MAY  
17 BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN THE GREATER OF THE  
18 FOLLOWING:

19 (A) \$6,500.00.

20 (B) FOUR TIMES THE FAIR MARKET VALUE OF THE ITEM THAT IS THE  
21 SUBJECT OF THE VIOLATION.

22 Enacting section 1. This amendatory act takes effect 90 days  
23 after the date it is enacted into law.