

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in riot, disorderly conduct and  
3 related offenses, providing for prohibiting the import, sale,  
4 purchase, barter or possession of ivory or rhinoceros horn.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 Section 5511.4. Prohibiting the import, sale, purchase, barter  
10 or possession of ivory or rhinoceros horn.

11 (a) Offense defined.--No person may import, sell, purchase,  
12 barter or possess with the intent to sell ivory or rhinoceros  
13 horn or items containing ivory or rhinoceros horn.

14 (b) Exceptions.--The provisions of this section shall not  
15 apply to the following:

16 (1) Ivory, ivory products, rhinoceros horn or rhinoceros  
17 horn products conveyed to a lawful beneficiary upon the death  
18 or anticipated death of the owner, provided that the

1 beneficiary may not sell those items.

2 (2) Employees or agents of the Federal or State  
3 government undertaking law enforcement activities pursuant to  
4 Federal or State law or other mandatory duties.

5 (3) An import of ivory, ivory products, rhinoceros horn  
6 or rhinoceros horn products that is expressly authorized by  
7 Federal license or permit.

8 (c) Educational or scientific use.--The Department of  
9 Environmental Protection may permit, under terms and conditions  
10 as the department may prescribe, the import, sale, offer for  
11 sale, purchase, barter or possession with the intent to sell of  
12 ivory, ivory products, rhinoceros horn or rhinoceros horn  
13 products for educational or scientific purposes, unless the  
14 activity is prohibited by law.

15 (d) Penalties.--A person who violates subsection (a) commits  
16 a misdemeanor of the second degree and shall, upon conviction,  
17 be sentenced as follows:

18 (1) For a first offense, a fine of not less than \$1,000.

19 (2) For a second or subsequent offense, a fine of not  
20 less than \$5,000, or an amount equal to two times the total  
21 value of the ivory, ivory products, rhinoceros horn or  
22 rhinoceros horn products, whichever is greater.

23 (e) Seizure.--Upon conviction for violating the provisions  
24 of this section, the court shall order the seizure of all ivory,  
25 ivory products, rhinoceros horn and rhinoceros horn products  
26 involved in the violation and transfer them to the Department of  
27 Environmental Protection for proper disposal or donation for  
28 educational or scientific purposes.

29 (f) Definitions.--As used in this section, the following  
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Ivory." A tooth or tusk composed of ivory from any animal,  
3 including, but not limited to, an elephant, hippopotamus,  
4 mammoth, narwhal, walrus or whale, or a piece thereof, including  
5 raw ivory or worked ivory made into an ivory product.

6 "Ivory product." An item that contains or is wholly or  
7 partially made from ivory.

8 "Raw ivory." An ivory surface, polished or unpolished,  
9 unaltered or minimally changed by carving.

10 "Rhinoceros horn." The horn or a piece of horn from any  
11 species of rhinoceros.

12 "Rhinoceros horn product." An item that contains or is  
13 wholly or partially made from a rhinoceros horn.

14 "Total value of ivory, ivory products, rhinoceros horn and  
15 rhinoceros horn products." The fair market value of the ivory,  
16 ivory products, rhinoceros horn and rhinoceros horn products or  
17 the actual price paid for the ivory, ivory products, rhinoceros  
18 horn and rhinoceros horn products, whichever is greater.

19 "Worked ivory." Ivory that has been embellished, carved,  
20 marked or otherwise altered and can no longer be considered raw  
21 ivory.

22 Section 2. This act shall take effect in 60 days.