



General Assembly

Substitute Bill No. 5578

February Session, 2016

* _____HB05578ENV___031716_____*

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, 2017*) (a) For the purposes of this
2 section:

3 (1) "Bona fide educational or scientific institution" means an
4 institution that establishes through documentation either of the
5 following: (A) An educational or scientific tax exemption, from the
6 federal Internal Revenue Service or such institution's national or state
7 tax authority; or (B) accreditation as an educational or scientific
8 institution, from a qualified national or state authority for the
9 institution's location;

10 (2) "Ivory" means a tooth or tusk from a species of elephant,
11 hippopotamus, mammoth, walrus, whale, or narwhal, or a piece
12 thereof, including any product that contains or that is advertised as
13 containing ivory;

14 (3) "Rhinoceros horn" means the horn or a piece or derivative
15 thereof, such as powder, of a species of rhinoceros, including any
16 product containing or advertised as containing rhinoceros horn;

17 (4) "Sale" or "sell" means selling, trading, bartering for monetary or

18 nonmonetary consideration, or giving away in conjunction with a
19 commercial transaction; and

20 (5) "Total value" means either the fair market value or the actual
21 price paid for ivory or rhinoceros horn, whichever is greater.

22 (b) Except as provided in subsections (c) and (d) of this section, no
23 person shall purchase, sell, offer for sale or possess with the intent to
24 sell any ivory or rhinoceros horn.

25 (c) The prohibitions in subsection (b) of this section shall not apply
26 to any of the following:

27 (1) Any employee or agent of the federal or state government
28 undertaking a law enforcement activity pursuant to federal or state
29 law or a mandatory duty required by federal law;

30 (2) Any activity expressly authorized by federal law;

31 (3) Ivory that is part of an antique provided:

32 (A) Such ivory was removed from the wild prior to February 26,
33 1976, if such ivory is elephant ivory;

34 (B) Such ivory is a fixed component of a larger manufactured item
35 and is not, in its current form, the primary source of the total value for
36 such item;

37 (C) The total volume of the ivory component is less than twenty per
38 cent;

39 (D) The manufactured item is not made wholly or primarily of
40 ivory;

41 (E) The ivory is not raw, unaltered or minimally changed by
42 carving; and

43 (F) The owner or seller provides historical documentation or a

44 sworn affidavit executed by an expert demonstrating provenance that
45 verifies that the antique is not less than one hundred years old;

46 (4) The noncommercial transfer of ownership of ivory or rhinoceros
47 horn to a legal beneficiary of an estate, trust or other inheritance; or

48 (5) The purchase, sale, offer for sale, or possession with intent to sell
49 of an ivory or rhinoceros horn article by a bona fide educational or
50 scientific institution or a museum.

51 (d) The prohibitions in subsection (b) of this section shall not apply
52 to ivory that is part of a musical instrument that was made prior to
53 February 26, 1976.

54 (e) It shall be presumptive evidence of possession with intent to sell
55 ivory or rhinoceros horn if the ivory or rhinoceros horn is possessed in
56 a retail or wholesale outlet commonly used for the buying or selling of
57 similar items. Such presumption shall not preclude a finding of intent
58 to sell based on any other evidence that may serve to independently
59 establish such intent.

60 (f) Any person who violates any provision of this section or any
61 rule, regulation, or order adopted pursuant to this section shall be
62 guilty of a class B misdemeanor provided: (1) For the first offense,
63 such person shall be fined not less than three thousand dollars or an
64 amount equal to two times the total value of the article involved,
65 whichever is greater, or imprisoned for not more than six months, or
66 both; and (2) for a second or any subsequent violation, such person
67 shall be fined not less than six thousand dollars or an amount equal to
68 three times the total value of the article involved, whichever is greater,
69 or imprisoned not more than one year, or both.

70 (g) Upon conviction or other entry of judgment for a violation of
71 this section, any seized ivory or rhinoceros horn shall be forfeited and,
72 upon forfeiture, either be maintained by the Department of Energy and
73 Environmental Protection for educational or training purposes,
74 donated by the department to a bona fide educational or scientific

75 institution or destroyed.

76 (h) The Commissioner of Energy and Environmental Protection, in
77 consultation with the Attorney General, may adopt regulations, in
78 accordance with chapter 54 of the general statutes, to implement the
79 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2017</i>	New section
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ENV *Joint Favorable Subst.*