

State	Vermont v 5.1	New Jersey	New York	California	Washington	Federal
Prohibition	A person shall not import, sell, offer for sale, purchase, barter, or possess with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product	It shall be unlawful for any person to import, sell, offer for sale, purchase, barter, or possess with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product	No person shall sell, offer for sale, purchase, trade, barter or distribute an ivory article or rhinoceros horn	Unlawful to purchase, sell, offer for sale, possess with intent to sell, or import with intent to sell ivory or rhinoceros horn	Unlawful for a person to sell, offer to sell, purchase, trade, barter for, or distribute any covered animal species part or product	Prohibits sale or offer for sale of ivory in interstate or foreign commerce and delivery, receipt, carrying, transport, or shipment in interstate or foreign commerce in the course of a commercial activity.
Definition	Ivory means any tusk composed of ivory from an elephant or mammoth	Ivory means any tooth or tusk composed of ivory from any animal, including but not limited to, an elephant, hippopotamus, mammoth, narwhal, walrus, or whale	Ivory article means any item containing worked or raw ivory from any species of elephant or mammoth	Ivory means a tooth or tusk from a species of elephant, hippopotamus, mammoth, mastodon, walrus, warthog, whale, or narwhal — includes a product advertised as containing ivory	Covered species means any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray either: listed in CITES app. I or II; or listed on IUCN red list	Applies to ivory — African elephant tusks.
Exceptions	<ul style="list-style-type: none"> • Authorized conveyances to beneficiaries • Law enforcement activities • Import or sale expressly authorized by federal law <ul style="list-style-type: none"> ○ Qualifying Antiques ○ De Minimis Exception • Import as part of personal or household move • Sale for a bona fide education or scientific purposes, or to a museum. 	<ul style="list-style-type: none"> • Authorized conveyances to beneficiaries • Law enforcement activities • Import expressly authorized by federal law • Permits for education or scientific purposes 	<ul style="list-style-type: none"> • May issue a license or permit, provided: <ul style="list-style-type: none"> ○ Bona fide antique: <ul style="list-style-type: none"> ▪ Less than 20% by volume ▪ Not less than 100yrs old ○ Education or scientific purpose ○ Legal beneficiary ○ Musical Instrument manufactured no later than 1975 	<ul style="list-style-type: none"> • Law enforcement activities • Authorized by exemption or permit under federal law • Musical Instrument, provided: <ul style="list-style-type: none"> ○ Ivory is less than 20% by volume ○ Manufactured no later than 1975 • Bona fide antique, provided: <ul style="list-style-type: none"> ○ Ivory is less than 5% by volume ○ Not less than 100 yrs old • Educational / scientific purpose, with limitations 	<ul style="list-style-type: none"> • Bona fide antique, provided: <ul style="list-style-type: none"> ○ Not less than 100 yrs old ○ Ivory is less than 15% by volume • Distribution is for bona fide educational or scientific purpose, or to or from a museum • Authorized conveyance to beneficiaries • Musical Instrument if less than 15% by volume • Intrastate sale is expressly authorized by federal law or permit • Law enforcement activities 	<ul style="list-style-type: none"> • Permits for educational or scientific purposes • Qualifying antiques, provided: <ul style="list-style-type: none"> ○ Not less than 100 yrs old ○ Composed in whole or part of ivory ○ Has not been repaired or modified after Dec. 1973 ○ Entered a designated port after Sep. 1982 • de minimis: <ul style="list-style-type: none"> ○ Importation requirement ○ Pre-CITES (outside US) ○ Ivory is fixed component and not primary source of value ○ Ivory is not raw ○ Item is not wholly or primarily ivory ○ Total weight of ivory is less than 200 grams ○ Manufactured before effective date • Considering museums exception.

<p>Penalties</p>	<ul style="list-style-type: none"> • Misdemeanor • 1st Offense: <ul style="list-style-type: none"> ○ \$1,000 or 2x total value • 2nd Offense: <ul style="list-style-type: none"> ○ \$5,000 or 2x total value • In addition to those imposed under federal law • Seizure upon conviction 	<ul style="list-style-type: none"> • 1st Offense <ul style="list-style-type: none"> ○ Not less than \$1,000 or 2x total value • 2nd Offense <ul style="list-style-type: none"> ○ Not less than \$5,000 or 2x total value • In addition to other penalties • Seizure upon conviction 	<ul style="list-style-type: none"> • Based on value of the seizure • \$0—250 value <ul style="list-style-type: none"> ○ \$500 fine, up to 15 days in jail • \$251 — 1,500 value <ul style="list-style-type: none"> ○ \$5,000 fine, up to 1 year in jail • \$1,501 — 25,000 value <ul style="list-style-type: none"> ○ \$5,000 fine, 1 to 4 years in jail • \$25,000+ value <ul style="list-style-type: none"> ○ Up to 7 years in jail 	<ul style="list-style-type: none"> • 1st Offense: <ul style="list-style-type: none"> ○ \$1,000 — 40,000 ○ Up to 30 days in jail — 1 year • 2nd Offense: <ul style="list-style-type: none"> ○ \$5,000 — 50,000 or 2x the value ○ Up to 1 year in jail • Also an administrative penalty of up to \$10,000 • Seizure 	<ul style="list-style-type: none"> • If less than \$250 value <ul style="list-style-type: none"> ○ Up to \$5,000 fine ○ Up to 364 days in jail ○ \$2,000 administrative penalty • If \$250 or more or subsequent offense <ul style="list-style-type: none"> ○ Up to \$10,000 ○ Up to 5 years on jail ○ \$4,000 administrative penalty 	<ul style="list-style-type: none"> • The maximum penalty for violating the ESA is one year in prison and a \$100,000 fine for an individual, \$200,000 for an organization. Those who engage in illegal wildlife trade under the ESA may also face prosecution under the Lacey Act's anti-trafficking provisions (maximum penalty of 5 years in prison and fines of \$250,000 for an individual or \$500,000 for an organization).
<p>Effective Date</p>	<p>July 2016</p>	<p>August 2014 — ban went into effect 6 months after (Feb 2015)</p>	<p>August 2014</p>	<p>October 2015 – effective July 2016</p>	<p>December 2015</p>	<p>Final Rule — March 2016 @ earliest</p>