
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1324 Session of
2023

INTRODUCED BY KRUEGER, ISAACSON, SCHLOSSBERG, SANCHEZ, HILL-
EVANS, VITALI, HADDOCK, MADDEN, McNEILL, HOWARD, WARREN,
SHUSTERMAN AND GREEN, JUNE 12, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 12, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, prohibiting the purchase, sale, offer for
4 sale or possession with intent to sell covered animal parts
5 or products; and imposing penalties.

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

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

10 § 5518. Prohibiting the purchase, sale, offer for sale or
11 possession with intent to sell covered animal parts
12 or products.

13 (a) Offense defined.--Notwithstanding any other provision of
14 law, no person may purchase, sell, offer to sell or possess with
15 intent to sell any item that the person knows or should know is
16 a covered animal part or product.

17 (b) Exceptions.--Unless otherwise prohibited by 34 Pa.C.S. §
18 2167 (relating to endangered or threatened species), the
19 provisions of this section shall not apply:

1 (1) To employees or agents of the Federal or State
2 Government undertaking any law enforcement activities
3 pursuant to Federal or State law or any mandatory duties
4 required by Federal or State law.

5 (2) When the activity is expressly authorized by Federal
6 law.

7 (3) When the covered animal part or product is a fixed
8 component of an antique that is not made wholly or partially
9 of the covered animal part or product if:

10 (i) the antique status is established by the owner
11 or seller thereof with documentation evidencing
12 provenance showing the covered animal part or product to
13 be not less than 100 years old; and

14 (ii) the total weight of the covered animal part or
15 product is less than 200 grams.

16 (4) When the covered animal part or product is a fixed
17 component of a musical instrument, including, but not limited
18 to, string instruments and bows, wind and percussion
19 instruments and pianos, if:

20 (i) the covered animal part or product was legally
21 acquired; and

22 (ii) the total weight of the covered animal part or
23 product is less than 200 grams.

24 (c) Educational or scientific use.--The Pennsylvania Game
25 Commission may permit, under terms and conditions as the
26 commission may prescribe the purchase, sale, offer for sale or
27 possession with intent to sell of a covered animal part or
28 product for educational or scientific purposes by a bona fide
29 educational or scientific institution if the covered animal part
30 or product was legally required, unless the activity is

1 prohibited by any Federal law or regulation.

2 (d) Presumption of possession with intent to sell.--There is
3 a presumption of possession with intent to sell a covered animal
4 part or product when the covered animal part or product is
5 possessed by a retail or wholesale establishment or other forum
6 engaged in the business of buying or selling similar items. This
7 rebuttable presumption shall not preclude a finding of intent to
8 sell on any other evidence which may serve to independently
9 establish the intent.

10 (e) Penalties.--A person who violates subsection (a) commits
11 a misdemeanor and shall, upon conviction, be sentenced as
12 follows:

13 (1) For a first offense where the total value of the
14 covered animal part or product is \$250 or less, the person is
15 guilty of a misdemeanor of the third degree and subject to a
16 fine not exceeding \$2,500 or a period of imprisonment not to
17 exceed one year, or both.

18 (2) For a first offense where the total value of the
19 covered animal part or product exceeds \$250, the person is
20 guilty of a misdemeanor of the second degree and subject to a
21 fine not exceeding \$5,000 or a period of imprisonment not to
22 exceed two years, or both.

23 (3) For a second or subsequent offense where the total
24 value of the covered animal part or product is \$250 or less,
25 the person is guilty of a misdemeanor of the second degree
26 and subject to a fine not exceeding \$5,000 or a period of
27 imprisonment not to exceed two years, or both.

28 (4) For a second or subsequent offense where the total
29 value of the covered animal part or product exceeds \$250, the
30 person is guilty of a misdemeanor of the first degree and

1 subject to a fine not exceeding \$10,000 or a period of
2 imprisonment not to exceed five years, or both.

3 (f) Additional penalty.--In addition to, and separate from,
4 a criminal penalty provided for under subsection (e), a civil or
5 administrative fine of an amount not to exceed two times the
6 total value of the covered animal part or product involved in
7 the violation may be imposed for a violation of subsection (a)
8 or any rule, regulation or order promulgated pursuant thereto.

9 (g) Seizure.--Upon conviction for violating the provisions
10 of this section, the court shall order the seizure of the
11 covered animal part or product involved in the violation and
12 transfer it to the Pennsylvania Game Commission where it shall
13 be:

14 (1) maintained by the commission for educational or
15 training purposes;

16 (2) donated by the commission to a bona fide educational
17 or scientific institution; or

18 (3) destroyed.

19 (h) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection:

22 "Bona fide educational or scientific institution." An
23 institution that establishes through documentation educational
24 or scientific tax exemption from the Federal Internal Revenue
25 Service.

26 "Covered animal." Any species of:

27 (1) Bonobo.

28 (2) Cheetah.

29 (3) Chimpanzee.

30 (4) Dolphin.

- 1 (5) Elephant.
- 2 (6) Giraffe.
- 3 (7) Gorilla.
- 4 (8) Hippopotamus.
- 5 (9) Jaguar.
- 6 (10) Leopard.
- 7 (11) Lion.
- 8 (12) Mammoth.
- 9 (13) Mastodon.
- 10 (14) Narwhal.
- 11 (15) Orangutan.
- 12 (16) Panda bear.
- 13 (17) Pangolin.
- 14 (18) Polar bear.
- 15 (19) Porpoise, including vaquita.
- 16 (20) Ray.
- 17 (21) Rhinoceros.
- 18 (22) Sea turtle.
- 19 (23) Shark.
- 20 (24) Tiger.
- 21 (25) Walrus.
- 22 (26) Whale.

23 "Covered animal part or product." An item that contains, or
24 is wholly or partially made from, any covered animal.

25 "Sale" or "sell." An act of selling, trading or bartering
26 for monetary or nonmonetary consideration, and includes any
27 transfer of ownership that occurs in the course of a commercial
28 transaction, but does not include a nonmonetary transfer of
29 ownership by way of gift, donation or bequest. For purposes of
30 this section, a sale shall be deemed to occur in this

1 Commonwealth if:

2 (1) the buyer takes physical possession of the covered
3 animal part or product in this Commonwealth; or

4 (2) the seller is located in this Commonwealth.

5 "Total value." Either the fair market value or the actual
6 price paid for a covered animal part or product, whichever is
7 greater.

8 Section 2. This act shall take effect in six months.