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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1537 Session of  
2015

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INTRODUCED BY VEREB, DEAN, ACOSTA, BRADFORD, CALTAGIRONE, COHEN,  
CORBIN, D. COSTA, DRISCOLL, FARRY, GAINNEY, GERGELY,  
J. HARRIS, HELM, PHILLIPS-HILL, JAMES, W. KELLER, KILLION,  
KORTZ, McNEILL, MILLARD, D. MILLER, MURT, O'BRIEN, O'NEILL,  
PASHINSKI, ROZZI, SCHWEYER, SIMMONS, SIMS, THOMAS AND WATSON,  
NOVEMBER 9, 2015

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 9, 2015

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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) Antiques.

17 (2) Musical instruments.

1           (3) Ivory, ivory products, rhinoceros horn or rhinoceros  
2 horn products conveyed to a lawful beneficiary upon the death  
3 or anticipated death of the owner, provided that the  
4 beneficiary may not sell those items.

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

8           (5) An import of ivory, ivory products, rhinoceros horn  
9 or rhinoceros horn products that is expressly authorized by  
10 Federal license or permit.

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

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

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

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

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

1 educational or scientific purposes.

2 (f) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

5 "Antiques." An object that:

6 (1) contains ivory or rhinoceros horn weighing less than  
7 200 grams; and

8 (2) is documented by the owner or seller to be not less  
9 than 100 years old.

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

14 "Ivory product." An item that contains or is wholly or  
15 partially made from ivory.

16 "Musical instruments." A musical instrument that has as a  
17 fixed component ivory or rhinoceros horn weighing less than 200  
18 grams.

19 "Raw ivory." An ivory surface, polished or unpolished,  
20 unaltered or minimally changed by carving.

21 "Rhinoceros horn." The horn or a piece of horn from any  
22 species of rhinoceros.

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

25 "Total value of ivory, ivory products, rhinoceros horn and  
26 rhinoceros horn products." The fair market value of the ivory,  
27 ivory products, rhinoceros horn and rhinoceros horn products or  
28 the actual price paid for the ivory, ivory products, rhinoceros  
29 horn and rhinoceros horn products, whichever is greater.

30 "Worked ivory." Ivory that has been embellished, carved,

1 marked or otherwise altered and can no longer be considered raw  
2 ivory.

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