



General Assembly

January Session, 2015

Raised Bill No. 6955

LCO No. 4274



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT PROHIBITING THE SALE AND TRADE OF IVORY AND RHINOCEROS HORN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) For the purposes of this
2 section:

3 (1) "Ivory" means any tooth or tusk, or any part thereof, that is
4 composed of ivory from any animal, including, but not limited to, any
5 elephant, hippopotamus, mammoth, narwhal, walrus or whale or any
6 piece thereof, regardless of whether such tooth or tusk is raw ivory,
7 worked ivory or made into or part of an ivory product;

8 (2) "Ivory product" means any item that contains or that is wholly or
9 partially made from ivory;

10 (3) "Raw ivory" means any ivory with a surface that is unaltered or
11 minimally changed by carving;

12 (4) "Rhinoceros horn" means the horn, or any piece thereof, of any
13 species of rhinoceros;

14 (5) "Rhinoceros horn product" means any item that contains, or is
15 wholly or partially made from, any rhinoceros horn;

16 (6) "Total value" means the fair market value or the actual price
17 paid, whichever is greater; and

18 (7) "Worked ivory" means ivory that is embellished, carved, marked,
19 or otherwise altered so that it is no longer raw ivory.

20 (b) No person shall import, sell, offer for sale, purchase, barter or
21 possess with the intent to sell, any ivory, ivory product, rhinoceros
22 horn or rhinoceros horn product, except: (1) When such import is
23 expressly authorized by a federal license or permit, (2) if such person is
24 an employee or agent of the federal or state government and is
25 undertaking any law enforcement activity pursuant to federal or state
26 law or any mandatory duty required by federal or state law, (3) the
27 transfer of possession of such ivory, ivory product, rhinoceros horn or
28 rhinoceros horn product to a legal beneficiary upon the death of the
29 owner of the ivory, ivory product, rhinoceros horn or rhinoceros horn
30 product or in anticipation of such owner's death and such owner did
31 not gain ownership of such ivory, ivory product, rhinoceros horn or
32 rhinoceros horn product in violation of this section, or (4) such import,
33 offer, purchase, barter or possession is for a bona fide educational or
34 scientific purpose at a university or hospital and such purpose is not
35 otherwise prohibited by federal law.

36 (c) Prima facie evidence of possession with intent to sell ivory, ivory
37 product, rhinoceros horn, or rhinoceros horn product shall include, but
38 not be limited to, the possession of such ivory, ivory product,
39 rhinoceros horn or rhinoceros horn product in a retail or wholesale
40 location that is commonly used for the buying or selling of animal-
41 derived products. Obtaining an appraisal of ivory, an ivory product,
42 rhinoceros horn or a rhinoceros horn product shall not constitute
43 possession with intent to sell.

44 (d) Any person who violates the provisions of subsection (b) of this

45 section shall, for the first offense, be guilty of a class B misdemeanor
46 and shall be fined not less than one thousand dollars or an amount
47 equal to two times the total value of the subject ivory, ivory product,
48 rhinoceros horn or rhinoceros horn product, whichever is greater, and
49 for a second or any subsequent offense, be guilty of a class B
50 misdemeanor and fined not less than five thousand dollars or an
51 amount equal to two times the total value of the subject ivory, ivory
52 products, rhinoceros horn or rhinoceros horn product.

53 (e) Upon any conviction for violation of the provisions of subsection
54 (b) of this section, the court shall order the seizure of the subject ivory,
55 ivory product, rhinoceros horn or rhinoceros horn product. Following
56 such seizure, the subject ivory, ivory product, rhinoceros horn or
57 rhinoceros horn product shall be destroyed or donated to an
58 educational or scientific institution or organization including, but not
59 limited to, a museum, university or hospital.

60 Sec. 2. Section 26-304 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2015*):

62 As used in sections 22a-2, 23-5c, 23-74, 23-75, 26-40c, 26-40d, 26-40f
63 and 26-303 to [26-315] 26-314, inclusive:

64 (1) "Department" means the Department of Energy and
65 Environmental Protection;

66 (2) "Conserve" and "conservation" mean to use all methods and
67 procedures necessary to maintain or increase the populations of any
68 endangered or threatened species to the point at which the provisions
69 of sections 22a-2, 23-5c, 23-74, 23-75, 26-40c, 26-40d, 26-40f and 26-303
70 to [26-315] 26-314, inclusive, are no longer necessary, including, but not
71 limited to, all activities associated with resources management, such as
72 research, census, monitoring, regulation and law enforcement, habitat
73 acquisition, restoration and maintenance, propagation, live trapping,
74 transplantation and regulated taking;

75 (3) "Wildlife" means all species of invertebrates, fish, amphibians,
76 reptiles, birds and mammals [which] that are wild by nature and parts
77 thereof;

78 (4) "Plants" means any member of the plant kingdom and parts
79 thereof;

80 (5) "Native" means any species indigenous to this state;

81 (6) "Species" means any species, subspecies, or variety of animal or
82 plant, and includes any distinct population segment of any animal or
83 plant;

84 (7) "Endangered species" means any native species documented by
85 biological research and inventory to be in danger of extirpation
86 throughout all or a significant portion of its range within the state and
87 to have no more than five occurrences in the state, and any species
88 determined to be an "endangered species" pursuant to the federal
89 Endangered Species Act;

90 (8) "Threatened species" means any native species documented by
91 biological research and inventory to be likely to become an
92 endangered species within the foreseeable future throughout all or a
93 significant portion of its range within the state and to have no more
94 than nine occurrences in the state, and any species determined to be a
95 "threatened species" pursuant to the federal Endangered Species Act,
96 except for such species determined to be endangered by the
97 commissioner in accordance with section 26-306;

98 (9) "Species of special concern" means any native plant species or
99 any native nonharvested wildlife species documented by scientific
100 research and inventory to have a naturally restricted range or habitat
101 in the state, to be at a low population level, to be in such high demand
102 by man that its unregulated taking would be detrimental to the
103 conservation of its populations or has been extirpated from the state;

104 (10) "Endangered Species Act" means the Endangered Species Act of
105 1973, Public Law 93-205, as amended from time to time;

106 (11) "Take" or "taking" mean to capture, collect, destroy, harm, hunt,
107 kill, pursue, shoot, trap, snare, net, possess, transport, remove, sell or
108 offer for sale, export or import or to attempt to engage in any such
109 conduct or any act of assistance to any other person in taking or
110 attempting to take such native wildlife and native plants whether or
111 not such act results in capture or collection;

112 (12) "Essential habitat" means the geographic area which contains
113 those physical or biological features which are identifiable and have
114 been demonstrated as being decisive to the continued existence of any
115 endangered or threatened species and includes, but is not limited to,
116 significant areas used for courtship, mating, and other reproductive
117 activities, rearing of young, feeding and shelter of endangered and
118 threatened species;

119 (13) "Destruction or adverse modification of essential habitat" means
120 any activity that significantly alters, pollutes, impairs, degrades,
121 damages, destroys or otherwise reduces the ability of the habitat to
122 sustain populations of endangered or threatened species;

123 (14) "Threaten the continued existence" means to engage in any
124 action that reduces appreciably the likelihood of the survival and
125 recovery of an endangered or threatened species in the wild by
126 reducing the reproduction, numbers, or distribution of such species;

127 (15) "Occurrence" means a population of a species breeding and
128 existing within the same ecological community and capable or
129 potentially capable of interbreeding with other members of that
130 species within that community.

131 Sec. 3. Section 26-315 of the general statutes is repealed. (*Effective*
132 *July 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>July 1, 2015</i>	26-304
Sec. 3	<i>July 1, 2015</i>	Repealer section

Statement of Purpose:

To prohibit the sale and trade of ivory and rhinoceros horn and products made of such ivory and rhinoceros horn in order to limit the market for such items and reduce the killing of elephants and rhinoceros for their ivory and horns.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]