

Ivory and Rhinoceros Horn Prohibition

Effective July 1, 2016, [California Fish and Game Code Section 2022](#) prohibits sale or purchase of nearly all ivory or rhinoceros horn in the state of California. This law makes it unlawful to purchase, sell, offer for sale, possess with intent to sell, or import with intent to sell ivory or rhinoceros horn, except as specified. A first-time violation of this law is a misdemeanor subject to specified criminal penalties and fines between \$1,000 and \$40,000, depending upon the value of the item.

Fish and Game Code 2022 defines “Ivory” as a tooth or tusk from a species of elephant, hippopotamus, mammoth, mastodon, walrus, warthog, whale, or narwhal, or a piece thereof, whether raw ivory or worked ivory, and includes a product containing, or advertised as containing ivory. “Rhinoceros horn” means the horn, or a piece thereof, or a derivative such as powder, of a species of rhinoceros, and includes a product containing, or advertised as containing, a rhinoceros horn. “Sale” or “sell” means selling, trading, bartering for monetary or nonmonetary consideration, giving away in conjunction with a commercial transaction, or giving away at a location where a commercial transaction occurred at least once during the same or the previous calendar year. Possession of ivory or rhinoceros horn in a retail or wholesale outlet commonly used for the buying or selling of similar items is evidence of possession with intent to sell.

Specified exemptions to the law include the following:

- **Bona fide antique with less than 5% ivory or rhinoceros horn:** Ivory or rhinoceros horn that is part of an antique, provided ivory or rhinoceros horn is less than five percent by volume of the antique. The owner or seller must establish antique status with historical documentation demonstrating provenance and showing the antique is not less than 100 years old.
- **Musical instrument with less than 20% ivory or rhinoceros horn:** Ivory or rhinoceros horn that is part of a musical instrument, provided ivory or rhinoceros horn is less than 20 percent by volume of the instrument. The owner or seller must provide historical documentation demonstrating provenance and showing the item was manufactured no later than 1975.
- **Federally Permitted Activities:** Activities authorized by federal permit or otherwise expressly authorized or exempted by federal law.
- **Educational or scientific purposes:** If the following criteria are satisfied:
 - The purchase, sale, offer for sale, or possession or importation with intent to sell ivory or rhinoceros horn for educational or scientific purposes is done by a “bona fide educational or scientific institution” as defined in subdivision (a) of Section 2022;
 - The activity is not otherwise prohibited by federal law; and
 - The ivory or rhinoceros horn was legally acquired before January 1, 1991, and was not subsequently transferred from one person to another for financial gain or profit after July 1, 2016