



General Assembly

February Session, 2020

***Raised Bill No. 294***

LCO No. 1525



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

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

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

1 Section 1. (NEW) (*Effective July 1, 2021*) (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, walrus, whale, or narwhal, or a piece thereof, including  
12 any product that contains or that is advertised as containing ivory;

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

15 containing or advertised as containing rhinoceros horn;

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

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

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

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

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

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

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

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

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

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

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

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

41 (F) The owner or seller provides historical documentation or a sworn  
42 affidavit executed by an expert demonstrating provenance that verifies  
43 that the antique is not less than one hundred years old;

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

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

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

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

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

68 (g) Upon conviction or other entry of judgment for a violation of this  
69 section, any seized ivory or rhinoceros horn shall be forfeited and, upon  
70 forfeiture, either be maintained by the Department of Energy and

71 Environmental Protection for educational or training purposes, donated  
72 by the department to a bona fide educational or scientific institution or  
73 destroyed.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section

**Statement of Purpose:**

To prohibit the sale of ivory and rhinoceros horn in the state.

*[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.]*