

CHAPTER 7

AN ACT concerning the possession and transport of the parts and products of certain animals at certain airports and port facilities and supplementing Title 32 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.32:1-177 Definitions relative to possession, transport of parts, products of certain animals at certain airports, port facilities; exceptions; rules, regulations.

1. a. As used in P.L.2016, c.7 (C.32:1-177 et seq.):

"Priority species" means: (1) any specified African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

"Specified African species" means the African elephant, *Loxodonta africana*; African leopard, *Panthera pardus*; African lion, *Panthera leo*; black rhinoceros, *Diceros bicornis*; and white rhinoceros, *Ceratotherium simum*.

b. Notwithstanding the provisions of any other law to the contrary, the parts or products of priority species shall not be imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by any individual, firm, corporation, association, or partnership at any airport or port facility owned or operated by the Port Authority of New York and New Jersey.

c. Any Port Authority agent or Port Authority police officer shall have authority to enforce the prohibition in subsection b. of this section and, where necessary, to apply for and execute any warrant to search for and seize any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section.

d. The following exceptions and defenses shall apply to the prohibition in subsection b. of this section:

(1) the part or product was lawfully located or possessed within the State of New Jersey or the State of New York prior to the effective date of P.L.2016, c.7 (C.32:1-177 et seq.);

(2) the part or product is to be made part of a temporary or permanent collection at a museum or zoo, or similar educational or research facility;

(3) the part or product is to be used for purposes related to the conduct of biomedical research at a facility licensed by the United States Department of Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting biomedical research in compliance with the "Public Health Service Policy on Humane Care and Use of Laboratory Animals" issued by the United States National Institutes of Health;

(4) the part or product is imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by an employee or agent of the federal government, the State government, or a bi-state agency, in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law; or

(5) the part or product entered the State of New Jersey or the State of New York from a point outside either state, including a point outside the territorial limits of the United States, was intended for transport across the State of New Jersey or the State of New York, but was destined for a point beyond the State of New Jersey or the State of New York, and the part or product conforms with the terms of any federal permit or permit issued under the laws or regulations of a state other than the State of New Jersey or the State of New York.

e. The Department of Environmental Protection may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section.

f. (1) Any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section shall be held pending criminal proceedings in any court of proper jurisdiction.

(2) A person who violates subsection b. of this section shall be guilty of a crime of the fourth degree.

(3) Upon conviction, or upon the entry of a judgment restraining a person from any activity that is or would be in violation of subsection b. of this section, any seized property shall be forfeited, and upon forfeiture, disposed of in a manner consistent with the best interest of the public as determined by the court.

(4) Any penalty imposed pursuant to this section shall be in addition to any applicable penalty that may be imposed for a violation of "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et seq.), R.S.23:4-27, and any other applicable law.

C.32:1-178 Effective date.

2. This act shall take effect upon the enactment by the State of New York of legislation having an identical effect, but if such legislation has already been enacted by the State of New York then this act shall take effect immediately.

Approved June 1, 2016.