



## STATE LAWS BANNING IVORY AND RHINOCEROS HORN TRANSFERS

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### INTERNATIONAL AND U.S. LAW

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an agreement whereby governments, including the United States, have agreed to restrict international trade in certain plants and animals and products derived from them. Elephants and rhinoceroses are protected species under CITES.

CITES gives a framework for countries to follow when adopting legislation to implement the agreement. Trade in protected species must be licensed and there are different levels of protection based on a species' endangered status.

CITES information is available at:  
<https://www.cites.org/>.

U.S. law regulates the import or transfer of elephant and rhinoceros parts or products through the Fish and Wildlife Service's (FWS) regulations implementing CITES ([50 C.F.R. 23](#)), the Endangered Species Act ([16 U.S.C. § 1531 et seq.](#)), and acts and programs specific to the conservation of these animal species.

Information about the regulations is available at:  
<http://www.fws.gov/international/>.

### ISSUE

This report summarizes state bans on transferring ivory or rhinoceros horn.

### SUMMARY

Four states have specific laws banning certain transfers of ivory or rhinoceros horn: California, New Jersey, New York, and Washington. The first three states enacted their laws legislatively. Washington's voters approved their state's law during their 2015 election.

The laws generally prohibit purchasing, selling, offering for sale, trading, or distributing ivory or horn, pieces of ivory or horn, or products that contain either one.

Each state's law covers elephant ivory but, depending on the state, ivory from other species is also covered. For example, California, New Jersey, and New York also ban transfers of mammoth ivory.

The laws exempt certain transfers from the bans, though the specifics of the exemptions vary. Each state exempts transfers for bona fide educational or scientific purposes.



California, New York, and Washington exempt transfers of certain antiques or musical instruments. And New Jersey, New York, and Washington exempt transfers to certain legal beneficiaries.

The penalties for violating the laws vary by state. Also, within each state, the penalties vary based on whether an offense is a first or subsequent offense and on the value of the ivory or horn involved. The ivory or horn may also be seized and destroyed or donated to certain entities, depending on the state in which the transfer occurred.

## STATE LAW BANS

Table 1 provides information on each state law banning ivory and rhinoceros horn transfers. It includes the (1) scope of each state’s ban, (2) specific exemptions that apply, and (3) applicable penalties.

**Table 1: State Laws Banning Ivory and Rhinoceros Horn Transfers**

<b>State</b>	<b>Citation</b>	<b>Scope of Ban</b>	<b>Exemptions</b>	<b>Penalties</b>
<b>California</b>	<a href="#">AB 96</a> (2015, effective July 1, 2016)	<ul style="list-style-type: none"> <li>• purchasing, selling, offering for sale, possessing or importing with intent to sell, trading, bartering, or giving away associated with a commercial transaction</li> <li>• applies to ivory or rhinoceros horn, a piece of it (including powdered horn), or a product containing or advertised as containing it</li> <li>• “ivory” includes a tooth or tusk from an elephant, hippopotamus, mammoth, mastodon, narwhal, walrus, warthog, or whale, whether raw or worked</li> </ul>	<ul style="list-style-type: none"> <li>• bona fide antiques of at least 100 years in age with less than 5% ivory or horn</li> <li>• musical instruments manufactured before 1976 with less than 20% ivory or horn</li> <li>• certain transactions by bona fide educational or scientific institutions</li> <li>• federal or state law enforcement or other required activity</li> <li>• permitted, exempted, or expressly allowed under federal law</li> </ul>	<ul style="list-style-type: none"> <li>• misdemeanor, punishable by a fine, prison, or both               <ul style="list-style-type: none"> <li>○ punishment varies by (1) whether it is a first or second or subsequent conviction and (2) the value of the ivory or horn</li> <li>○ fines range from \$1,000 to the greater of \$50,000 or twice the value of the ivory or horn involved</li> <li>○ prison time ranges from up to 30 days to up to one year</li> </ul> </li> <li>• may also receive an administrative fine of up to \$10,000</li> <li>• ivory or horn is seized and destroyed, donated, or kept for educational or training purposes</li> </ul>

Table 1 (continued)

<b>State</b>	<b>Citation</b>	<b>Scope of Ban</b>	<b>Exemptions</b>	<b>Penalties</b>
<b>New Jersey</b>	<a href="#">N.J. Rev. Stat. § 23:2A-13.1 et seq.</a>	<ul style="list-style-type: none"> <li>• purchasing, selling, offering for sale, importing, bartering, or possessing with intent to sell</li> <li>• applies to ivory or rhinoceros horn, or any piece of it, or items that have or are made wholly or partially from ivory or horn</li> <li>• “ivory” includes a tooth or tusk made of ivory from any animal, including an elephant, hippopotamus, mammoth, narwhal, walrus, or whale, whether raw or worked</li> </ul>	<ul style="list-style-type: none"> <li>• conveyance to legal beneficiaries after or in anticipation of death</li> <li>• bona fide educational or scientific purposes</li> <li>• federal or state law enforcement or other required activity</li> <li>• expressly authorized under federal law</li> </ul>	<ul style="list-style-type: none"> <li>• First offense is a disorderly persons offense (misdemeanor) and punishable by a fine of not less than \$1,000 or twice the total value of the articles involved, whichever is greater</li> <li>• Second or subsequent offense is a fourth degree crime (felony) and punishable by a fine of not less than \$5,000 or twice the total value of the articles involved, whichever is greater</li> <li>• specifies that criminal penalties are in addition to applicable penalties under the state’s endangered species law</li> <li>• ivory or horn is seized and destroyed or donated to an educational, scientific, or other related organization</li> </ul>
<b>New York</b>	N.Y. Env’tl. Conserv. §§ <a href="#">11-0535-a</a> , <a href="#">71-0924</a> , and <a href="#">71-0925</a>	<ul style="list-style-type: none"> <li>• purchasing, selling, offering for sale, trading, bartering, or distributing</li> <li>• applies to ivory articles or rhinoceros horn</li> <li>• “ivory articles” include items with raw or worked ivory from an elephant or mammoth</li> </ul>	<ul style="list-style-type: none"> <li>• bona fide antiques of at least 100 years in age with less than 20% ivory or horn</li> <li>• musical instruments manufactured before 1976</li> <li>• distribution to legal beneficiary, heir, or distributee</li> <li>• distribution is for bona fide educational or scientific purposes or to certain museums</li> </ul>	<p>Criminal:</p> <ul style="list-style-type: none"> <li>• punishment varies based on the value of the articles or horn involved and may involve a fine, prison, or both <ul style="list-style-type: none"> <li>○ depending on the offense, fines range from \$500 to the higher of \$5,000 or double the amount of the defendant’s gain</li> <li>○ depending on the offense, prison times range from up to 15 days to up to seven years</li> </ul> </li> </ul> <p>Civil:</p> <ul style="list-style-type: none"> <li>• First offense is punishable by a fine of the greater of up to (1) \$3,000 or (2) twice the value of the article involved</li> <li>• Second or subsequent offense is punishable by a fine of the greater of up to (1) \$6,000 or (2) three times the value of the article involved</li> </ul>

Table 1 (continued)

<b>State</b>	<b>Citation</b>	<b>Scope of Ban</b>	<b>Exemptions</b>	<b>Penalties</b>
<b>Washington</b>	<a href="#">Initiative Measure No. 1401</a> (2015 election)	<ul style="list-style-type: none"> <li>• purchasing, selling, offering for sale, trading, bartering for, or distributing</li> <li>• parts or products of certain animals, including elephants and rhinoceroses, that are internationally recognized as endangered or vulnerable</li> </ul>	<ul style="list-style-type: none"> <li>• bona fide antique of at least 100 years in age with less than 15% animal part or product</li> <li>• musical instruments with less than 15% animal part or product</li> <li>• distribution to legal beneficiary after death</li> <li>• distribution is for bona fide educational or scientific purposes or to a museum</li> <li>• federal, state, or local law enforcement activity or other required activity</li> <li>• expressly authorized under federal law</li> </ul>	<ul style="list-style-type: none"> <li>• misdemeanor or felony, depending on (1) whether it is a first or subsequent offense and (2) the value of the parts or products involved                             <ul style="list-style-type: none"> <li>○ misdemeanor (market value is less than \$250) punishable by up to 364 days in prison, a fine of up to \$5,000, or both</li> <li>○ felony (market value is at least \$250, or is a subsequent offense) punishable by up to five years in prison, a fine of up to \$10,000, or both</li> </ul> </li> <li>• additional criminal wildlife penalty assessment of \$2,000 or \$4,000, depending on the seriousness of the offense</li> <li>• parts or products are seized and may be donated to a bona fide educational or scientific institution</li> </ul>

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