



General Assembly

January Session, 2019

**Committee Bill No. 5394**

LCO No. 3573



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT CONCERNING THE SALE AND TRADE OF IVORY AND RHINOCEROS HORN IN THE STATE.**

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (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, or a  
11 piece thereof, including any product that contains or that is advertised  
12 as containing ivory, provided such tooth or tusk was removed from  
13 the wild after February 26, 1976;

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 provided such horn was removed from the wild after February 26,  
18 1976;

19 (4) "Sale" or "sell" means selling, trading, bartering for monetary or  
20 nonmonetary consideration, or giving away in conjunction with a  
21 commercial transaction; and

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

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

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

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

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

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

34 (A) Such ivory was removed from the wild prior to February 26,  
35 1976, if such ivory is elephant ivory;

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

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

41 (D) The ivory is not raw, unaltered or minimally changed by

42 carving;

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

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

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

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

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

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

72 institution or destroyed.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section

**Statement of Purpose:**

To prohibit the trade of ivory and rhinoceros horn if it was taken from the wild after February 26, 1976, while also preserving the state's antiques industry.

*[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.]*

Co-Sponsors: REP. BOLINSKY, 106th Dist.

H.B. 5394