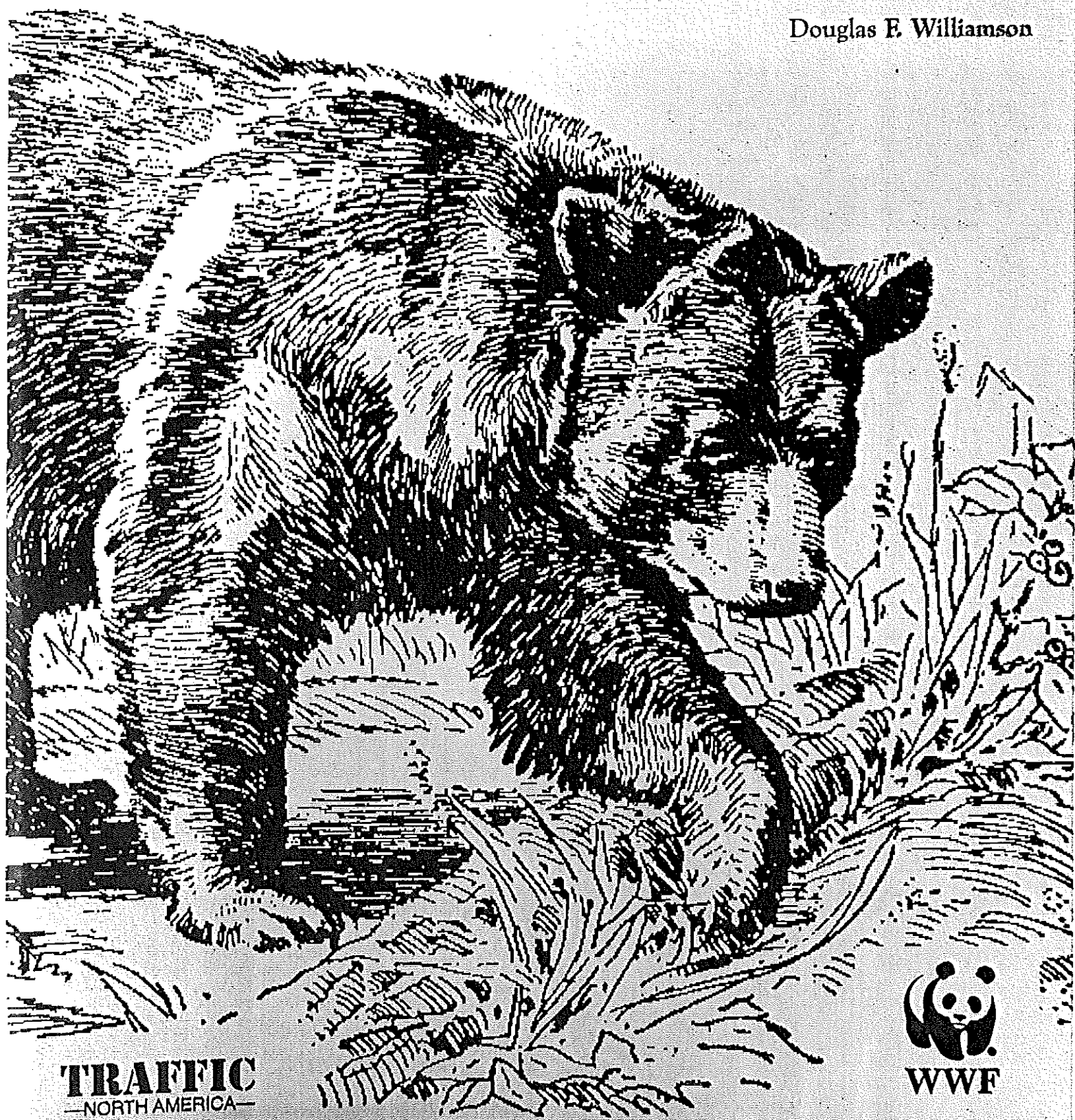


# A REVIEW OF STATE BEAR TRADE LAWS

U.S. State Statutes and Regulations Regarding the  
American Black Bear (*Ursus americanus*)

Douglas E. Williamson



**TRAFFIC**  
—NORTH AMERICA—





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the American Black Bear (*Ursus americanus*)**

**Douglas F. Williamson**

**April 1999**

**TRAFFIC North America  
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## OVERVIEW

Ensuring that trade in gallbladders and other parts does not become a threat to North America's black bear population is a high priority for TRAFFIC North America. A key question in this effort is whether the current legal framework in the United States and Canada to prevent illegal trade in bear parts is adequate, or whether new laws and regulations are necessary. Some non-governmental organizations (NGOs) in the United States, particularly in the animal welfare community, advocate federal legislation to prohibit any trade in bear viscera, with an emphasis on bear gallbladders. Others express concern that a prohibition on all trade could stimulate an illegal market and drive the price of bear parts up, thereby creating a financial incentive for poaching.

Much of the debate over the adequacy of black bear conservation laws comes from the perception that the current legal framework consists of a "patchwork" of state, provincial, and territorial laws and regulations that complicate effective national enforcement. This, in part, stems from a 1995 TRAFFIC report on Status, Management, and Commercialization of the American Black Bear, in which authors Catherine McCracken, Debra Rose, and Kurt Johnson recommended several ways in which wildlife managers could better understand the trade of parts from the American black bear, prevent negative impacts on black bear populations, and raise the awareness of consumers about these potential impacts (McCracken et. al., 1995).

The report's second recommendation read:

"The patchwork of inconsistent state, provincial, and territorial laws and regulations governing the commercialization and transportation of bears and bear parts is a significant barrier to current efforts to monitor and control the trade. A thorough review of state and provincial wildlife laws and regulations should be undertaken by regulators, wildlife law experts, and others, with a view towards developing more consistent restrictions on and penalties for the sale and trade of bear gallbladders, paws, and other products at the subregional, regional, and possibly national levels."

This report represents TRAFFIC's first step to follow through on that recommendation, and is intended to serve two purposes:

- 1) To provide a quick reference for interested parties to review the current legal framework used to regulate the take and trade of black bears in the United States; and,
- 2) To facilitate a more comprehensive review and discussion of ways to make state laws governing the sale of bear parts, and more broadly bear management, more effective on an interstate and international level.

The information presented here focuses only on the United States; it does not review the laws in Canada. TRAFFIC found, not surprisingly, that the majority of U.S. states have laws which regulate trade in black bear parts. Different states' measures, however, vary significantly in both form and specificity. TRAFFIC hopes that lawmakers, government officials, and NGOs will use this report to help reach some consensus, if deemed necessary, on baseline legal standards for bear trade that could be adopted nationally, recognizing that not all laws need be exactly the same given individual state circumstances and priorities regarding bear management.

## INTRODUCTION

Conservationists have devoted growing attention in recent years to the potential conservation threat posed to the American black bear (*Ursus americanus*) by commercial trade of its parts. Of particular concern is the prospect that sale of bear gallbladders, primarily for use in Traditional Chinese Medicine (TCM), could come to threaten the American black bear as it has other bear species, especially in Asia. Indeed, most populations of the world's eight species of bears have experienced dramatic declines in recent decades. Asian species, which include the panda, sun bear, Asiatic black bear, sloth bear, and some populations of the brown bear have suffered the most significant losses. All Asian bears are now considered endangered or threatened, primarily as a result of habitat loss and, more recently, the demand for live animals and their parts. Many consider as a particular threat to Asia's bears the continuing demand for bear parts in TCM and traditional tonics, which use bear gallbladder, meat, brain, bone, paw and spinal cord to treat a variety of ailments and conditions, and for preventative care. Paws, meat, and fat are also used for food, with paws prized as a special delicacy. Pressure on Asian bear populations to meet these demands is driving some perilously close to extinction.

Early in the 1990s, the decline in Asian bear populations led many conservationists to fear that traders would increasingly turn their attention to North America as a source for bear parts, thus posing an imminent threat to the species. North America is home to the world's only thriving bear species, the American black bear. Including populations in both Canada and the United States, the species is currently estimated to number between 600,000 and 800,000. Three subspecies of American black bear exist in the United States. The most common is *U. a. americanus*, populations of which are found in the vast majority of U.S. states. A much smaller population of the Florida black bear (*U. a. floridanus*) inhabits parts of Florida and Alabama, while the federally threatened Louisiana black bear, (*U. a. luteolus*) exists in parts of Louisiana, Mississippi, and eastern Texas (Pelton and Van Manen, 1997).

Fortunately, recent surveys show that the overall U.S. black bear population is growing. In a 1992 survey, TRAFFIC compiled information from state authorities to conduct a detailed inventory of black bear populations and to determine conservation needs and issues. That survey estimated the U.S. black bear population at 290,000-417,000, and all but two states with bear populations reported the numbers as stable or increasing (McCracken et. al., 1995). In 1996, TRAFFIC sent a follow up survey requesting updated information. The response from state authorities produced an estimated U.S. black bear population of 325,000-448,000 (even without data from two states with no reliable estimates of their current bear populations). Every state with resident black bears reported numbers as stable or increasing, in some cases steeply (unpublished data from TRAFFIC survey of state wildlife authorities, 1997).

At the same time, research into the market for bear parts suggests that the threat posed to wild bear populations from demand for parts in TCM may be abating, at least in some areas. A study by TRAFFIC East Asia into the Asian market for bear products found that the availability of bile from bear farms in China may be lowering demand for bear gallbladders from the wild. A large number of fake galls on the market may be further deterring customers from buying these products because they are unable to authenticate their purchase (Mills et. al., 1995).

Those positive assessments do not mean, however, that North America's bear populations face no threats. Habitat loss and degradation, animal control, road kills, and increased human-bear conflicts all affect bear populations. Illegal hunting remains poorly documented, and little is known about the extent to which gallbladders and other parts are obtained from the roughly 40,000 bears harvested legally each year by hunters and trappers in the United States and Canada. Investigations by federal and state wildlife law enforcement officials have also revealed that there has been and continues to be an established illegal trade in North American black bear parts (McCracken et. al., 1995). The primary overseas market appears to be South Korea, where some individuals have gone to great lengths to obtain a genuine bear gallbladder (Mills et. al., 1995). Illegal trade may still be a problem in some states, even if indications are that this trade does not at present pose a significant threat to North American black bears.

### The Current U.S. Legal Framework

The take and trade of black bears in the United States is regulated primarily under state, rather than federal laws, consistent with the general constitutional principle that, within certain limits, the states are responsible for the management and protection of the wildlife species that reside in or migrate through their borders (Musgrave and Stein, 1993).<sup>1</sup> There are two important exceptions regarding black bears. One is the Louisiana black bear subspecies (*U. a. luteolus*), which is listed as threatened under the federal Endangered Species Act and receives the direct protection that law confers. The other is the indirect protection afforded to American black bears under other federal wildlife and general criminal laws. Perhaps the most relevant of these are the Lacey Act Amendments of 1981 (Lacey Act), 16 U.S.C. § 3372 et seq., which prohibit the import, export, transport, sale, purchase, receipt or acquisition of wildlife which has been taken, possessed, transported or sold in violation of a state, federal, foreign or tribal law or regulation. The Lacey Act also prohibits mismarking of wildlife shipments (Anderson, 1997). Several states surveyed for this report which do not have specific laws regarding black bear trade indicated that they rely on the Lacey Act as their primary enforcement tool.

The American black bear also receives indirect protection from other federal statutes, particularly as they pertain to the import and export of bear parts. These laws include: Conspiracy, 18 U.S.C. § 371, which occurs when two or more people agree to commit a federal crime and one of them takes any action (even a legal action) to further that action; Laundering of

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<sup>1</sup> Musgrave and Stein provide a good explanation of state power to manage wildlife, and its limitations, in their 1993 *State Wildlife Laws Handbook*, cited here.

Monetary Instruments (Money Laundering), 18 U.S.C. § 1956, which is applicable to wildlife cases when a person transports, transfers or transmits money from the United States to a foreign country (or vice versa) with the intent to promote smuggling activity; and, False Statement, 18 U.S.C. § 1001, which occurs when a person makes a materially false statement to a government agency on a matter within that agency's jurisdiction, such as lying on a customs or declaration form (Anderson, 1997). Violation of the Lacey Act or these other laws can be prosecuted as misdemeanors or in some cases felonies, punishable with stiff fines and mandatory federal prison sentences.

At the state level, there is no universal or "model" legislation regulating black bear trade on a national, or even regional or sub-regional level. Rather, laws governing the take and trade of black bears (and the regulations developed by state wildlife agencies to implement them) generally reflect the circumstances and priorities of each particular state. One salient factor that helps explain differences in laws between states is the fact that, while black bear populations exist in the vast majority of U.S. states, the size and range of individual state populations vary significantly, and individual state laws and management regulations are written to accommodate widely divergent management needs and interests. It is not surprising, for example, that laws and regulations governing bear management in Alaska (100,000-200,000 bears) or in Maine (22,000-23,000) do not parallel those in Kentucky (25-75) or Mississippi (<50 of the Louisiana subspecies).

A close examination of state statutes and regulations governing take and trade of individual black bear parts thus reveals a complicated picture. Overall, 45 of the 50 U.S. states have laws which regulate the trade in black bear parts, including gallbladders, paws, claws, teeth, heads, skulls, and hides. Nineteen states allow no sale of parts, without exception. In another 26 states, individual laws either allow or prohibit sale on a part-by-part basis. Some of these allow the sale of specified parts only under certain conditions, while others prohibit the sale of parts from bears taken within state borders but allow for trade in parts from bears legally taken in other states. None of the five states currently without laws covering the bear trade has a black bear population.

The legality of the sale of black bear gallbladders provides a good example of the variability in state laws. Sale of gallbladders is illegal in 33 states. Only six states allow sale of gallbladders from bears taken within that state, while six others allow for the sale of gallbladders from bears legally taken in other states. The remaining five states are those which have no laws on the subject.

These numbers change regarding the sale of paws, teeth, claws, heads, and hides. In some cases, states which prohibit the sale of gallbladders allow for the sale of other parts such as claws and teeth, while others states allow the reverse. To understand how this whole system works, the remainder of this report focuses on explaining the nuances of state laws and how they apply to the sale of specific bear parts.

## Methodology

In 1997, TRAFFIC sent a request to each of the 50 U.S. states for copies of relevant statutes and regulations regarding the take and trade of black bears and their parts. We then examined the compiled laws and regulations to determine what factors contribute to the current legal "patchwork" as penned by TRAFFIC (McCracken et. al., 1995). The sections below summarize the findings of that review, along with a state-by-state summary of the laws governing the trade in black bear parts for individual reference.

To provide a baseline and organize state laws and regulations into categories for comparison and analysis, TRAFFIC asked several questions. These include:

- What is the status of the American black bear, and does the size of black bear populations play a role in determining whether and to what extent states permit harvesting of bears (hunting, trapping, removal of nuisance animals) and trade in their parts?
- How does the legal classification of the black bear in a given state determine what set of wildlife laws apply to issues of take and trade?
- How do requirements for licensing bear hunters and for tagging and documenting legal bear kills vary between states, and how closely do states monitor the sale of parts from legally taken bears?
- How do state laws governing the trade in bear parts vary in their specificity, and how does this reflect different management philosophies and state circumstances?
- Finally, what is the range in the degree of violations and applicable penalties for poaching or illegal sale of bear parts from state-to-state?

TRAFFIC did not attempt to judge the individual merits of each state's legislation, or to suggest there need be a single standard or model law to govern black bear management. Indeed, TRAFFIC believes the widely varying size, distribution patterns, and population dynamics of state black bear populations argues that each state needs a degree of flexibility to determine how best to identify their own management needs. However, in the context of the continuing debate over the potential current or future threat that trade in black bear parts may pose to North American black bear populations, and the lack of comprehensive information on the scope and dynamics of illegal trade in bear parts, it is clear that, at the most basic level, every state should have laws or administrative procedures that specifically address the black bear trade. TRAFFIC hopes that this review will provide a useful reference for wildlife managers, state legislators, and others interested in black bear conservation to examine their state's laws and regulations in comparison to others to determine if there is a need to adopt new or different legal standards.



**I. POPULATION, LEGAL CLASSIFICATION, HUNTING  
REGULATIONS, AND REPORTING REQUIREMENTS**

## Summary

The status of state black bear populations, how states legally classify the species, and the regulation and monitoring of legal take each form part of the framework for examining current bear management systems across the country. Trends in state bear populations over the last decade, for example, provide a broad gauge of whether present efforts to manage the species are working or whether bear populations are being adversely impacted by the variety of potential threats they face. Legal classification is integral to understanding bear trade laws because many states do not have specific statutes addressing the trade in black bear parts. An examination of the laws and regulations that set harvest limits and mandate the reporting of animals taken helps to determine how carefully bear hunting is monitored by the states.

Some of what TRAFFIC's 1997 survey of the states revealed on these subjects is encouraging. State black bear populations across the country generally either held stable or grew between 1992 and 1995, and current black bear population trends indicate a continuing conservation success story that is rare for mammalian predators throughout the world. Meanwhile, legal harvest levels among those states that allow black bear hunting remained fairly constant during the same time period at roughly 20,000 black bears taken annually. There are no indications that the current rate of harvest threatens the species.

At the same time, TRAFFIC's survey found a significant statutory gap in the fact that the black bear receives no legal protection under the wildlife codes of several states. While most states provide some level of protection against take and trade of black bears and their parts, a few that do not have black bear populations omit the species from even general state laws that regulate the trade in wildlife. These omissions, even if inadvertent, provide potential loopholes whereby some states can serve as legal marketplaces for bear parts imported from other states where sale is prohibited.

Another area of concern arose from TRAFFIC's look at the laws and regulations that set harvest limits and mandate the reporting of bears killed to state authorities. TRAFFIC's survey revealed that while most states have regulatory systems to record the number of legal bear kills, individual state methodologies vary, and few states attempt to determine the fate of parts from legally taken bears after they are harvested. These state systems could provide a good starting place for a more in-depth investigation of trade in bear parts, but this would require further efforts by wildlife agencies.

The following sections outline TRAFFIC's findings regarding the status of black bear populations in the United States, various state legal classifications and their implications, and laws and regulations governing hunting and reporting requirements.

## Bear Population

At least 41 of the 50 U.S. states have resident black bear populations. Only 6 states – Delaware, Hawaii, Illinois, Indiana, Iowa, and Kansas – report no presence of wild black bears. Three states report occasional or marginal populations. These are South Dakota, which reported no bear population as recently as 1992 but now reports its population “unknown,” and Nebraska and Rhode Island, which report occasional cross-border migrants. Including those three, black bears may be present at least occasionally in 44 states (Unpublished data from TRAFFIC survey of state wildlife authorities, 1997).

A comparison of TRAFFIC surveys of state bear management authorities in 1992 and 1997 suggests that black bear numbers are on the rise in most of these states. Whereas the 1992 survey resulted in an estimated U.S. black bear population of roughly 289,000-417,000 (McCracken et. al., 1995), an initial review of the 1997 survey provides a revised estimate of roughly 325,000-448,000 black bears.<sup>2</sup> These 1997 numbers include neither South Dakota and Wyoming, which do not have reliable estimates, nor the anticipated increase from several states that have not yet returned their surveys to TRAFFIC. In both the 1992 and 1997 surveys Alaska alone accounts for much of the wide variance in the overall population number because Alaska’s population estimate ranges consistently from 100,000-200,000.

The broad range distribution of the black bear suggests that bear management, and thus the issue of take and possible trade in bear parts, is a concern in the majority of U.S. states. No information currently available, however, points to a crisis in state black bear populations or a need for states to restrict current levels of legal harvest.

TRAFFIC’s survey also found no direct correlation between the size of a state’s black bear population and whether or not sale of black bear parts is legal. For example, Alaska has by far the greatest number of black bears of any state yet allows no trade, whereas a number of states with much smaller bear populations do permit sale of black bear parts. This finding does not necessarily indicate a problem, but does imply that state decisions on whether or not to allow trade do not rest solely on the size of the black bear population. Similarly, no direct correlation could be drawn between state black bear populations and whether or not states allow bear hunting. As the section on bear hunting shows in more detail, hunting of black bears is legal in states as diverse in bear populations as Alaska (100,000-200,000) and South Carolina (275+). TRAFFIC therefore concluded that while population estimates show the black bear doing well overall, population is not a reliable indicator of how state laws treat the issues of take and trade.

Table 1 compares the numbers from TRAFFIC’s 1992 survey of state black bear populations to current unpublished data sent by states to TRAFFIC in response to the 1997 survey. A more complete analysis of these numbers will be provided in an upcoming TRAFFIC review of status, commercialization, and management trends.

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<sup>2</sup> It is important to note that some individual state estimates are just that, estimates, not extrapolations of scientific surveys.

TABLE 1. U.S. BLACK BEAR POPULATION ESTIMATES AND TRENDS

State	1992 TRAFFIC Survey*	1997 TRAFFIC Survey**	Reported 1997 Trend
Alabama	>50	50	Stable
Alaska	100,000-200,000	100,000-200,000	Stable
Arizona	2,500-2,700	2,000-3,000	Stable
Arkansas	2,300	3,000	Increasing
California	15,000-18,000	17,000-23,000	Stable
Colorado	8000-12000	10,000-12,000	Stable/Increasing
Connecticut	15-30	30-60	Increasing
Delaware	0	0	Not Applicable
Florida	1000-1500*	1,000-1500	Stable/Increasing
Georgia	1,700	1,800-2,000	Increasing
Hawaii	0	0	Not Applicable
Idaho	20,000-25,000	20,000-25,000	Stable
Illinois	0	0	Not Applicable
Indiana	0	0	Not Applicable
Iowa	0	0	Not Applicable
Kansas	0	0	Not Applicable
Kentucky	Unknown	25-75	Increasing
Louisiana	300+	>300	Stable
Maine	19,000	22,000-23,000	Increasing
Maryland	170	250-300	Increasing
Massachusetts	700-750	1,200-1,800	Increasing
Michigan	7,000-10,000	~12,000	Stable/Increasing
Minnesota	10,500-14,500	20,000	Increasing
Mississippi	25	<50	Slight Increase
Missouri	50-150	100-200	Slight Increase
Montana	9,000-10,000	Not Available	Not Available
Nebraska	0	0	Not Applicable
Nevada	200-400	200-400	Stable/Increasing
New Hampshire	3,000	2,000-3,000	Stable/Increasing
New Jersey	275-325	550+	Increasing
New Mexico	3,000	4,000	Increasing
New York	4,000-5,000	4,000-5,000	Stable/Increasing
North Carolina	5,500-6,250	8,500	Increasing
North Dakota	50	>10	Stable

TABLE 1. U.S. BLACK BEAR POPULATION ESTIMATES AND TRENDS  
(Continued)

State	1992 TRAFFIC Survey	1997 TRAFFIC Survey	Reported 1997 Trend
Ohio	20	12-30	Stable/Increasing
Oklahoma	200	100-150	Stable
Oregon	25,000	25,000-30,000	Stable/Increasing
Pennsylvania	7,500	Not Available	Not Available
Rhode Island	0-2	0-2	Stable
South Carolina	300	275+	Increasing
South Dakota	0	Unknown	Unknown
Tennessee	1,000-2,000	900-1,200	Stable/Increasing
Texas	50	75-100	Increasing
Utah	800-1,000	Not Available	Not Available
Vermont	2,100	2,500	Increasing
Virginia	3,000-3,500	3,500-4,000	Not Available
Washington	27,000-30,000	Not Available	Not Available
West Virginia	3,000	5,000-6,000	Increasing
Wisconsin	5,800	14,000	Increasing
Wyoming	Unknown	Unknown	Stable

\* McCracken et. al., 1995

\*\* Unpublished data from 1997 TRAFFIC survey of state wildlife authorities

### Legal Classification

How states legally classify the black bear is important to understanding statutes governing trade in bear parts because in many state statutes there is no direct reference to black bears or bear trade. Instead, the laws and regulations that govern the legality and reporting requirements for trade more generally cover categories of species, for example "wildlife", "non-game wildlife", "game", "protected" and "endangered" species, "furbearers", and others. How an individual state classifies the black bear in the overall scheme of its wildlife population can subject the species to widely varying laws regarding take and trade.

Thirty-four states classify the black bear as a "game" animal, which means that take and trade are regulated under the state's game laws. In some of these states the designation is more specific, placing the bear in certain categories of game which convey different rules for hunting and reporting kills. For example several states classify the black bear as "big game" or "trophy

game", for which different restrictions and regulations often apply regarding resident and non-resident hunters, licensing and tagging, and sometimes even requirements for the presence of a licensed outfitter or resident guide. Other states classify the black bear as "forest game", or as both "game" and "furbearer", which again carry specific legal meanings when it comes to rules for hunting and sale of parts.

Classification as a game species does not always mean that black bears can be hunted; in some states classification as a game animal provides the legal mechanism to protect the black bear from hunting and prevent sale of its parts. For example, until 1995 the black bear had no legal designation in Nebraska, largely because there are no wild bears in the state except for an occasional migrant. Because of that omission, bears that might wander into Nebraska from another state received no protection from take (or sale of parts). In 1995 the Nebraska legislature classified the black bear as a game species, further specifying that there would be no hunting season. That decision removed the species from a legal limbo and gave it protection from take and trade under the state's game laws, which preclude any hunting of game animals or sale of their parts not specifically allowed by the state. Alabama, Maryland, Missouri, and Nevada are other states in which the bear's status as a game species with no open season provides such protection.

Nine states classify the black bear as protected, threatened, or endangered. Connecticut, Kentucky, and Rhode Island classify the species as "protected", a designation which protects indigenous populations from take or trade. Mississippi and Ohio classify their small bear populations as "endangered", which precludes take and trade of indigenous black bears under those states' endangered species statutes. Similar protections are afforded black bear populations in Florida, Louisiana, South Dakota, and Texas, which classify the black bear as "threatened" under state law. The Louisiana black bear subspecies in Louisiana, Mississippi, and Texas is also listed as threatened under the federal Endangered Species Act, which provides the additional federal protections conferred by that law.

Kansas and North Dakota have individual designations for the black bear. In North Dakota the species is classified as a "furbearer" with no open season. In Kansas the black bear is a "non-game wildlife" species.

Perhaps the greatest gap in state laws regarding bear trade is the fact that five states -- Delaware, Hawaii, Illinois, Indiana, and Iowa -- do not provide the species with any legal designation whatsoever, and thus bear trade falls into a legal limbo subject to possibly inconsistent administrative controls or no controls at all. None of these states have wild bears, so while hunting might be technically legal, or at least not illegal, it is unlikely that any black bear would be taken. However, the absence of an official classification for the black bear presents a significant loophole in terms of regulating trade in bear parts because no laws cover the species or prevent these states from becoming markets for parts laundered from other jurisdictions.

Delaware is developing regulations, which should become effective in 1999, to close the loophole in its laws by classifying the black bear as non-game wildlife and prohibiting the trade in gallbladders and other bear parts from species covered under the Convention on International Trade in Endangered Species (CITES). TRAFFIC would encourage the other states that do not currently have a classification for the black bear to follow suit. Even though at present the trade in black bear parts may not represent a priority for these states, there seems good reason for them to afford the species some level of protection given concerns that the trade in black bear parts could become a problem in the future. The necessary steps can be relatively straightforward. In Illinois, for example, state law prohibits trade in designated wildlife without a permit from the Department of Natural Resources. Adding the black bear to the state's list of wildlife as a game, fur-bearer, or other designated species would close that state's legal loophole.

Table 2 summarizes the black bear's current legal classification in the 50 states.

**TABLE 2. LEGAL CLASSIFICATION OF THE BLACK BEAR BY STATE**

State	Legal Classification
Alabama	Game Animal (Protected)
Alaska	Big Game
Arizona	Big Game
Arkansas	Game
California	Game Mammal
Colorado	Big Game
Connecticut	Quadruped; Protected
Delaware	No Designation *
Florida	Threatened (State)
Georgia	Big Game
Hawaii	No Designation
Idaho	Big Game
Illinois	No Designation
Indiana	No Designation (General Category "Wildlife")
Iowa	No Designation
Kansas	Non-game Wildlife
Kentucky	Species of Special Concern (Protected)
Louisiana	Threatened (State and Federal)
Maine	Game
Maryland	Forest Game Animal
Massachusetts	Game
Michigan	Big Game

TABLE 2. LEGAL CLASSIFICATION OF THE BLACK BEAR BY STATE  
(Continued)

State	Legal Classification
Minnesota	Big Game
Mississippi	Endangered (State); Threatened (Federal)
Missouri	Game Mammal (also classified by state as "Rare")
Montana	Game Animal
Nebraska	Game Species
Nevada	Big Game Mammal
New Hampshire	Game Animal
New Jersey	Game
New Mexico	Game
New York	Big Game
North Carolina	Big Game
North Dakota	Fur-bearer
Ohio	Endangered (State)
Oklahoma	Game/Fur-bearer
Oregon	Game Mammal
Pennsylvania	Big Game
Rhode Island	Protected
South Carolina	Game
South Dakota	Threatened (State)
Tennessee	Game
Texas	Threatened (State and Federal)
Utah	Game
Vermont	Big Game Animal
Virginia	Game
Washington	Big Game
West Virginia	Game
Wisconsin	Game
Wyoming	Trophy Game

\* Draft regulations currently circulating would classify the American black bear as "non-game wildlife".

Source: Unpublished data from 1997 TRAFFIC survey of state wildlife authorities.



## Hunting and Reporting Requirements

### *Bear Hunting*

Hunting of black bears is currently legal in 26 states that have bear populations.<sup>3</sup> Some of these states also allow trapping. As noted above black bear hunting is technically legal – or at least not defined as illegal – in some other states which do not legally classify the species.

The majority of states that allow black bear hunting designate fall or fall/winter seasons, while some also allow more limited spring hunts. Only Alaska allows residents to hunt black bears year-round in many of the state's management units. This and the way that the state calculates its totals accounts for why Alaska reports the number of bears taken across a two-year interim (see Table 3). The legality of the use of dogs and bait also varies among states, with some banning these practices outright and others permitting them, some only in certain management areas and designated seasons.<sup>4</sup>

In its 1992 survey, TRAFFIC determined that roughly 20,000 black bears were taken legally by hunters and trappers each year in the United States between 1989 and 1991. The U.S. harvest totaled 20,959 in 1989, 19,574 in 1990, and 19,559 in 1991 (McCracken et. al., 1995). Based on the results of TRAFFIC's 1997 survey, we estimate that this rough annual average held steady during the years 1992-1995.

Nineteen states responded to TRAFFIC with updated figures showing a harvest of at least 15,801 black bears in 1992, 15,079 in 1993, 14,974 in 1994, and 16,301 in 1995. Conversations with wildlife authorities in other states which failed to provide updated figures did not indicate that their black bear harvests have declined compared to previous years. When harvest figures for the seven states that have not yet reported their numbers are factored in, we anticipate that the total number of bears legally taken in the years 1992-1995 will be roughly equivalent to the numbers for 1989-1991. TRAFFIC will provide a more complete harvest assessment in an upcoming report that will review the most current information available on the status, commercialization, and management of black bears in both the United States and Canada.

Overall, the roughly 20,000 bears taken legally through hunting represent some 6.1 percent of the minimum estimated U.S. black bear population, and about 4.4 percent of the maximum estimated population. Given the general trend of stable or rising black bear populations, and the fact that this trend is apparent both in those states that permit hunting and those that do not, TRAFFIC did not see evidence that current legal harvest levels constitute a threat to the species.

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<sup>3</sup> Until 1994 the number of states allowing hunting was 27. In 1994 the Florida legislature closed that state's bear season, reducing the number to 26.

<sup>4</sup> McCracken et. al. (1995) contains a table detailing state laws on baiting and use of hounds on a state-by-state basis. TRAFFIC will update this information in a new report on status, management and commercialization currently in preparation.

Table 3 shows the recorded legal harvest of bears in those states which provided information for the years 1992-1995.

**TABLE 3. NUMBER OF LEGAL REPORTED KILLS, 1992-1995**

State	1992	1993	1994	1995
Alaska	1,668 ('92-'93)	1,494 ('93-94)	1,787 ('94-'95)	--
Arizona	121	117	236	197
Arkansas	44	115	126	124
California	1,266	1,426	1,607	1,484
Colorado	483	278	360	533
Florida	22	64	0*	0*
Georgia	101	215	143	200
Idaho	1,370	1,275	1,319	1,223
Maine	Not Available	Not Available	Not Available	Not Available
Massachusetts	68	59	62	134
Michigan	1,225	1,292	1,260	1,527
Minnesota	3,175	3,003	2,329	4,956
Montana	Not Available	Not Available	Not Available	Not Available
New Hampshire	263	306	260	480
New Mexico	Not Available	Not Available	Not Available	Not Available
New York	827	695	722	693
North Carolina	1,074	824	785	1,079
Oregon	805	1,179	1,250	624
Pennsylvania	Not Available	Not Available	Not Available	Not Available
South Carolina	5	9	2	8
Tennessee	78	103	120	81
Utah	Not Available	Not Available	Not Available	Not Available
Vermont	337	363	336	380
Virginia	Not Available	Not Available	Not Available	Not Available
Washington	Not Available	Not Available	Not Available	Not Available
West Virginia	455	767	732	690
Wisconsin	1,474	1,258	1,329	1,737
Wyoming	220	237	209	151
<b>TOTAL:</b>	<b>15,081+</b>	<b>15,079+</b>	<b>14,974+</b>	<b>16,301+</b>

\* Florida closed its bear season in 1994.

Source: Unpublished data from 1997 TRAFFIC survey of state wildlife authorities.

### *Licensing and Reporting Requirements*

Of the 26 states that currently allow bear hunting, at least 17 require that hunters obtain a specific license to do so – Arizona, California, Colorado, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Mexico, Oregon, Pennsylvania, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. Six others – Arkansas, Georgia, Idaho, South Carolina, Tennessee, and Vermont – require only a general big game license to hunt black bears. New York and North Carolina require a specific license for non-resident hunters, but only a general big game license for residents. Alaska is unique in that residents require no specific license to hunt black bear while non-residents do, and non-resident aliens must obtain both a bear tag and employ a guide (unpublished data from 1997 TRAFFIC survey of state wildlife authorities). No current information was available for Washington at the time of this report, but in 1992 that state reported that it does require a special license to hunt black bear (McCracken et. al., 1995).

All but one of these 26 states also have regulations that require reporting of black bear kills through by a physical check-in of the animal taken, the return of a filled out license tag, and/or a phone call to the regulating agency. A comparison of these rules helps gauge how closely states monitor the harvest of bears and the disposition of their parts.

Eighteen states require the physical registration of all kills at designated check stations within a time period specified by the state. These include Arkansas, Colorado, Georgia, Idaho, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, North Carolina, Pennsylvania, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Two further states (Montana and New York) require physical check-in of carcasses only in some areas, while allowing for registration by phone in others. Alaska requires check-in and sealing of hides and skulls in some management units. Arizona and California allow for registration by phone alone in all areas (California also requires mandatory tag validation and mandatory tag return, even if a hunter is unsuccessful). In South Carolina, registration of harvest at a designated check station was required through 1996. Beginning in 1997, registration could be done through a phone call to the South Carolina Department of Natural Resources (unpublished data from 1997 TRAFFIC survey of state wildlife authorities). While no current information for Washington was available at the time of this report, in 1992 Washington reported that it requires written notice of harvest to the regulating agency and the return of a tooth (McCracken et. al., 1995).

Only Oregon does not have a state-wide mandatory black bear verification/reporting system, although it does require that a carcass be tagged and checked in with the state if possession is transferred. Oregon does provide hunters with a tooth envelope and requests that hunters return a premolar tooth to monitor population structure. In 1997 Oregon also required “check out” of bears with the state in three big game management units as part of research projects to determine age and sex characteristics, pregnancy and birth rates, and habitat utilization (Oregon Big Game Regulations, 1997).

In addition to mandatory registration of harvest or notice to the regulating agency, many states also use other reporting requirements to monitor the take of black bears. At least 11 states – Arizona, Arkansas, California, Idaho, Minnesota, Montana, New Hampshire, New Mexico, New York, Virginia, and West Virginia – require submission of certain parts (tooth, skull, hide) to the state regulating agency for age/sex determination (unpublished data from 1997 TRAFFIC survey of state wildlife authorities). In some cases this presentation must be done in person, in others a tooth or skull can be sent by the hunter within a specified time period. Washington also required return of a tooth as of 1992 (McCracken et. al., 1995).

Several states further require official “sealing” of bear carcasses, some with the requirement that the tags remain attached to the carcass or specified parts until processing for consumption or mounting. Sealing generally involves taking the bear to a designated state officer who then attaches a metal or plastic seal to the bear carcass or designated parts, where it must remain as specified. As noted above, in Alaska hunters must have hides and skulls sealed in 15 of the state’s 26 game management units. Colorado, Maine, Michigan, Minnesota, New Hampshire, Vermont, and Virginia also require state sealing of black bears (unpublished data from 1997 TRAFFIC survey of state wildlife authorities).

These various state licensing and reporting requirements suggest that there is a system in place which could prove very useful to investigating the disposition of parts from the legal black bear hunt. Unfortunately, TRAFFIC’s survey indicated that little attempt is made on the part of most states to determine the destination or fate of parts such as gallbladders or paws once the carcass has been registered. A few states that allow legal trade in black bear parts do require notification of sale and a written document detailing the transaction. Since 1984 Idaho has required a special permit for hunters, outfitters, and hide dealers to sell a bear and mandate presentation of a sales statement to the state. Wyoming requires a permit for the sale of hides, and for the sale of gall bladders, paws, skulls, teeth and claws if they are sold or transported out of state. New York goes furthest in requiring that each part sold must be tagged, and the tag must remain until the part is tanned, processed, or prepared for ingestion (unpublished data from 1997 TRAFFIC survey of state wildlife authorities). Some states that have not yet returned surveys may also require such documentation, but their information was not available in time for this report.

With those exceptions, however, most of the 26 states that allow black bear hunting use their reporting requirements simply to age and sex the animals for research and management purposes or to determine when state hunting quotas have been met. In the interest of learning more about the dynamics of the bear trade, TRAFFIC suggests that state regulating agencies consider surveying hunters during required reporting to try to determine the ultimate disposition (personal consumption, trophy, disposal, sale, etc.) of parts commonly associated with the bear trade, such as gallbladders, paws, claws and teeth, heads, hides, and skulls. Failure to answer truthfully should be a violation of game laws (some states spell this out already), providing the basis for enforcement.

Table 4 summarizes state licensing and reporting requirements.

**TABLE 4. LICENSING AND REPORTING REQUIREMENTS**

State	License	Reporting
Alaska	No specific license for residents. Black bear tag for non-residents. Non-resident aliens require tag and guide.	Hides and skulls must be sealed in game management units 1-7, 11-17, and 20 (15 of the state's 26 game management units).
Arizona	Specific for black bear	Hunters must contact state agency, in person or by phone, within 48 hours of taking bear. Tooth must be sent to state within 20 days.
Arkansas	General big game license only	Wildlife check at official check station; hunter must return tooth to state.
California	Specific for black bear	Holder must fill out tag upon kill and return skull for tooth collection. Mandatory tag validation; mandatory tag return, even if unsuccessful. Return of skull by hunter to regulating agency for tooth collection.
Colorado	Specific for black bear	Hunter must present bear for inspection and sealing within 5 days. Check report must be completed at inspection.
Georgia	General big game license only	Phone call by hunter to regulating agency. Mandatory registration of harvest by hunter at designated check station.
Idaho	General big game license only	Mandatory registration of harvest by hunter at designated check station. Hunter is required to submit skull and hide.
Maine	Specific for black bear	Hunter must register bear at first state-administered station encountered, and within 18 hours of kill. Metal seal placed in bear, which must remain until processing.
Massachusetts	Specific for black bear	Mandatory registration of harvest by hunter at designated check station.

TABLE 4. LICENSING AND REPORTING REQUIREMENTS (Continued)

State	License Required	Reporting Required
Michigan	Specific for black bear	Bear must be tagged and tag remain attached until bear is sealed and registered at check station within 72 hours of kill. Field validation kill tag must be surrendered to registrar.
Minnesota	Specific for black bear	Mandatory registration by hunter and sealing at designated check station. Hunter must return tooth to regulating agency.
Montana	Specific for black bear	Hunter must attach month and day from license/tag immediately. Must remain secure and visible until tanning. Must present skull to regional official for aging within 10 days. Must report personally within 48 hours of kill in Region 5.
New Hampshire	Specific for black bear	Must present bear to state within 24 hours of take to be sealed and tooth collected.
New Mexico	Specific for black bear	Must contact state within 5 days to schedule arrangement to present skull and hide. External genitalia must remain attached until hide has been inspected and tagged by state.
New York	General big game license for residents; Specific black bear license for non-residents.	Hunter must complete bear report card, phone regulating agency, and return tooth. Bears checked by biologist in southern part of state. Each part sold must be tagged; Tag must remain until part is tanned, processed, or prepared for ingestion.
North Carolina	General big game license for residents; Specific black bear license for non-residents.	Bear must be tagged at site of kill and registered with state at designated check station.
Oregon	Specific for black bear	No mandatory statewide reporting system. Carcass must be tagged and checked in with state only if possession is transferred. Hunters are requested to return a tooth in a tooth envelope provided by the state. In 1997 hunters in three big game management units were required to "check out" with their bear as part of a research project.

TABLE 4. LICENSING AND REPORTING REQUIREMENTS (Continued)

State	License Required	Reporting Required
Pennsylvania	Specific for black bear	Hunter must complete game kill tag and attach it to remain until processed for consumption or mounting. Report to check station within 24 hours. Fill in report card and mail to state within 10 days of kill. Person not required to secure license must write to state within 5 days.
South Carolina	General big game license only	Registration at designated check station through 1996. Phone call required as of 1997.
Tennessee	General big game license only	Registration of harvest by hunter at designated check station.
Utah	Specific for black bear	Permanent tag must be attached. Check-in required within 48 hours of kill.
Vermont	General big game license only	Bear must be reported to state within 48 hours of kill and carcass inspected. Animal tagged upon taking and must remain tagged until cut up for consumption.
Virginia	Specific for black bear	Registration of harvest by hunter at designated check station. Return of tooth by hunter to regulating agency. Seal affixed by check station operator and game check card secured to carcass until processed.
Washington	Not Available	Not Available
West Virginia	Specific for black bear	Registration of harvest by hunter at designated check station. Return of tooth by hunter to regulating agency.
Wisconsin	Specific for black bear	Registration of harvest by hunter at designated check station.
Wyoming	Specific for black bear	Registration of harvest by hunter at designated check station.

Source: Unpublished data from 1997 TRAFFIC survey of state wildlife authorities.





## **II. BEAR TRADE**

### The National View

Overall, 45 of the 50 U.S. States (90%) have laws which govern the trade in black bear parts. Nineteen states (38%) prohibit all sale within their borders. These are Alabama, Alaska, California, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, North Carolina, New Jersey, Oregon, South Carolina, South Dakota, Tennessee, Texas, and Virginia. Laws among the other states vary on a part-by-part basis. Cumulatively, 33 states (66%) prohibit the sale of black bear gallbladders, 31 states (62%) prohibit the sale of bear paws, and 27 states (54%) prohibit the sale of claws and teeth. The most permissive trade is in heads and hides, which is prohibited in only the 19 states listed above along with all other parts.

The list of states that permit sale of parts from their own (i.e. indigenous) bear populations is even narrower. Just six states (12%) permit the sale of gallbladders from bears taken inside the state. Eight states (16%) allow for the sale of paws from their own bears, and eight (16%) also allow for the sale of claws and teeth from these bears (one of these, New Mexico, allows for only the sale of claws). Sixteen states (32%) allow for the sale of heads and hides from bears taken within the state.

Another group of states have laws which prohibit sale of some or all parts from black bears taken within the state, but allow for the sale of parts from bears taken legally in other states. Six states (12%) allow for the sale of gallbladders from black bears taken in other states. Another six (12%) similarly allow for sale of paws from out-of-state bears. Ten states (20%) allow for sale of claws and teeth from bears taken in other states, and ten states (20%) allow for the sale of heads and hides (Ohio specifies hides and hair; Wisconsin allows hide to be sold provided claws, head and teeth are attached).

Five states (10%) at present have no laws covering black bear conservation and trade. These are Delaware, Hawaii, Illinois, Indiana, and Iowa, which have no wild black bear populations and for reasons described earlier have not included the species in their wildlife codes. Delaware is developing regulations, and TRAFFIC hopes that others will follow suit and eliminate this statutory gap.

The trend at the state level appears to be moving towards more restrictive laws. For example, the laws prohibiting sale of black bear parts in Nebraska, New Jersey, and Virginia have all been adopted since 1994. Delaware's regulations, when finalized, will likely prohibit the sale of black bear gallbladders and other viscera, as well as other parts from bears protected by CITES, thus closing a further jurisdiction to most trade. As more attention focuses on the bear trade issue, this trend towards adopting more specific laws and regulations could well continue.

Table 5 provides a current snapshot of the legality of sale of various black bear parts.

TABLE 5. SALE OF BEAR PARTS IN THE UNITED STATES

PART	SALE IS LEGAL	SALE IS ILLEGAL	OTHER STATE SALE IS LEGAL	NO LAW
Gallbladders	6 States: ID, ME, NY, VT, WV, WY	33 States: AL, AK, AZ, CA, CO, FL, GA, KY, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, OH, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI	6 States: AR, CT, KS, LA, ND, OK	5 States: DE <sup>1</sup> , HI, IL, IA, IN
Paws	8 States: AZ, ID, MI, NH, NY, VT, WV, WY	31 States: AL, AK, CA, CO, FL, GA, KY, MD, MA, ME, MN, MS, MO, MT, NE, NV, NJ, NM, NC, OH, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI	6 States: AR, CT, KS, LA, ND, OK	5 States: DE <sup>1</sup> , HI, IL, IA, IN
Claws and Teeth	8 States: AZ, CO, ID, ME, MN, NM <sup>2</sup> , NY, WY	27 States: AL, AK, CA, FL, GA, KY, MD, MA, MI, MS, MO, MT, NE, NH, NJ, NC, OR, SC, SD, TN, TX, UT, VA, VT, WA, WV, WI	10 States: AR, CT, KS, LA, ND, NV, OH <sup>3</sup> , OK, PA, RI	5 States: DE <sup>1</sup> , HI, IL, IA, IN
Heads and Hides	16 States: AZ, CO, ID, ME, MI, MN, MT, NH, NM, NY, UT, VT, WA, WV, WI <sup>4</sup> , WY	19 States: AL, AK, CA, FL, GA, KY, MD, MA, MS, MO, NE, NC, NJ, OR, SC, SD, TN, TX, VA	10 States: AR, CT, KS, LA, ND, NV, OH <sup>3</sup> , OK, PA, RI	5 States: DE <sup>1</sup> , HI, IL, IA, IN

<sup>1</sup> Delaware is developing regulations to close this “loophole”

<sup>2</sup> Claws only

<sup>3</sup> Claws, teeth, hides and hair legally acquired allowed

<sup>4</sup> Hide may be sold provided claws, head, and teeth are attached

### Organizing the Patchwork

Simply understanding this bottom line, however, does not provide a full picture of the “patchwork” of black bear laws presently in force. To understand the how’s and why’s of state laws and regulations that determine whether sale of different bear parts is legal or illegal requires a closer look at how factors such as legal classification, state policies towards wildlife trade, and the specificity of state laws come into play. TRAFFIC found that only a minority of states have laws that are unambiguous and specific to black bear trade. In most, the legality of trade in black bear parts depends on general wildlife statutes. Further, in states that allow trade, the legality of buying or selling a particular part can depend on whether the transaction is properly documented and reported to the state regulating agency.

After examining the 50 states' statutes, TRAFFIC found that the current patchwork of laws can be loosely organized into seven basic categories. From most restrictive of trade to least restrictive, these categories are defined as follows:

1. **Prohibition on Sale of all Bear Parts.** One subset of states have laws that specifically ban trade in all bear parts, without exception.
2. **Sale Prohibited by General Statute.** Another set of states prohibit the sale of game and/or wildlife in general, unless a specific exemption is made for a particular species and/or part. This is where the black bear's legal classification comes most into play. With a few exceptions, most states in this category do not exempt the black bear or black bear parts from the overall prohibition on sale or trade.
3. **Sale of Specific Parts Prohibited.** Some state statutes specify which black bear parts (gallbladders, claws and teeth, heads and hides, etc.) cannot be legally sold in the state.
4. **Sale Prohibited by Protected Status.** These are states where sale in bear parts is generally prohibited because the black bear is listed under state (or federal) law as endangered, threatened, or protected, and thus protected by special statutes. As detailed below on a part-by-part basis, there are loopholes in several states that use these laws to protect indigenous black bear populations but have exceptions allowing for sale of bear parts taken in other states.
5. **Sale of Parts from Bears Taken in Other States Legal.** Another group of states have bear populations that are not considered threatened or endangered, yet do not allow sale of bear parts from bears taken within their state. They do, however, allow sale of parts from bears taken legally in other states and properly documented and reported.
6. **Sale Legal Unless Specifically Prohibited.** Several states have statutes that generally allow for sale of parts from black bears legally taken within or outside of the state, unless sale of a specific part is prohibited.
7. **No Regulation.** Finally, five states effectively have no laws regulating trade in black bear parts (one of these, Delaware, is currently developing regulations to close this loophole).

Two important caveats should be noted here. First, state terminology and inclusiveness under laws covering "sale" or "purchase" of wildlife varies. For example, Alabama's statute on "Sale, Purchase, etc. of game birds or game animals" covers "Any person, firm or corporation who sells, offers or exposes for sale, buys, purchases, barter or exchanges anything of value for any game bird or game animal or any part thereof..." (Alabama Game, Fish and Wildlife Laws Sec. 9-11-237). Arizona's law states that it is unlawful for a person to "take, possess, transport, buy, sell, offer or expose for sale wildlife, except as expressly permitted..." (A.R.S. 17-309.A.2). Other states expressly allow individuals to "possess" certain black bear parts legally

purchased outside of state boundaries, but forbid resale or purchase inside the state's jurisdiction. For purposes here, TRAFFIC's categories of "sale legal" or "sale prohibited" apply to whether trade is allowed inside the state, and do not factor in possession.

Second, notable anomalies and variations exist within the categories of state laws identified by TRAFFIC. While a comparative analysis of state statutes showed that applying some overall organizing principles could group the laws into general categories, such as whether sale of black bear parts is specifically allowed or expressly prohibited, or whether the legality of black bear trade is covered under game or protected species laws, certain state statutes contain unique quirks and loopholes. For example, some states which classify indigenous black bear populations as endangered, threatened or protected and allow no trade in their parts permit sale within the state of bear parts legally acquired elsewhere. Some states that permit trade make exceptions banning specific parts, while others that generally prohibit trade have exceptions allowing for the sale of certain parts. Each such case and how it applies is noted and explained in more detail under "notable variations" in the sections below.

With those caveats in mind, the following sections look more specifically at how state laws treat the sale of individual black bear parts.

### *Gallbladders*

Thirty-three states (66%) prohibit the sale or trade of black bear gallbladders within their borders. Another six states (12%) do not allow the sale of gallbladders from black bears taken within their states, but do allow for the sale of gallbladders from bears taken legally in other states. Sale of gallbladders is specifically legal in six states (12%), and another five (10%) currently have no laws on the subject. The statutes which apply to this trade fall into the following categories.

Of the 33 states that prohibit sale of gallbladders:

- **Seven** (Alaska, California, Florida, Georgia, North Carolina, South Carolina, and Tennessee) have statutes that prohibit sale of all black bear parts inside the state, without exception.
- **Seven** (Colorado, Michigan, Minnesota, New Hampshire, New Mexico, Utah, and Washington) ban sale of bear gallbladders specifically, while allowing trade in certain other parts (New Mexico and Michigan laws are specific to "internal organs").
- **Thirteen** (Alabama, Arizona, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, Virginia, and Wisconsin) ban sale of gallbladders under general statutes that prohibit sale of game animals or parts unless specifically allowed under the law, and no exceptions are made for bear gallbladders.

- Six (Kentucky, Mississippi, Ohio, Rhode Island, South Dakota, and Texas) prohibit trade in gallbladders under statutes banning the sale of parts from endangered, threatened, or protected wildlife.

The remaining 17 states fall into three categories:

- Six (Idaho, Maine, New York, Vermont, West Virginia, and Wyoming) allow for the legal sale of bear gallbladders taken inside the state.
- Six (Arkansas, Connecticut, Kansas, Louisiana, North Dakota, and Oklahoma) do not allow sale of gallbladders from bears taken within their state, but do allow trade in gallbladders from bears taken legally in other states and imported.
- Five (Delaware, Hawaii, Illinois, Indiana, and Iowa) have no laws on the books regulating trade in black bear parts. Delaware's regulations, when finalized, are expected to specifically ban sale of gallbladders.

#### Notable variations

The laws of Connecticut and Louisiana are exceptions to the category of states that prohibit black bear trade because the species is classified as protected or threatened wildlife. Connecticut lists its small indigenous black bear population as "protected" and prohibits any hunting or sale of parts from these animals. The state does, however, specifically allow for purchase or sale of parts of wildlife legally obtained in other states that permit sale and exportation. Similarly, Louisiana's endangered species law prohibits any trade in parts from that state's threatened population of the Louisiana black bear subspecies, but specifically allows trade in parts of wildlife, including black bears, legally obtained in other states.

The laws of New Mexico and Michigan are also somewhat different in that they do not mention gallbladders specifically, but rather expressly prohibit sale of the "internal organs" of wildlife. In the case of black bears, this effectively covers gallbladders, so these laws are included here in the category of states which specifically prohibit the trade.

Finally, Nevada, Pennsylvania, and Rhode Island base the legality of sale of parts from other states on whether they are edible or non-edible (Nevada law refers to "nonedible" parts and Pennsylvania and Rhode Island laws refer to "inedible" parts). None allow for trade of bears taken within the state, and only one of the three, Pennsylvania, allows for the hunting of its own black bear population. Thus, these states prohibit the sale of parts such as gallbladders and paws, but allow for the sale of claws, teeth, heads and hides from bears taken in other states. As explained below, this distinction applies to other states regarding certain parts.

Figure 1 illustrates the overall effect of these laws.

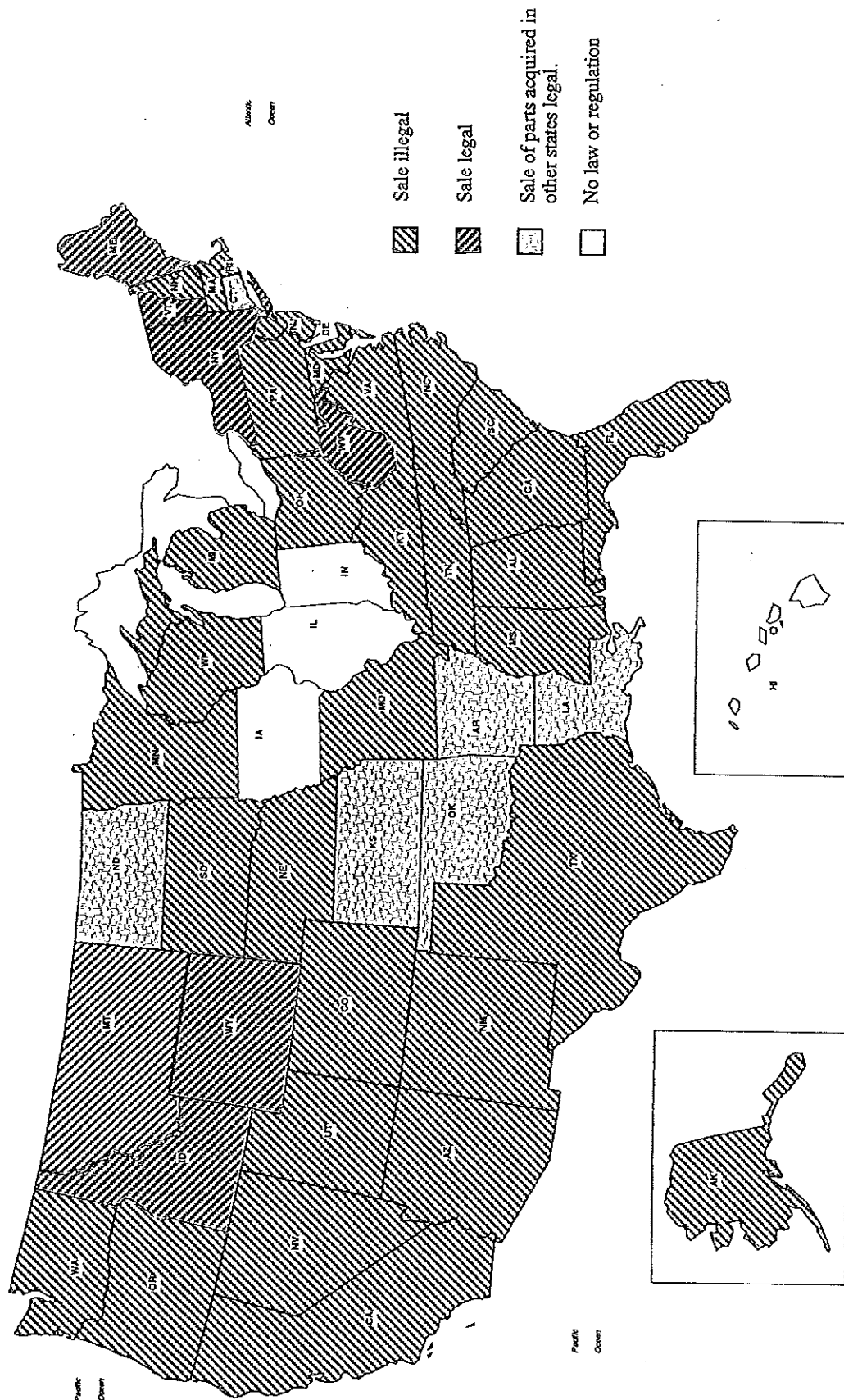


FIGURE 1. SALE OF BLACK BEAR GALLBLADDERS IN THE UNITED STATES

### ***Bear Paws***

Thirty-one states (62%) prohibit the sale of bear paws. Sale of bear paws from animals taken within the state is legal in eight jurisdictions (16%), and six more (12%) allow for the sale of paws from bears taken legally in other states. Five states (10%) currently have no laws covering the trade.

The 31 states that prohibit the sale of bear paws fall into the following categories:

- **Seven** (Alaska, California, Florida, Georgia, North Carolina, South Carolina, and Tennessee) prohibit the sale of bear paws because their statutes ban trade in all bear parts, without exception.
- **Twelve** (Alabama, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, Virginia, and Wisconsin) ban sale of bear paws under statutes that prohibit sale of game animals or parts unless specified under the law, and no exceptions are made for bear paws.
- **Two** (Minnesota and Utah) ban sale of bear paws specifically, although they allow trade in certain other parts.
- **Four** (Colorado, Maine, New Mexico, and Washington) prohibit the sale of bear paws because they do are not included in the state's list of allowed parts. Each of these laws is somewhat unique, and a fuller explanation is provided below.
- **Six** (Kentucky, Mississippi, Ohio, Rhode Island, South Dakota, and Texas) prohibit sale of paws under endangered, threatened, or protected species statutes.

Nineteen states allow for the sale of bear paws, falling into three categories:

- **Eight** (Arizona, Idaho, New Hampshire, Michigan, New York, Vermont, West Virginia, and Wyoming) allow for the legal sale of bear paws taken inside the state.
- **Six** (Arkansas, Connecticut, Kansas, Louisiana, North Dakota and Oklahoma) do not allow sale of paws from bears taken within their state, but do allow trade in paws from bears taken legally in other states.
- **Five** (Delaware, Hawaii, Illinois, Indiana, and Iowa) have no laws regulating trade in black bear parts. It is unclear at this time what effect the regulations Delaware is currently finalizing will have on the sale of black bear paws.



Notable variations

Because few states mention bear paws explicitly in their statutes, several of the state laws prohibiting their sale need explanation.

Colorado and Washington join the list of states that ban the sale of certain parts based on the standard of edibility. Colorado allows for the sale of “non-edible portions of wildlife”, which it defines as legally taken “fur, feathers hides, hair, teeth, claws, hooves, horns, antlers, skulls and bones” (Colorado Wildlife Regulation #013). Sale of paws is not specifically illegal, but does not qualify as legal because paws do not fit under the definition of “non-edible portions”. Washington also bans sale of bear paws because, although paws are not specifically mentioned in the state’s list of prohibited parts, the relevant statute allows the sale only of “non-edible parts of wild animals” (WAC 232-12-071). While both states permit bear hunting and sale of certain parts, they join Nevada, Pennsylvania, and Rhode Island in this category. The latter three states prohibit the sale of bear paws because, as with gallbladders, these states allow only for the importation and sale of “nonedible” or “inedible” parts of wildlife legally acquired elsewhere.

Maine does not permit sale of paws because they are not included in the state’s list of specific parts that can be legally sold. Maine’s statute allows for the sale of “head, teeth, gall bladder, claws, and hide of bear” (Maine Revised Statutes 12-7452(15)(B)). No parts other than those listed can be legally sold.

Similarly, New Mexico allows sale only of “skins, heads, antlers, horns, or claws” of game protected by statute, and bear paws do not fall under that exemption (19 NMAC 31.1, Section 9.4).

At the other end of the scale, Michigan allows sale of bear paws because they do not fall under the state’s law specifically banning sale of “teeth, claws, flesh, or internal organs of game” (Natural Resources Commission “Wildlife Conservation Order”, Section 4.3). It is not clear whether this omission was intentional on the part of Michigan’s legislature.

Minnesota law is unique in that it specifically allows sale of paws only if attached to a legally sold hide (Minnesota Statutes Annotated, Section 97A.512). They cannot be sold as individual parts.

Connecticut and Louisiana, which protect their own indigenous black bear populations against hunting and trade in parts, specifically allow for sale of parts from other states, including paws.

Figure 2 shows those states in which sale of bear paws is legal and illegal.

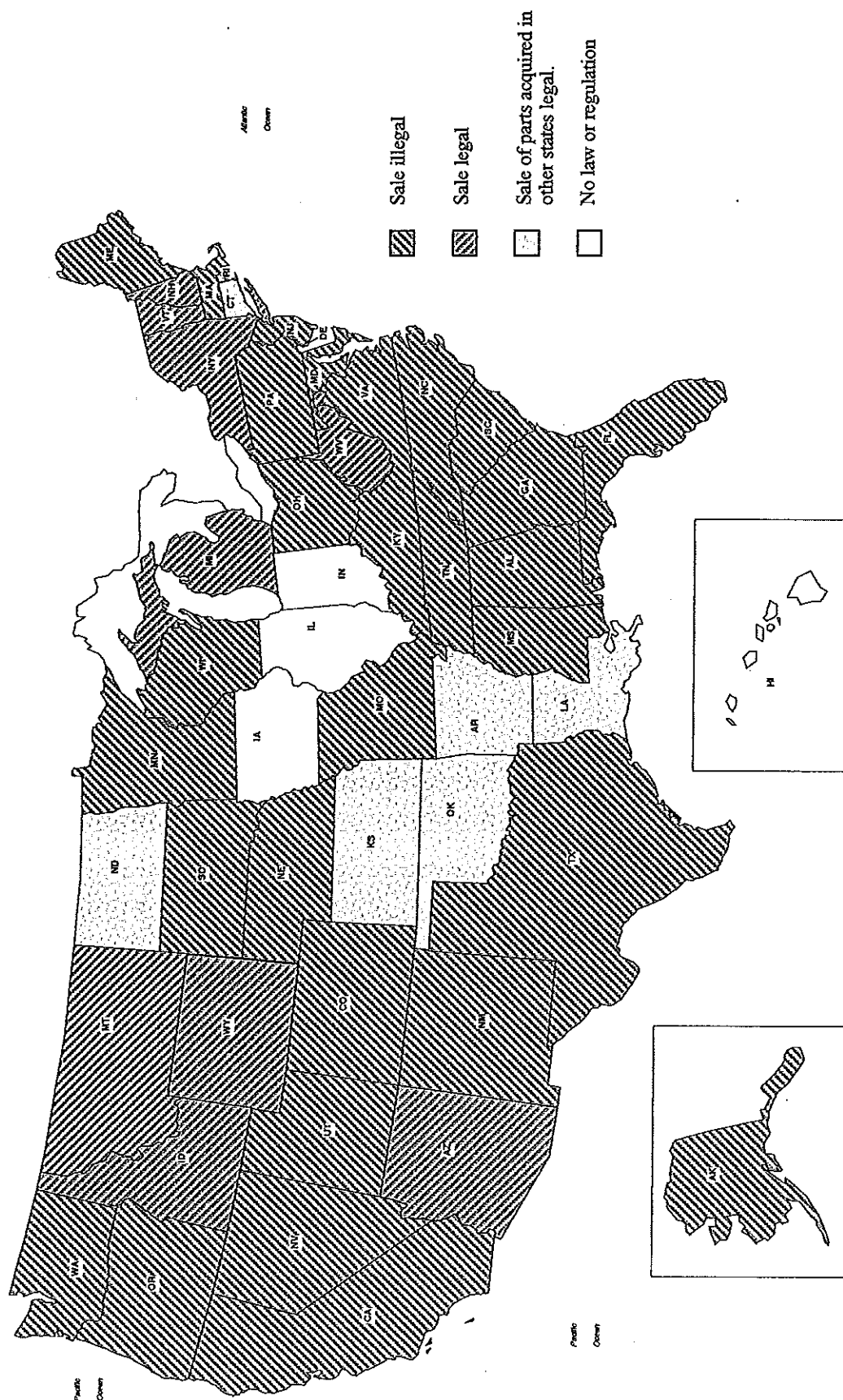


FIGURE 2. SALE OF BLACK BEAR PAWS IN THE UNITED STATES

### *Claws and Teeth*

Sale of black bear claws and teeth is more broadly allowed than is sale of gallbladders and paws, largely because they fall under provisions in several states permitting the sale of non-edible wildlife parts legally acquired. With one exception (New Mexico allows for sale of claws only), the number of states which allow for the sale of claws and teeth is identical. Taking New Mexico into consideration, eight states (16%) which permit bear hunting allow for the sale of claws taken inside the state, while another 10 states (20%) which do not allow for sale of parts from bears taken within the state do allow the sale of claws legally obtained in other states. Sale of bear claws is illegal in 27 states (54%). Five states (10%) currently have no laws on the subject. Regarding teeth, seven states (14%) which permit bear hunting allow for the sale of teeth inside the state, while another 10 states (20%) allow the sale of bear claws legally obtained in other states. Sale of bear teeth is illegal in 28 states (56%). Again, five states (10%) have no laws on the subject.

Of the 27 states in which sale of claws and teeth is illegal:

- **Seven** (Alaska, California, Florida, Georgia, North Carolina, South Carolina, and Tennessee) ban trade in all bear parts, without exception.
- **Nine** (Alabama, Maryland, Massachusetts, Missouri, Montana, Nebraska, New Jersey, Oregon, and Virginia) prohibit sale of game animals or parts unless specified under the law, and no exceptions are made for claws and teeth.
- **Four** states (Michigan, Utah, Washington, and Wisconsin<sup>5</sup>) ban sale of bear claws and teeth specifically.
- **Three** states (New Hampshire, Vermont, and West Virginia) which allow for sale of other parts, do not allow sale of claws and teeth (see explanation below).
- **Four** states (Kentucky, Mississippi, South Dakota, and Texas) prohibit trade in black bear claws and teeth under state endangered, threatened, or protected species statutes.

Of the 23 states that permit the sale of bear claws and teeth:

- **Eight** states (Arizona, Colorado, Idaho, Maine, Minnesota, New Mexico<sup>6</sup>, New York, and Wyoming) allow for the legal sale of bear claws and teeth taken inside the state.

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<sup>5</sup> Claws and teeth may be sold in Wisconsin only if attached to a legally sold bear hide. See explanation under "Heads and Hides."

<sup>6</sup> Claws only, see explanation below.

- Ten states do not allow sale of claws and teeth from bears taken within their state, but do allow trade in these parts from bears taken legally in other states: Arkansas, Connecticut, Kansas, Louisiana, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, and Rhode Island (see explanation below for Ohio and Rhode Island).
- Five states (Delaware, Hawaii, Illinois, Indiana, and Iowa) have no laws regulating trade in black bear parts. It is unclear at this time what effect the regulations Delaware is currently finalizing will have on the sale of black bear claws and teeth.

*Notable variations*

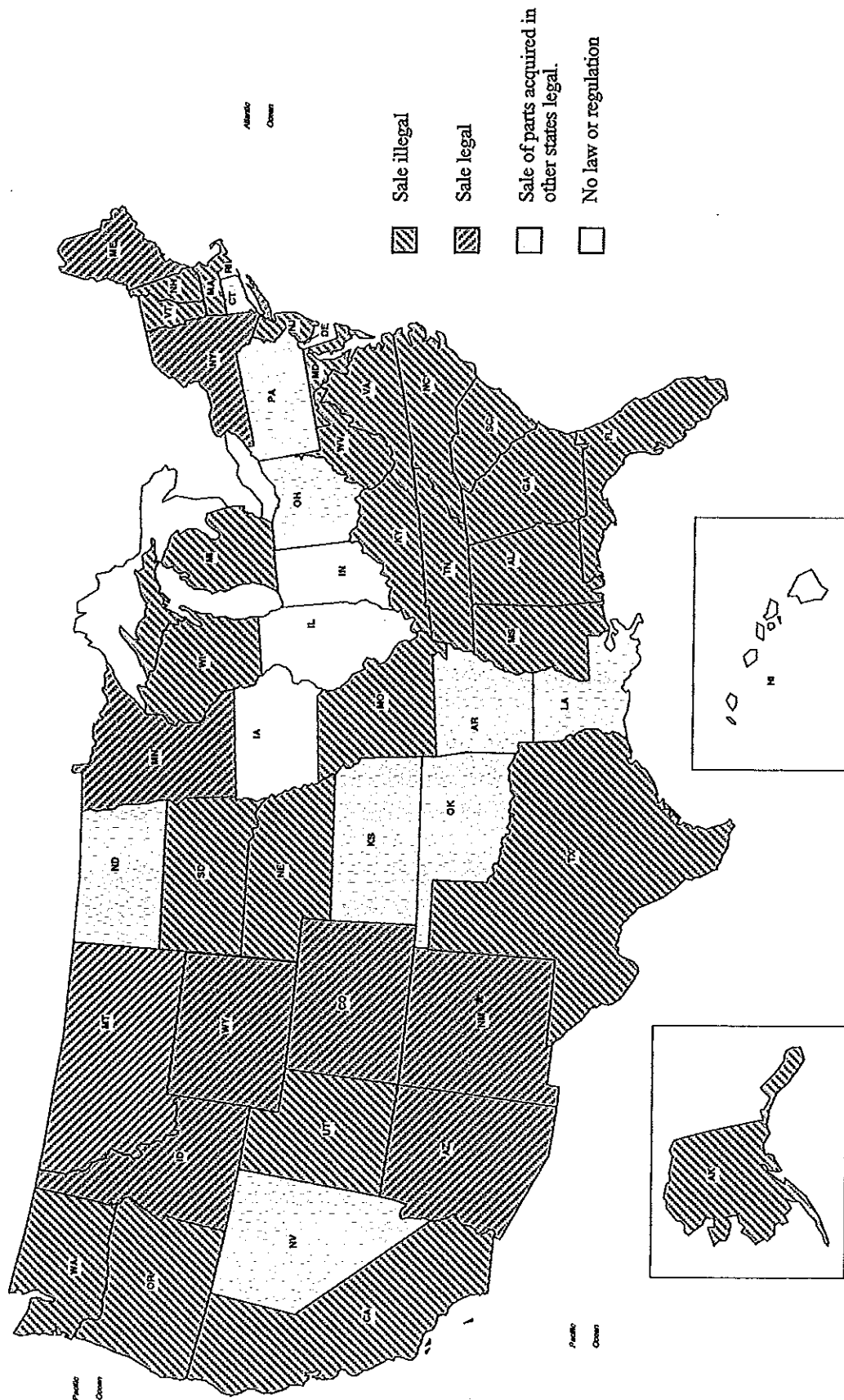
Even though New Hampshire, Vermont and West Virginia permit sale of some black bear parts, they do not allow sale of claws and teeth because these parts are not included under the states' lists of legal parts. New Hampshire allows sale only of the "head, hide, or feet" (New Hampshire Game and Fish Laws, Section 188:11). Vermont allows sale of "the head, hide, paws and internal organs of a black bear, legally taken" (Vermont State Code, Title 10, Section 4783). West Virginia allows for the legal sale of "the hide, head, skull, organs and feet of a legally killed black bear" (West Virginia Natural Resources Laws, Section 20-2-11).

Arizona and Minnesota laws specifically allow for the sale of claws and teeth, although they ban the sale of most other parts. New Mexico similarly exempts the sale of claws from that state's general prohibition on the sale of most parts from protected game.

Colorado, Nevada, and Pennsylvania allow for the sale of claws and teeth because of statutes that permit the sale of non-edible parts. This provision in Colorado's law (Colorado Wildlife Regulation #013) opens the way for sale of claws and teeth taken in Colorado as well as elsewhere. In the case of Nevada and Pennsylvania, this provision allows for the sale of claws and teeth legally acquired elsewhere.

As with gallbladders and paws, Connecticut and Louisiana, which protect their indigenous black bear populations from hunting and trade under protected species statutes, again allow sale of claws and teeth from bears taken legally in other states. Two other states that classify indigenous bear populations as "protected" or "endangered" join this category with legal exceptions that allow the sale of claws and teeth. One is Ohio, which classifies its own black bear population as "endangered" but whose law provides specifically that "legally acquired bear claws, teeth, hair, and hides may be bought or sold at any time" (Special Endangered Wild Animal Regulations, Section 1531-15-02). The other is Rhode Island, which classifies its occasional migrant population of black bears as protected but allows for the sale of "non-edible" parts brought in from other states (General State Code, Section 20-13-14).

Figure 3 shows those states in which sale of claws and teeth is legal and illegal.



\* CLAWS ONLY

FIGURE 3. SALE OF BLACK BEAR CLAWS & TEETH IN THE UNITED STATES

### *Heads and Hides*

More states allow for the sale of black bear heads and hides than any other parts. Overall, 31 states (62%) allow the sale of these parts. Sixteen states (32%) allow sale from taken within the state, while 10 states (20%) allow sale of heads and hides from bears legally acquired elsewhere. Five states (10%) have no laws on the subject. Sale is illegal in 19 states (38%).

Among states that prohibit the trade in these parts:

- **Seven** (Alaska, California, Florida, Georgia, North Carolina, South Carolina, and Tennessee) prohibit trade in all bear parts, without exception.
- **Eight** (Alabama, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, Oregon, and Virginia) ban sale of bear heads and hides under statutes that prohibit sale of game animals or parts unless specified under the law, and no exceptions are made for these parts.
- **Four** (Kentucky, Mississippi, South Dakota, and Texas) prohibit trade in black bear heads and hides under state endangered, threatened, or protected species statutes.

The laws of the 31 states that allow for sale of heads and hides break down as follows:

- **Sixteen** (Arizona, Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming) allow for the legal sale of bear heads and hides taken inside the state.
- **Ten** (Arkansas, Connecticut, Kansas, Louisiana, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, and Rhode Island) do not allow sale of heads and hides from bears taken within their state, but do allow trade in these parts from bears taken legally in other states.
- **Five** (Delaware, Hawaii, Illinois, Indiana, and Iowa) have no laws on the subject. It is unclear what effect the regulations Delaware is currently finalizing might have on the sale of heads and hides.

### *Notable variations*

Exceptions for this category again include Colorado, Connecticut, Louisiana, Nevada, Ohio, Pennsylvania, and Rhode Island, for the same reasons spelled out in the section on claws and teeth. Two other states with unique provisions are Utah, which allows only the sale of legally obtained tanned bear hides (Utah Proclamation: Black Bear 1997, R657-33-22), and Wisconsin, in which a hide may be sold provided claws, head and teeth are attached (Wisconsin Fish and Game Code, Section 29.48). Figure 4 details the legality of sale of heads and hides.



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### **III. VIOLATIONS/PENALTIES**

## Summary

A hallmark of state laws determining violations and penalties for illegal sale of bear parts is their flexibility. While a few states set specific penalties in their statutes covering bear trade, in most states violations of wildlife laws fall under general criminal codes as various degrees of misdemeanors, "offenses", "violations", and in some cases felonies. Potential penalties can thus vary considerably within a single state, depending on the nature of the offense and the judgments of prosecutors and courts.

In the majority of states a first-time violation of laws on sale of game or protected species is a misdemeanor. Common penalties for first-time violations include loss of hunting privileges, fines, reimbursement or "restitution" to the state for each animal or part sold, possible jail time, and forfeiture of some or all equipment used in the violation. Fines range from as low as \$25-\$50 (Tennessee) to up to \$10,000 (Minnesota) for a misdemeanor charge. Most states set the maximum penalty for a misdemeanor sale in the range of \$100 to \$5,000, plus possible jail time (usually not more than 1 year).

In a number of states, however, severe or repeated violations can be prosecuted as felonies, which along with increased fines and possible imprisonment carry the additional burden for violators of being a convicted felon. In Arizona knowingly violating laws on sale is a Class 6 felony, punishable by a year or more in jail and \$2,000+ in fines. Idaho treats selling or offering for sale or purchasing wildlife or parts illegally killed, taken or possessed as a felony, with punishments determined by the degree of violation. Kansas, Michigan, New York, and Virginia also have provisions whereby serious or repeated violations graduate from misdemeanors to felonies (see below). Two other states worth pointing out because they have provisions on the books for particularly severe punishment for illegal sale of bear parts are Colorado and Montana. Colorado fines for illegal sale of multiple bear parts can be up to \$10,000 per animal, plus possible jail time, and taking wildlife for only the parts and abandoning the carcass can bring a fine of up to \$100,000. In Montana the penalty for even a first offense can be a \$10,000 fine and/or 1 year in jail.

Criminal penalties for repeat offenders or for those caught selling multiple parts often increase significantly. In some states such as Alaska, Idaho, and Nebraska state officials determine the severity of the offense on a case-by-case basis. Others use more specific criteria.

For example, statutes in Florida, Kentucky, Louisiana, Maryland, Michigan, Oklahoma, Pennsylvania, Texas, and Vermont spell out escalating degrees of violation and penalties based on the number of offenses. First offenses are generally low-level misdemeanors, punishable by fines and possibly a short jail sentence. Second, third, fourth (or in some laws simply "subsequent") offenses are treated under these laws as increasingly serious misdemeanors, and sometimes even felonies, with an escalating scale of fines and possible imprisonment.

Five states link the severity of a violation and the applicable penalty to the value of the parts sold. In Kansas a simple violation is a Class C misdemeanor, but commercialization of wildlife with an aggregate value less than \$500 is a Class A misdemeanor, and commercialization of wildlife valued at more than \$500 is a Class E felony. As mentioned above, in Idaho intentionally selling wildlife illegally taken is a felony, with penalties varying depending on the amount of wildlife involved. Minnesota law allows for a \$10,000 fine for a gross misdemeanor if the value of the parts sold is greater than \$300 (for sales of less than \$300 the recommended fine is \$1,000 for the first animal and \$500 for each additional animal). In New York a violation is a misdemeanor when the value is \$250 or less (fine of \$500 and/or 15 days in jail), a misdemeanor also when the value is \$250-\$1,500 (fine of \$5,000 and/or up to 1 year in jail), and a Class E felony when the value exceeds \$1,500. In Virginia a basic offense is a Class 1 misdemeanor. However, when the aggregate of sales total more than \$200 or more during a 90-day period, the violation is a Class 6 felony.

A number of states also have provisions for restitution to the state for animals illegally taken or sold. In Georgia the court may order restitution of not less than \$1,500 for each bear or bear part, along with other penalties. Kentucky law allows for the state to assess the "replacement cost" of the animal. New Hampshire may require \$500 restitution for each animal. Ohio has a provision allowing for a civil penalty of \$750 for each bear part illegally sold. South Carolina can assess restitution to the state of not less than \$1,000 for each animal, and Vermont and Washington also assess restitution of \$1,000 for each animal.

One state, New Jersey, combines these approaches. A person who purchases or sells a black bear or its parts is subject to a civil penalty of not less than \$1,000 and not more than \$2,000 for the first offense, and not less than \$1,500 and not more than \$3,000 for each subsequent offense. In addition, criminal penalties for the increase from a disorderly persons offense when the total value of the sale is less than \$200, to a crime of the fourth degree if the value is \$200-\$500, and to a crime of the third degree if the value is \$500 or more. Finally, the person is assessed the replacement value of the animal.

Six states do not have state laws that mandate punishment for sale of black bear parts – Delaware, Hawaii, Illinois, Iowa, New Jersey, and North Dakota. In responding to TRAFFIC's 1997 survey, several of these states indicated that in the absence of state bear laws, enforcement authorities rely on the federal Lacey Act to determine punishment if the sale violated that statute. When Delaware issues its upcoming regulations to cover the black bear trade, this number should drop to five. North Dakota is unique in that state law does protect the black bear from take and trade inside its borders, but there is no state penalty set for illegal sale.

Information for Oregon was not available at the time of this report.

Table 6 summarizes the range of violations and penalties applicable under state laws for illegal sale of black bear parts.

**TABLE 6. SUMMARY OF VIOLATIONS/PENALTIES BY STATE**

State	Violation/Penalty
Alabama	Misdemeanor by statute; \$250-\$500 fine for each offense.
Alaska	Depending on the offense, illegal sale can be: a "Violation" (up to \$300 fine and no jail time); Class B misdemeanor (up to \$1,000 fine and 0-90 days in jail); or, Class A misdemeanor (up to \$5,000 fine and up to a year in jail).
Arizona	Illegal take of a black bear is a class 2 misdemeanor (maximum penalty 6-12 months in jail and up to \$1,000 fine); Knowingly violating laws on sale is a Class 6 felony (potential penalty 1 year or more in jail and \$2,000+ in fines).
Arkansas	Misdemeanor; Fine of \$100 to \$1,000; jail sentence of 10 days, revocation of hunting privileges possible.
California	Forfeiture of bear license tags, shall not apply for license for the following license year.
Colorado	Can be misdemeanor or felony. There is a range of stiff fines from \$1,000 - \$100,000, license suspension points, and possible jail time, depending on the offense.
Connecticut	Misdemeanor; Fine of \$200, jail up to 60 days, or both.
Delaware	No Current Law: Regulations under development.
Florida	First offense is misdemeanor of the second degree. Second and subsequent offenses are misdemeanors of the first degree. Fines and or jail time are possible. Court may also suspend or revoke license or permit.
Georgia	Misdemeanor of a high and aggravated nature. Fine of \$500-\$5,000, or by confinement of up to 12 months, or both. Court may order restitution of not less than \$1,500 for each bear or bear part. Any equipment used, excluding vehicles, is forfeited. Hunting and fishing privileges suspended for 3 years.
Hawaii	Not Applicable/No Law
Idaho	Felony. Penalties vary depending on the amount and degree of violation, with maximums of 1 year or more in jail and \$2,000+ in fines.

TABLE 6. SUMMARY OF VIOLATIONS/PENALTIES BY STATE (Cont')

State	Violation/Penalty
Illinois	Not Applicable/No Law
Indiana	Not Applicable/No Law
Iowa	Not Applicable/No Law
Kansas	For simple violation, Class C misdemeanor. Commercialization of wildlife with aggregate value less than \$500 is a class A misdemeanor; more than \$500 is a Class E felony.
Kentucky	First offense, fine \$100-\$1,000; second offense, fine \$500-\$1,500; subsequent offense, fine \$2,000. Penalty can also include loss of license and replacement cost of animal.
Louisiana	Class four violation. First offense, fine \$400-\$450 and/or jail up to 120 days; second offense fine of \$750-\$3,000 and jail of 90-180 days; subsequent offenses fine + jail of 180 days-2 years. Forfeit anything seized in connection with violation.
Maine	Class D crime; Imprisonment up to 180 days and fine not less than \$1,000.
Maryland	Misdemeanor; First offense up to \$500 fine and costs in the discretion of the court; Second or subsequent offense up to \$1,000 fine and/or up to 1 year in jail, plus costs.
Massachusetts	\$100-\$1,000 fine for each bear unlawfully killed or possessed and/or up to 6 months in jail. Fine of \$300-\$1,000 for sale of bear or bear part.
Michigan	Loss of license for 3 years, and: First offense for sale is a misdemeanor punishable by imprisonment up to 90 days and/or fine up to \$1,000. Subsequent offense is a felony. If a person has been convicted 2 times in the preceding 5 years adds a misdemeanor punished by prison term of 10-180 days, fine of \$500-\$2,000, and costs of prosecution.
Minnesota	Gross misdemeanor if sale is greater than \$300. Recommended fine is \$2,400 (with taxes and surcharges, but can be up to \$10,000. For sales less than \$300 recommended fine is \$1,000 for first animal and \$500 for each additional animal.

TABLE 6. SUMMARY OF VIOLATIONS/PENALTIES BY STATE (Cont')

State	Violation/Penalty
Mississippi	Fine of \$1,000 and/or imprisonment up to 1 year.
Missouri	Fine up to \$500 and/or jail up to 3 months.
Montana	Fine of \$10,000 and/or 1 year in state prison.
Nebraska	Misdemeanor with latitude in possible penalties to reflect severity of the offense.
Nevada	Fine \$50-500 and/or jail up to six months.
New Hampshire	"Violation" if a "Natural Person"; misdemeanor for anyone else. May also be sentenced to restitution to state of \$500 for each animal.
New Jersey	Civil penalty not less than \$1,000 and not more than \$2,000 for first offense, and not less than \$1,500 and not more than \$3,000 for each subsequent offense, plus assessed replacement value of the animal. A person who purposely violates the sale law is guilty of a disorderly persons offense when the total value of the sale or purchase is less than \$200; is guilty of a crime of the fourth degree if the value is \$200-\$500; is guilty of a crime of the third degree if the value is \$500 or more.
New Mexico	Misdemeanor; jail up to 6 months and fine up to \$1,000 per violation.
New York	Misdemeanor where value is \$250 or less (fine of \$500 and/or 15 days in jail); misdemeanor where value is \$250-\$1,500 (fine of \$5,000 and/or up to 1 year in jail); Class E felony when value exceeds \$1,500.
North Carolina	Misdemeanor; maximum fine of \$2,000 and or up to 2 years in jail. Each act is a separate offense.
North Dakota	No state penalty set.
Ohio	Misdemeanor of first degree. Additional civil penalty of \$750 for each bear part.
Oklahoma	First violation punishable by fine of \$100-\$500, and/or imprisonment in county jail of 10-60 days; subsequent violations punishable by fine of not less than \$1,000 and/or 10-60 days in county jail.
Oregon	No information available.

TABLE 6. SUMMARY OF VIOLATIONS/PENALTIES BY STATE (Cont')

State	Violation/Penalty
Pennsylvania	Summary offense of the first degree. Loss of hunting license for 5 years and \$800 fine. Second or subsequent offense in a two-year period one and one-half times the amount shall be imposed. Each animal or part is a separate offense.
Rhode Island	Misdemeanor; punishable by fine up to \$500 and/or jail up to 90 days.
South Carolina	Misdemeanor; fine up to \$2,500 and/or imprisonment up to 2 years. Hunting and fishing privileges suspended for 3 years. Equipment forfeited to state. Court may order restitution of not less than \$1,000.
South Dakota	Class 2 misdemeanor.
Tennessee	Class C misdemeanor; \$25-\$50 fine for each infraction.
Texas	First offense, Class C Texas Wildlife and Parks Dept. misdemeanor (\$25-\$500 fine); Second offense, Class B Texas Wildlife and Parks misdemeanor (\$200-\$1,000 fine and/or jail up to 180 days); Two or more priors, Class A Texas Wildlife and Parks misdemeanor (\$500-\$2,000 fine and/or up to 1 yr. in jail).
Utah	Class B misdemeanor.
Vermont	First offense, fine of \$200-\$500 and/or up to 60 days in jail as well as a violation of 20 license points (3-year revocation); Second and subsequent convictions \$500-\$1,000 fine and/or up to 60 days in jail as well as revocation and forfeiture. In addition violator owes restitution to state of \$1,000 per animal.
Virginia	Class 1 misdemeanor. However, when the aggregate of sales total \$200 or more during a 90-day period, violation is a Class 6 felony.
Washington	Gross misdemeanor; \$250-\$1,000 fine and/or jail of 30 days to 1 year. If convicted of illegal killing or possession of a black bear or part, restitution to state of \$1,000 per animal.
West Virginia	Misdemeanor, fine of \$1,000+ and/or 6 months in jail.
Wisconsin	Fine of \$1,000-\$2,000 and/or 6 months in jail.
Wyoming	Penalties for violation range from 6-12 months in jail and fine of \$1,500-\$2,000.

Source: Unpublished data from 1997 TRAFFIC survey of state wildlife authorities.





#### **IV. STATE-BY-STATE SUMMARY**

## Overview

The following state summaries present key information and relevant sections of state laws regarding the trade in black bear parts. The basic information from each state is further encapsulated in a more condensed version in Appendix I.

These summaries attempt to replicate as closely as possible how the laws appear in the state legal codes. TRAFFIC did not attempt to create a standardized format because each state's law is in fact written and laid out differently, and we tried to stay true to the presentation of each relevant section as TRAFFIC received it. A list of the state codes and regulations cited can be found in the references section. Most of these summaries were reviewed by state wildlife authorities. The few cases that were not reviewed by the state are indicated at the bottom of the summary, which for each state notes the source of the information presented. A list of those who provided information for this review and for TRAFFIC's 1997 survey is included in Appendix II.

Information in these summaries includes:

- **Bear Population**: The most recent population estimate provided to TRAFFIC, and whether it is estimated to be stable, growing, or declining.
- **Legal Classification**: How the state classifies the black bear as a species, including sub-categories of the general "game" category.
- **Take Allowed**: Whether it is legal to hunt black bears in the state.
- **Black Bear Trade**: Whether trade in black bear parts is allowed. If so, which parts? If not, for what legal reason?
- **License/Tag Required**: Whether or not the state requires a specific license or tag to hunt black bear.
- **Reporting/Verification**: Whether the state requires reporting of bears taken, return of a tooth or other part, sealing of the bear, etc.
- **Summary/State Statute**: A brief review of and recitation of relevant state laws and/or administrative regulations pertaining to the trade in black bear parts.
- **Violation/Penalty**: A summary of applicable state laws determining degrees of violation and punishments for illegal black bear trade.

## ALABAMA

<b>Bear Population:</b>	>50 (Stable – Florida Subspecies)
<b>Legal Classification:</b>	Game Animal (Protected)
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	State prohibits sale of any game or wildlife not specifically allowed under law. No exemption for black bear.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

Alabama has a small population of the Florida black bear subspecies (*U. a. floridanus*), which is believed to be stable. Although the species is designated as a “game animal,” no black bear hunting is allowed in the state. The black bear is further listed under a special category of “Protected” game species with no open season along with the mountain lion (cougar) and ruffed grouse. Alabama’s designation of the bear as a game animal provides the legal mechanism to prevent any sale or commercialization of bears or bear parts because, while there is no law specific to the trade in bear gallbladders or other parts, trade is prohibited under a general provision of the state’s wildlife statutes that precludes sale of game birds or animals, or their parts, unless provided by exception.

Alabama Game, Fish, and Wildlife Laws, Sec. 9-11-237, **Sale, Purchase, etc. of game birds or game animals; sale of furs, etc., of fur-bearing animals; sale of hides, etc., and of finished products**, states that:

*“Any person, firm or corporation who sells, offers or exposes for sale, buys, purchases, barter or exchanges anything of value for any game bird or game animal or any part thereof at any time shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250.00 nor more than \$500.00 for each offense.”*

While the law does allow some exceptions for finished products, lawfully taken deer hides and hooves, squirrels’ skins, hides and tails, there is no exception made for black bear parts.

**Violation/Penalty:**

Misdemeanor; penalty spelled out in the statute above.

*Source: Alabama Game and Fish Division*

## ALASKA

<b>Bear Population:</b>	100,000-200,000 (Stable)
<b>Legal Classification:</b>	Big Game Species
<b>Take Allowed:</b>	Hunting by regional Game Management Unit: most have open season.
<b>Black Bear Trade:</b>	State statute specifically prohibits sale of any bear parts.
<b>License/Tag Required:</b>	Residents require no specific license. Non-resident hunters \$225.00 black bear tag. Non-resident alien hunters \$300.00 tag and guide required.
<b>Reporting/Verification:</b>	Bears must be checked in with state. Hides and Skulls must be sealed in game management units 1-7, 11-17, & 20.

### Summary/State Statute:

Alaska has by far the United States' greatest population of black bears. The state allows hunting of black bears in 23 of 26 of its game management units, the majority with no closed season. State law, however, specifically forbids the purchase, sale, or barter of any part of a bear, including the gallbladder. Alaska Statutes (AS) give the Board of Game authority to adopt regulations it considers advisable regarding the taking and selling of fish and game. The relevant sections to black bears and other big game species are:

- AS 16.05.255. Regulations of the Board of Game, which lays out the Board's general authority;
- AS 16.05.258. Subsistence use and allocation of fish and game, which guides the Board of Game and Board of Fisheries' development and implementation of quotas and regulations for sustainable subsistence take;
- AS 16.05.920. Prohibited conduct generally, which states that, unless specifically allowed, "a person may not take, possess, transport, sell, offer to sell, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game."

In the Alaska Administrative Code Sec. 5 AAC 92.200. **PURCHASE AND SALE OF GAME**, the Board of Game passed implementing language. 5 AAC 92.200. (b)(2) states:

*"No person may purchase, sell, or barter...any part of a bear."*

This is further spelled out in the Alaska State Hunting Regulations under "Use of Game":

*"You may NOT buy, sell, or barter any part of a black or brown/grizzly bear."*

**Violation/Penalty:**

Violation for illegal sale and barter of big game parts is a misdemeanor offense. There may be several different, related offense codes for similar violations. Depending on the offense, illegal sale can be a:

- Violation (up to \$300 fine and no jail time);
- Class B misdemeanor (up to \$1,000 fine and 0-90 days in jail); or,
- Class A misdemeanor (can carry as much as a \$5,000 fine and up to 1 year in jail).

*Source: Alaska Department of Fish and Game, Division of Wildlife Conservation; Alaska Department of Public Safety*

## ARIZONA

<b>Bear Population:</b>	2,000-3,000 Adults (Stable) – Adults are about 70% of population in a highly variable age structure.
<b>Legal Classification:</b>	Big Game Species
<b>Take Allowed:</b>	Seasonal Hunting – Spring (limited entry) and Fall
<b>Black Bear Trade:</b>	Sale of paws, skulls, teeth, and claws legal. Sale of gallbladders banned because not specifically allowed.
<b>License/Tag Required:</b>	License specifically to hunt black bears is required.
<b>Reporting/Verification:</b>	Hunters must contact an Arizona Game and Fish Department Office, in person or by phone, within 48 hours of taking a bear. In addition, a tooth from each bear taken must be received in the Phoenix Office of the Arizona Game and Fish Department within 20 days after contacting the Department.

### Summary/State Statute:

Arizona has a stable population of 2,000 - 3,000 adult black bears, and allows regulated annual hunting during spring and fall seasons. The number of bears legally taken in a season between 1992-1995 ranged from a low of 121 (1992) to 236 (1994). In 1997 the state reported no significant level of trade in black bear parts. The state did record a small number of illegal kills for bear parts, not enough to have an apparent negative impact on the population.

Arizona Game and Fish Laws (A.R.S. Title 17) allow for the legal sale of most black bear parts. Gallbladders, however, cannot be legally bought or sold. Title 17, which governs the legal sale and gift of parts of wildlife in the state, forbids the sale or trade of any wildlife parts not explicitly allowed under the law.

Specifically, A.R.S. 17-309.A.2. states that it is unlawful for a person to:

*"take, possess, transport, buy, sell, offer or expose for sale wildlife, except as expressly permitted by Title 17."*

In the case of black bear parts, the waiver that allows legal trade in hides, paws, skulls, teeth, and claws is provided in A.R.S. 17-371.D, which states that only the:

*"heads, horns, antlers, feet or skin of wildlife lawfully taken, or the treated or mounted specimens thereof, may be possessed, sold and transported at any time."*

In response to a number of inquiries expressing interest in the issue, a 1984 Inter-Office Memo to regional and branch supervisors of the Arizona Game and Fish Department clarified the state's position that those sections of the law preclude the sale of bear gallbladders, which do not fit within any of those categories of parts.

**Violation/Penalty:**

Violation of most provisions of Title 17 is a class 2 misdemeanor. The maximum penalty for illegal taking of black bear is 6-12 months in jail and up to \$1,000 fine. However, knowingly bartering, selling, or offering for sale big game parts (e.g. bear) taken illegally, during a closed season, or imported or purchased in violation of the law is a class 6 felony. Conviction for illegal commercialization of black bear parts can bring a year or more in jail and \$2,000+ in fines.

*Source: Arizona Game and Fish Department*



## ARKANSAS

<b>Bear Population:</b>	3,000 (Increasing)
<b>Legal Classification:</b>	Game Species
<b>Take Allowed:</b>	Seasonal Hunting – October/November
<b>Black Bear Trade:</b>	Law bans sale of bear parts taken in Arkansas; does not prohibit sale of parts legally taken in another state.
<b>License/Tag Required:</b>	General big game license only required to hunt black bear.
<b>Reporting/Verification:</b>	Wildlife check is required within 24 hours for license holders at an official check station. Hunter must give tooth to check station operator.

### Summary/State Statute:

Arkansas' black bear population has increased significantly in recent years, from an estimate of 2,300 in 1992 to 3,000 in 1997. Official regulations of the Arkansas Game and Fish Commission permit a bear hunting season each year, with restrictions as to area and hunting methods (i.e. chasing bears with dogs prohibited, orange/green requirements, shooting bears in dens prohibited). The law prohibits sale of black bear parts from bears taken in Arkansas, but has an exception allowing commerce in black bear parts acquired legally in another state. Section 18.03 of the General Hunting and Fishing Regulations, **Selling Wildlife Restrictions** states that:

*"It shall be unlawful to purchase, sell, offer for sale, barter or trade any species of wildlife or portions thereof. EXCEPTIONS: ... (13) Wild animals legally acquired outside the state and accompanied by verification."*

### Violation/Penalty:

Fine of \$100 to \$1,000; jail sentence of 10 days, revocation of privileges possible.

*Source: Arkansas Game and Fish Commission*



## CALIFORNIA

<b>Bear Population:</b>	17,000-23,000 (Stable)
<b>Legal Classification:</b>	Game Mammal
<b>Take Allowed:</b>	Seasonal Hunting, begins concurrently with deer season (August-October). Season closes on last Sunday in December, or when 1,500 bears are reported taken.
<b>Black Bear Trade:</b>	Banned because state statute prohibits sale of the meat, skin, hide, teeth, claws, or any other parts of any bear. Possession of more than one gallbladder prima facie evidence of possession for sale.
<b>License/Tag Required:</b>	Bear license tag required to hunt.
<b>Reporting/Verification:</b>	Holder must fill out tag upon kill. Hunter must return skull to regulating agency for tooth collection. Mandatory tag validation by Department of Fish and Game employee; mandatory tag return, even if unsuccessful.

### Summary/State Statute:

California's bear population has increased from an estimated 15,000-18,000 in 1992 to 17,000-23,000 in 1997. The state allows bear hunting each year, with a cap on the number of animals that can be taken in a given year, currently 1,500.

The California Fish and Game Code allows possession of parts of bear for personal use only, and permits the donation of parts of bears taken lawfully to veterans groups and organizations for rehabilitation purposes. No sale of any bear parts is allowed in the state. Section 4758 of the Fish and Game Code, **Sale of bear meat, etc.**, states:

- (a) *"Subject to the provisions of this code permitting the sale of domestically raised game animals, it is unlawful to sell or purchase, or possess for sale, the meat, skin, hide, teeth, claws, or any other parts of any bear in this state.*
- (b) *The possession of more than one bear gall bladder is prima facie evidence that the bear gall bladders are possessed for sale.*

Section 4760 covers **Applicability; Taking out of state.**

*"The provisions of this chapter relating to the possession of bear apply to bear taken outside this state and transported into this state."*

**Violation/Penalty:**

Section 4754, **Violations**, provides the penalty:

*"(a) Any person who is convicted of a violation of any provision of this code, or of any rule, regulation, or order made or adopted under this code, relating to bears shall forfeit his or her bear license tags, and new license tags shall not be issued to that person during the then current license year for hunting licenses.*

*(b) A person described in subdivision (a) shall not apply for bear license tags for the following license year."*

Source: California Department of Fish and Game

## COLORADO

<b>Bear Population:</b>	10,000-12,000 (Stable to Increasing)
<b>Legal Classification:</b>	Big Game Species
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Legal to sell legally taken non-edible bear parts (fur, hides, hair, teeth, claws, skulls and bones), but specifically illegal to sell gall bladders or edible portions of a bear.
<b>License/Tag Required:</b>	Specific license required to hunt bear.
<b>Reporting/Verification:</b>	Hunters must present black bears to DOW for inspection and sealing within 5 days after kill. Bear hides must be unfrozen when presented for inspection. A check report must be completed at inspection. Seal must stay attached to the hide until tanned. Black bears cannot be taken out of Colorado until hide and skull are inspected and sealed.

### Summary/State Statute:

Colorado's black bear population remained fairly stable from 1992 to 1997, rising from a reported 8,000-12,000 in 1992 to 10,000-12,000 in 1997. The state allows hunting of black bears each year during regular and limited bear seasons, subject to licensing.

Colorado Revised Statutes, Title 33, covers illegal taking, sale, and import/export of big game animals. The law prohibits sale of wildlife and wildlife parts unless specifically allowed by law or regulation. Bears are specifically covered by law and regulations, which allow the sale of non-edible bear parts from bears legally taken in Colorado but specifically make sale, trade, barter or offer to sell, trade or barter bear gall bladders or edible portions of bears illegal (this includes paws). The penalty for selling illegal wildlife commercially in Colorado is the toughest in the country. Relevant statutes also include sections banning possession of wildlife and parts taken or transported illegally from other states, and also severely penalize taking of wildlife for parts and abandoning the carcass. Relevant sections include:

Colorado Wildlife Regulation #013 - Sale of Wildlife:

- A. *"Except as prohibited by Federal law or regulations of the Wildlife Commission, any person may sell, barter, or trade non-edible portions of wildlife (fur, feathers, hides, hair, teeth, claws, hooves, horns, antlers, skulls and bones) which were legally taken or acquired.*
1. *It shall be illegal to sell, trade, barter or offer to sell, trade or barter bear gall bladders, bighorn sheep skulls or horns, bighorn sheep capes and velvet antlers."*

That regulation protects against commercialization of bear gall bladders. Several sections of the Colorado Revised Statutes, Title 33, provide tough sanctions for violation. These include:

Section 33-6-109, Wildlife – illegal possession.

- (1) *"It is unlawful for any person to hunt, take, or have in such person's possession any wildlife that is the property of this state as provided in section 33-1-101, except as permitted by Articles 1 to 6 of this title or by rule or regulation of the commission.*
- (2) *It is unlawful for any person to have in his possession in Colorado any wildlife, as defined by the state or country of origin, that was acquired, taken, or transported from such state or country in violation of the laws or regulations thereof.*
- (3) *Any person who violates subsection (1) or (2) of this section is guilty of a misdemeanor and, depending upon the wildlife involved, shall be punished upon conviction thereof by a fine or imprisonment, or both, and license suspension points or revocation of license privileges as follows:*
- (c) *For each, elk, bear, moose, or mountain lion, a fine of one thousand dollars and an assessment of fifteen points.*
- (e) *For each violation of paragraph... (c) ... of this subsection (3) where three or more animals are taken or possessed, a minimum fine per animal as set forth in said paragraphs, to a maximum of ten thousand dollars per animal, or imprisonment for not more than one year in the county jail, or by both such fine and such imprisonment. Upon conviction, the commission may suspend any or all license privileges of the person for a period of from one year to life."*

Section 33-6-113. Illegal sale of wildlife.

- (1) *"Except as otherwise provided in articles 1 to 6 of this title or by rule or regulation of the commission, it is unlawful for any person to sell or purchase or offer for sale or purchase any wildlife or to solicit another person in the illegal hunting or taking of any wildlife for the purposes of monetary or commercial gain or profit. For the purposes of this section, it is deemed to be a sale of wildlife if a person, for monetary or other consideration, provides unregistered outfitting services ...*

(2) *Any person who violates this section:*

- (a) *With respect to big game, endangered species, or eagles, commits a class 5 felony... Upon such conviction, the commission may suspend any or all wildlife license privileges of the person for a minimum of one year to life."*

**Section 33-6-114. Transportation, importation, exportation, and release of wildlife.**

- (1) *"It is unlawful for any person to transport or to export any wildlife or portion thereof within or from this state except in accordance with the rules or regulations of the commission."*

Section 33-6-117 specifically addresses wanton, ruthless, or wasteful destruction of game for heads, hides, claws, teeth, antlers, horns, internal organs, or feathers, and stiffly punishes violators. It states:

- (1) *"Except as provided, it is unlawful to take or solicit another to take wildlife and detach or remove, with the intent to abandon the carcass or body, only the head, hide, claws, teeth, antlers, horns, internal organs, or feathers or parts, or to kill and abandon any wildlife."*

Violation of this section with respect to big game, eagles, and endangered species is a class 5 felony, and, in addition, a \$1,000-\$100,000 fine. Upon conviction, the Commission may permanently suspend all license privileges. Penalty can also include 1-4 years in state prison or both fine and imprisonment. These penalties also apply in Section 33-6-113 above.

**Violation/Penalty:**

See above statutes for degrees of violation/penalties. If the possession, use, importation, exportation, transportation, storage, sale, or offering or exposing for sale of wildlife is prohibited or restricted by statute or regulation, the prohibition, where not otherwise specifically provided, shall include every part of such wildlife, and violations as to each animal or part is a separate offense. Two or more offenses may be charged in the same complaint, information, or indictment, and proof as to part of an animal is sufficient to sustain a charge as to the whole animal. Violations as to any number of animals of the same kind may be charged in the same count and punished as a separate offense as to each animal (33-6-103).

Source: Colorado Division of Wildlife





## CONNECTICUT

<b>Bear Population:</b>	30-60 (Increasing)
<b>Legal Classification:</b>	Quadruped; Protected
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	No take or trade of bears from within the state is legal. Law allows sale of animals and parts legally taken and transported from another state which permits exportation and sale.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Skin, pelt or carcass must be marked as to origin to be sold or processed.

### Summary/State Statute:

Connecticut law does not specifically address trade in black bears or black bear parts. The state's population of bears is estimated to be very small (30-60), concentrated in the northwest part of the state. There is no hunting season for bear, and a general prohibition against sale of wildlife taken in the state unless authorized. However, the state does allow the sale of parts of wildlife imported from states where sale and exportation is legal. The Connecticut General Statutes Annotated, Title 26, Section 78, reads:

*"No person shall buy, sell or exchange, or possess with such intent, a wild or game bird, wild quadruped, reptile or amphibian, alive or dead, or parts, including plumage, except as provided, except that such animal or part, except plumage, legally taken and transported into this state from another state or country which does not prohibit its sale or exportation, may be bought or sold in this state under Commissioner regulations. Any such animal or bird, or parts possessed contrary to this section or regulation shall be seized by a Department agent, and disposed of by sale, destruction or gift to an educational institution, museum, zoological park or other suitable place. This does not prohibit possession, sale or exchange of heads, hides or pelts of legally acquired deer and fur-bearing animals, or possession and mounting of legally acquired animals and birds. Each wild or game bird, wild quadruped, reptile or amphibian, or part, or each package of plumage, possessed contrary to this section is a separate offense."*

**Violation/Penalty:**

Fine of \$200, Jail up to 60 days, or both.

*Source: Connecticut Division of Wildlife*

## DELAWARE

Bear Population:	0
Legal Classification:	No Designation
Take Allowed:	Nor Applicable
Black Bear Trade:	Regulations Under Development
License/Tag Required:	Not Applicable
Reporting/Verification:	Regulations Under Development

### Summary/State Statute:

Delaware does not have a law specific to bear. The state has no bear population, and has not for some time, thus there is no hunting season. Open seasons are set in statute for pheasant, frogs, migratory birds and waterfowl, mink, muskrat, opossum, otter, quail, rabbit or hare, raccoon, red fox and squirrel. Because there is no law covering the black bear or trade in its parts, sale of bear parts legally taken and imported from out-of-state is presumably legal. Delaware is unusual in this regard in that its statute lays out specific restrictions on taking for each species that can be harvested, but does not have a general law on sale or purchase of wildlife species not covered. The exception is deer, for which there is a law that bans sale of deer or deer parts but allows the possession of a deer lawfully taken in another state, a statute similar to laws covering bears in other states.

Delaware is currently developing regulations to prohibit the sale or trade of black bear gallbladders and parts from bear species covered by CITES. These regulations, expected to be finalized in 1999, will close this "loophole" for the trade of bear parts.

### Violation/Penalty:

Regulations under development.

*Source: Delaware Division of Fish and Wildlife*



## FLORIDA

Bear Population:	1,000-1,500 (Subspecies – Stable to Increasing)
Legal Classification:	Threatened (State)
Take Allowed:	Hunting Season Closed by Legislature in 1994
Black Bear Trade:	Ban on Trade in All Parts By Statute
License/Tag Required:	Not Applicable
Reporting/Verification:	Not Applicable

### Summary/State Statute:

Florida has a population of approximately 1,000-1,500 black bears, of the Florida subspecies. The population is classified as threatened, except in Baker and Columbia counties (Osceola) and the Apalachicola National Forest. There has been no legal bear hunt since an act of the legislature in 1994.

The Florida Wildlife Code (FAC Title 39) states specifically that the sale or purchase of any bear carcass or parts thereof is prohibited. FAC 39-12.004, subsection (12) states that:

*"The sale or purchase of any bear carcass or any part thereof is prohibited. The sale or purchase of any taxidermal specimen of a black bear is prohibited."*

### Violation/Penalty:

First offense is a misdemeanor of the second degree. Second and subsequent offenses are misdemeanors of the first degree. In addition to fines and other possible penalties, the court may suspend or revoke hunting license or permit.

*Source: Florida Game and Fresh Water Fish Commission*



## GEORGIA

<b>Bear Population:</b>	1,800-2,000 (Slightly Increasing)
<b>Legal Classification:</b>	Big Game Species
<b>Take Allowed:</b>	Seasonal Hunting (Sept. 15-Jan. 15)
<b>Black Bear Trade:</b>	Illegal to buy, sell, barter, or exchange a bear or bear parts in- or out-of-state.
<b>License/Tag Required:</b>	Only a general big game license required to hunt bear.
<b>Reporting/Verification:</b>	Taker must have proper license or permit and submit sworn statement that wildlife is not to sell in order to transport out-of-state.

### Summary/State Statute:

Georgia's black bear population has held fairly steady in the 1990s, increasing only slightly from an estimated 1,700 in 1992 to an estimated 1,800-2,000 in 1997. The state permits the hunting of black bear during a fall/winter season, but state statutes expressly prohibit sale in black bear parts in-state or out-of-state. The law is unique in that while it allows transport of wildlife out-of-state, it mandates reporting requirements and a sworn statement that the animal or parts will not be sold. The statute further limits possession and transportation to the open season, September 15-January 15.

These provisions are spelled out in the Georgia Conservation Law Handbook. Article I, **Hunting**, includes Section 27-3-26, titled **Hunting bears; restrictions; penalties**, which states:

- (a) *"It shall be unlawful for any person to:*
  - (1) *Hunt, take, or attempt to take a bear except during the open season for hunting and taking bears or under authority of a permit by the Department of Natural Resources to kill or take a bear;*
  - (2) *Buy, sell, barter, or exchange a bear or bear part; or*
  - (3) *Possess or transport a freshly killed bear or bear part except during the open season for hunting and taking bears.*

- (b) *Each act constituting a violation of this Code section is a separate offense.*
- (c) *Any person violating the provisions of this Code section is guilty of a misdemeanor of a high and aggravated nature, and, upon conviction, may be punished by a fine of not less than \$500.00 and not to exceed \$5,000.00, or by confinement for a term not to exceed 12 months or both. The Court may order that restitution be paid to the department of not less than \$1,500.00 for each bear or bear part which is the subject of a violation of this Code section. Any equipment which is used or intended for use in a violation of this Code section, excluding motor vehicles, is declared to be contraband and is forfeited to the state. The hunting and fishing privileges of any person convicted of violating the provisions of this Code section shall be suspended for three years."*

Article 3, **Transportation**, Section 27-3-90, **Requirements for lawful transportation**, spells out the law regarding in- and out-of-state transportation:

*"It shall be unlawful for any person to remove, ship, or transport from any point within this state to another point within this state or from any point in this state to any point beyond the borders of this state, except as otherwise provided, any wildlife taken in this state unless the wildlife is in the personal possession of or is carried openly by the person who took such wildlife and unless the person has in his possession a proper license or permit as prescribed by the wildlife laws, rules, and regulations."*

Section 27-3-92 specifically addresses **Transportation out of state**:

*"It shall be unlawful for any person, other than a carrier who has complied with Code Section 27-3-94, to remove, ship, or transport wildlife out of this state except under the following conditions:*

- (1) *The person must have in his possession at the time of such removing, shipping, or transporting the proper wildlife license or permit duly issued to such person by the department;*
- (2) *The person cannot remove from the state more than the bag or possession limits established by law or regulation;*
- (3) *The person shall make a sworn statement, duly attested to by an authorized officer of this state, which statement shall show that the person has lawfully taken such wildlife and that they are not for sale, except as otherwise permitted by the wildlife laws, rules, and regulations, and shall show the number of wildlife being shipped, transported, or removed from the state. One copy of the statement shall be given the carrier, if such wildlife is being transported by carrier, and one shall be attached to the wildlife being shipped, transported, or removed from the state; and,*
- (4) *The person shall submit his license or permit and sworn statement to any sheriff, deputy sheriff, or conservation ranger for inspection when requested to do so."*



Section 27-3-94, Acceptance by carriers of wildlife for shipment; reports required, is also relevant:

*"It shall be unlawful for any carrier to ship, transport, or receive for shipment or transportation any wildlife, except as otherwise provided by the wildlife laws, rules, or regulations, without having ascertained that the person offering the wildlife for shipment or transportation was then and there in possession of a proper license or permit duly issued for the period when the shipment was offered, or without receiving from the person a sworn statement as provided in paragraph (3) of Code Section 27-3-92. Any carrier who shall ship or transport the skins, hides, or pelts of fur-bearing animals shall be required to make reports of such shipments or transportation as may be required by the rules and regulations of the board."*

**Violation/Penalty:**

See Section 27-3-26 above.

*Source: Georgia Department of Natural Resources, Wildlife Resources Division*



## HAWAII

Bear Population:	0
Legal Classification:	No Designation
Take Allowed:	Not Applicable
Black Bear Trade:	No Law or Regulation
License/Tag Required:	Not Applicable
Reporting/Verification:	Not Applicable

### Summary/State Statute:

There are no wild black bears in Hawaii. Therefore, the state has no hunting season for them nor any state laws that govern their collection or trade. General regulations require that a person in possession of endangered species, or parts thereof, have a permit from the Hawaii Department of Land and Natural Resources. Hawaii does not have any cooperative agreements for joint enforcement/ investigations with any other state or federal agencies, and has not been involved in any investigations involving the trade of black bear parts between 1989 and 1997.

### Violation/Penalty:

Not Applicable.

*Source: Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife*



## IDAHO

<b>Bear Population:</b>	20,000-25,000 (Stable)
<b>Legal Classification:</b>	Big Game Animal
<b>Take Allowed:</b>	Seasonal Hunting: Variable among regional units.
<b>Black Bear Trade:</b>	Legal with Documentation
<b>License/Tag Required:</b>	Only general big game license required to hunt black bear.
<b>Reporting/Verification:</b>	Black bear parts offered for sale not required to be tagged or marked. Written statement with taker's name, license and tag numbers, and date and place taken must be provided to buyer. Copy of sales statement must be forwarded by buyer to Idaho Department of Fish and Game within ten days of sale.

### Summary/State Statute:

Idaho permits the sale and purchase of wildlife and wildlife parts on unprotected wildlife legally killed, including black bear parts. Chapter 5 of the Idaho Code covers **Restrictions on Possession, Transportation, Sale and Use of Wildlife**. It leaves it at the discretion of the Idaho Fish and Game Commission to permit sales of wildlife legally taken when such activity will not jeopardize the species.

Section 36-501, **Sale and Purchase of Wildlife – Restrictions – Exceptions**, states:

*"(a) Sale of Unprotected Wildlife. The sale of legally taken species of wildlife classified as unprotected by law shall be lawful..."*

*(b) Sale of Game Animals. The sale of legally taken hides, horns, or heads of game animals, when detached from the carcass, and mounted wildlife, where sale is not specifically prohibited by federal statute or regulation or state statutes, shall be lawful only when the wildlife to be sold is accompanied by a statement showing that the animals were lawfully taken..."*

*(g) Commission May Permit Sales. The commission may, by rule, permit the sale of other parts of wildlife when such sale will not injuriously affect the species permitted."*

Idaho Regulations ban the sale of edible flesh of big game animals, but allow for the sale of other parts with documentation. Relevant parts of the regulations read:

### **300. RECOVERY, POSSESSION AND SALE OF WILDLIFE PARTS.**

#### **01. Wildlife Legally Killed.**

*"a. The possession, sale and purchase of wildlife or parts of wildlife that have been legally killed is lawful except as provided below and as provided in Chapter 5, Title 36, Idaho Code.*

*i. The edible flesh of wildlife classified as big game animals, upland game animals, game birds or migratory birds taken from the wild may not be purchased, bartered or sold.*

*b. A written statement showing the taker's name, address, license and tag numbers, date and location of kill, signed by the taker, must be provided to the buyer of any black bear or mountain lion head, hide or parts (except tanned hides finished into rugs or mounts). A copy of the sales statement must be forwarded by the buyer to the Idaho Department of Fish and Game within ten (10) days after such sale."*

**Idaho Code, Section 36-502, Possession – Transportation – Shipment of Wildlife – Restriction – Exceptions.** – covers transportation of wildlife parts:

*"No person shall possess, transport or ship in any manner, or accept for transportation of shipment any wildlife except as hereinafter provided.*

*(a) Possession and Transportation.*

- 1. The possession and transportation of any legally taken wildlife shall be lawful when the same is in the possession of or is being transported by the taker of said wildlife and is accompanied by the appropriate licenses, tags, and/or permits attached and/or validated in the manner prescribed...*
- 2. Possession or transportation of any legally taken wildlife by any person other than the taker shall be lawful when such wildlife is accompanied by the proper licenses, tags, or validation as to legality of the taking, and the packages are plainly labeled designating numbers, sex and species, and name/address of hunter, consignor, or donee."*

Section 36-504 also makes it unlawful to import, export, transport, sell, receive, acquire, purchase or possess wildlife that is taken, possessed or sold in violation of a US law or regulation, and Indian law or regulation, or a law or regulation of another state or a foreign country. Each violation is a separate offense and shall be deemed to have been committed not

only in the location where the violation first occurred, but also in a location in which the defendant may have been in the possession of the wildlife within Idaho. Such wildlife is subject to the effect of Idaho law to the same manner as though it had been produced in Idaho.

**Violation/Penalty:**

Intentionally selling or offering for sale or purchasing wildlife or parts unlawfully killed, taken or possessed is a felony in Idaho. Penalties vary depending on the amount and degree of violation, with maximums of a year or more in jail and \$2,000+ in fines.

*Source: Idaho Department of Game and Fish. Summary Not Reviewed by State*





## ILLINOIS

<b>Bear Population:</b>	0
<b>Legal Classification:</b>	No Designation
<b>Take Allowed:</b>	Not Applicable
<b>Black Bear Trade:</b>	No Law or Regulation
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

Illinois has no black bear population. Illinois Annotated Statutes and the Illinois Administrative Code contain statutes prohibiting the “taking, possession, or sale” of protected animals and birds native to the state or brought into the state. However, the state does not include black bears in any of its wildlife categories (i.e. endangered, threatened, fur-bearing mammals, game mammals, other mammals). Those lists include only species that reside in the state or are, in the case of endangered and threatened species, also cover those under the federal endangered species list and those officially listed by the Illinois Endangered Species Protection Board. There is no reference to black bears under the state’s law, thus trade in bear parts is not covered by any statute.

Should Illinois decide to give the black bear designation as a species (i.e. game, fur-bearing, other mammal), under state law sale of bear parts would become illegal without a permit from the Illinois Department of Natural Resources.

### Violation/Penalty:

Not Applicable.

*Source: Illinois Department of Natural Resources*



## INDIANA

Bear Population:	0
Legal Classification:	No Designation (General Category “Wildlife”)
Take Allowed:	Not Applicable
Black Bear Trade:	No state law relative to trade in black bear parts.
License/Tag Required:	Not Applicable
Reporting/Verification:	Not Applicable

### Summary/State Statute:

Indiana has no bear population and no law regarding trade in bear parts in Indiana because the species was extirpated years ago. State indicated in survey response that it would rely on federal law in any bear parts cases.

### Violation/Penalty:

State would rely on federal law.

*Source: Indiana Department of Natural Resources*



## IOWA

<b>Bear Population:</b>	0
<b>Legal Classification:</b>	No Designation
<b>Take Allowed:</b>	No Law
<b>Black Bear Trade:</b>	No Law or Regulation
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

The only state law and regulations regarding black bears in Iowa was taken off the books in 1985 when the American black bear was taken off the endangered species list (there are no more bears in Iowa). Thus, it is technically legal to hunt bears in Iowa, and no state laws exist governing sale of bear parts in Iowa. Sale and trade are therefore legal. As with Illinois, providing the species with a legal designation again would close this loophole.

### Violation/Penalty:

Not Applicable.

*Source: Iowa Department of Natural Resources*



## KANSAS

<b>Bear Population:</b>	0
<b>Legal Classification:</b>	Non-game Wildlife
<b>Take Allowed:</b>	Not Applicable
<b>Black Bear Trade:</b>	Legal to sell wildlife legally taken in other states, but not to "commercialize".
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	None Required by Statute

### Summary/State Statute:

There is no law specific to black bears or gall bladders in Kansas. Trade in black bear parts are covered under a general wildlife law which states that if the animal is taken legally outside the state, there is no prohibition against selling it or purchasing it in Kansas. Commercializing illegally taken wildlife, however, can be a felony if the aggregate value of the wildlife is more than \$500.

Kansas Statutes Annotated Section 32-1002, **Taking or dealing in wildlife**, states:

*"(a) Unless and except as permitted by law or rule and regulations adopted by the secretary... and amendments thereto, it is unlawful for any person to:*

- (1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;*
- (2) possess, any wildlife, dead or alive, at any time or in any number, in this state;*
- (3) purchase, sell, exchange, ship, or offer for sale, exchange or shipment any wildlife in this state;*
- (4) take any wildlife in this state for sale, exchange, or other commercial purposes;...*

*(b) The provisions of subsections (a) (2) and (a) (3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a) (3) shall apply to:*

- (1) The meat of game animals legally taken outside this state; and*
- (2) other restrictions as provided by rule and regulation of the secretary."*

Commercialization of wildlife (K.S.A. Section 32-1005) in Kansas is knowingly committing any of the following, except as permitted by statute or regulations:

- (1) *"Capturing, killing or possessing for profit or commercial purposes;*
- (2) *selling, bartering, purchasing, or offering to do so, for profit or commercial purposes;*
- (3) *Shipping, exporting, importing, transporting or carrying, or delivering or receiving to do so;*
- (4) *Purchasing, for personal use or consumption, all or part of wildlife listed."*

The value of non-game animals not specifically listed (i.e. black bears) is \$10. These provisions apply only to wildlife illegally harvested and possessed by a person having actual knowledge that the wildlife was illegally harvested.

**Violation/Penalty:**

- For simple violation, class C Misdemeanor.
- Commercialization of wildlife having an aggregate value of less than \$500 is a class A misdemeanor.
- Commercialization of wildlife having an aggregate value of more than \$500 is a class E felony.

*Source: Kansas Department of Wildlife and Parks*



## KENTUCKY

<b>Bear Population:</b>	25-75 (Increasing)
<b>Legal Classification:</b>	Protected: Species of Special Concern
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned by Protected Species Status
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

Kentucky's small black bear population is classified as a species of special concern, and protected accordingly. Hunting of bears is specifically prohibited under Kentucky Revised Statutes Annotated, 1986, Title 12, Section 150.390, which states:

*"No person shall possess, take, pursue, or attempt to take or pursue or otherwise molest a deer, wild turkey or bear contrary to provisions of this chapter or regulations."*

As a species of special concern, trade in bear parts is prohibited by the state's law covering endangered species. Section 150.183 of the Kentucky Revised Statutes Annotated, 1986, Title 12, reads:

*"No person shall import, transport, possess for resale or sell endangered species, hides, skins, or parts, or articles made from same of a species designated as endangered by the Department's regulations, except as provided in this section. As used in this section, "endangered species" means a species seriously threatened with worldwide extinction or in danger of being extirpated from Kentucky. The regulations promulgated shall include, but not be limited to, all species designated as endangered by the US Secretary of the Interior on January 1, 1973. The Department may permit, with conditions, the importation, transportation, possession, or sale of a species otherwise prohibited pursuant to this section for zoological, educational, or scientific purposes, and for propagation of such wildlife in captivity for preservation, except as prohibited."*

**Violation/Penalty:**

Violations are punished with fines:

- First offense, \$100-\$1000;
- Second offense, \$500-\$1,500;
- Subsequent offense, \$2,000.

Punishment can also include loss of license and replacement costs of the animal.

*Source: Kentucky Department of Fish and Wildlife Resources*

## LOUISIANA

<b>Bear Population:</b>	>300 (Stable – Louisiana Subspecies)
<b>Legal Classification:</b>	Threatened (State and Federal)
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	No sale or trade of Louisiana black bears is permitted. However, state statute does not prohibit import and sale of parts from non-threatened bears lawfully taken from another state.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	None

Summary/State Statute:

Louisiana Statutes Annotated, Title 56, provide for the Louisiana Wildlife and Fisheries Commission, through the Department of Wildlife and Fisheries, to issue regulations for the conservation of species listed as endangered or threatened under state or federal law. As a threatened species under state and federal protection the state's population of Louisiana black bears are protected from both taking and sale of their parts. With respect to such species, Section 56-1904 makes it unlawful, except as provided, to:

- (1) *"Export or take such species;*
- (2) *possess, process, sell or offer for sale, deliver, carry, transport or ship such species; ..."*

Section 56-1905, however, states that these provisions shall not:

- (1) *"Apply retroactively;*
- (2) *prohibit lawful entry of wildlife into the US;*
- (3) *apply to wildlife lawfully taken and removed from another state;*
- (4) *prohibit lawful entry into this state, or possession, transportation, exportation, processing, sale or offer for sale or shipment of wildlife endangered or threatened in this state but not in the state where it was lawfully taken and removed."*

It is important to note also that only the Louisiana black bear subspecies (*Ursus americanus luteolus*) is threatened. The law protecting the state's population does not prohibit the importation into or sale in Louisiana of black bear parts taken from the non-threatened American Black bear, *Ursus americanus americanus*, legally taken in other states.

Violation/Penalty:

Possession of an illegally taken bear, or violation of provisions regarding processing, delivery, carrying, transportation or shipment of endangered or threatened species is a class four violation:

- First offense \$400-\$450 fine and/or jail up to 120 days;
- Second offense fine of \$750-\$3,000 and jail of 90-180 days;
- Third and subsequent fine and jail of 180-2 years.

Penalties can also include forfeiture of anything seized in connection with the violation, and violators license may be revoked for the period of issuance.

Source: Louisiana Department of Wildlife and Fisheries

## MAINE

<b>Bear Population:</b>	22,000-23,000 (Increasing) – Spring 1997 estimate
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Illegal to sell bear except for head, teeth, gallbladder, claws, and hide.
<b>License/Tag Required:</b>	Specific black bear license required.
<b>Reporting/Verification:</b>	Hunter must register bear at the first state-administered registration station encountered enroute from the kill site, and within 18 hours of killing the bear. A metal seal is placed in the bear by the registration agent, which must remain with the bear until it is processed.

### Summary/State Statute:

Maine has a large and healthy bear population, which is estimated to have increased from the 19,000 reported in 1992 to 22,000-23,000 reported in the spring of 1997. Maine law specifically allows for the sale of specified bear parts, and the state monitors and regulates the legal trade to prevent illegal trade.

Maine Revised Statutes Annotated, Conservation Title 12, Sections 7451 and 7452 relate specifically to black bears, regulating hunting methods, registration of bears taken, and transport, and specifically allow the sale of parts from a legally taken bear. Subsection 9, **Buying or Selling Bear**, states that:

*"A person is guilty, except as provided in Subsection 15, paragraph B, of buying or selling bear if he:*

- A. Buys, sells or offers for sale or barter any bear;*
- B. Aids in buying, selling, or offering for sale or barter any bear; or*
- C. Counsels or otherwise aids in buying, selling, offering for sale or bartering a bear."*

Subsection 15, paragraph B, **Exceptions**, exempts gall bladders and certain other parts from this prohibition, stating:

- B. *"Notwithstanding subsection 9, the head, teeth, gall bladder, claws, and hide of any bear may be sold."*

**Violation/Penalty:**

Section 7901 spells out penalties for violating the statute. Any violation of this law is punishable as a Class D crime under state law:

*"A convicted person shall be imprisoned for not more than 180 days and shall be fined not less than \$1,000. This fine shall not be suspended."*

*Source: Maine Department of Wildlife and Inland Fisheries*

## MARYLAND

<b>Bear Population:</b>	250-300
<b>Legal Classification:</b>	Forest Game Animal
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned because sale is not specifically permitted under state code on sale of game animals and parts.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Game animals may be brought into state with proof of hunting license, but may not be sold.

### Summary/State Statute:

Maryland's black bear population, which is concentrated in the state's western counties, has increased significantly in recent years to an estimated 250-300 in 1997 from an estimated 170 in 1992. The black bear is a forest game animal in Maryland, but currently there is no hunting season.

The Annotated Code of Maryland, Article 10-404 states that it is illegal to sell any part of a game animal taken in the wild. The law covers both animals taken within the state and those taken in other states, unless a specific exception is made. Should a bear hunting season become established in Maryland, trade in black bear parts would remain illegal under this law unless the state decided to provide an exemption. Article 10-404, **Hunting, possessing, importing, and selling game birds or mammals**, reads:

*“(a) **Hunting or possessing game birds or mammals during closed season prohibited.** – A person may not hunt or attempt to hunt any game bird or mammal except during the open season, or possess any game bird or mammal during any closed season whether hunted in the State or in another state, territory, or country. However, a person may possess any dead game bird or dead game animal for five days and dead deer for 30 days after the season closes for use as food. Also, a licensed hunter may obtain a permit from the Department during open season or within five days after open season closes to possess any frozen game bird or mammal for a period not exceeding 180 days.*

(b) *Game birds or mammals imported during closed season.* -- A person may ship or bring into the State by express or as baggage any game bird or mammal he legally killed in any other state, territory, or country, if he accompanies the game bird or mammal and presents a hunter's license or permit of the other state, territory, or country where the game bird or mammal was killed if the document is required by the other state, territory, or country. However, game birds and mammals or any part of them brought into the State may not be sold or offered for sale.

(c) *Selling or buying game birds or mammals.* -- A person may not sell, offer for sale, purchase, offer to purchase, barter, or exchange, at any time within the State any game bird or game animal taken from the wild, except the meat, pelt or carcass of any muskrat, raccoon, mink, otter, nutria, opossum, beaver, fox, long-tail weasel, fisher, or skunk, whether caught in the State or in another state, territory, or country."

**Violation/Penalty:**

Article 8-1501, Penalties and fines; Prosecution, lays out the following penalties:

"(a) *First offense.*-- Any person who violates any provision of this title is guilty of a misdemeanor. Upon conviction in a court of competent jurisdiction, unless another penalty is specifically provided elsewhere in this title, the person is subject to a fine not exceeding \$500 with costs imposed in the discretion of the Court. Every fine and costs shall be paid in accordance with Article 38, Sec. 4 of the Code.

(b) *Second or subsequent offense.*-- Any person found guilty of a second or subsequent violation of any provision of this title in a court of competent jurisdiction, unless another penalty is specifically provided elsewhere in this title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both with costs imposed in the discretion of the court. For the purposes of this subsection, a second or subsequent violation is one which has occurred within two years of any prior violation of this title."

Source: Maryland Department of Natural Resources



## MASSACHUSETTS

<b>Bear Population:</b>	1200-1800 (Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Banned because no exception is made for black bears to general prohibition on sale of fish and game.
<b>License/Tag Required:</b>	Specific license to hunt black bear required.
<b>Reporting/Verification:</b>	Hunter must register harvest at designated check station.

### Summary/State Statute:

Massachusetts' bear population has grown considerably during this decade, from an estimated 700-750 reported in 1992 to an estimated 1,200-1,800 in 1997, and probably nearer the high end according to Massachusetts officials. The state allows a black bear hunt each year, but bans the sale of bear parts under Massachusetts General Laws Annotated, Chapter 131 (Inland Fisheries and Game). Section 131:22, **Sale of fish and game**, states:

*"A person, except as provided in sections twenty-three to twenty-eight, inclusive, shall not buy, sell, barter, exchange, offer or expose for sale or have in his possession for the purpose of sale, or in any way deal in or trade with respect to, ...[list of fish species] ...or the bodies of dead or living birds or mammals, or parts thereof, except those named in section five, or the bodies of dead or living reptiles or amphibians, whenever or wherever taken or killed."*

The black bear is not included in the state's list of exceptions to the general prohibition.

### Violation/Penalty:

Fine for each bear unlawfully killed, or unlawfully possessed, \$100-\$1,000 and/or up to 6 months in jail. Fine of \$300-\$1,000 for sale of bear or bear part.

*Source: Massachusetts Division of Fisheries and Wildlife*



## MICHIGAN

<b>Bear Population:</b>	~12,000 (Stable - Increasing)
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting by regional unit: September-October.
<b>Black Bear Trade:</b>	Fur, hide, pelt, and skin, may be sold by person taking the animal. Buying and selling of skulls is also legal, not just by the person who took the animal. Sale of teeth, claws, flesh, bones, or internal organs is prohibited. Sale of paws is legal because not specifically prohibited.
<b>License/Tag Required:</b>	Specific license to hunt black bear required.
<b>Reporting/Verification:</b>	Bear must be tagged and tag shall remain attached until the bear is sealed and registered at designated check station within 72 hours of kill. Field validation kill tag must be surrendered to department registrar.

### Summary/State Statute:

The Michigan Compiled Laws, Section 324.40103, **Definitions** classify the bear as “game”, and specifically authorize the taking of bears. Section 324.40113a, **Legislative findings and declarations; taking of game**, states:

*“Sec. 40113a. (1) The legislature finds and declares that:*

- (a) The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.*
- (b) The sound scientific management of the wildlife populations of the state, including hunting of bear, is declared to be in the public interest.*
- (c) The commission of natural resources shall have the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The commission of natural resources shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. Issuance of orders by the commission of natural resources regarding the taking of game shall be made following a public meeting and an opportunity for public input.”*

The Compiled Laws also provide the legislative authority for the Department of Natural Resources to regulate taking, possession, and sale of game animals. Section 324.40106, **Game or protected animal; taking, releasing, transporting, selling, buying, or possessing; construction of section**, states:

*"A person shall not take, release, transport, sell, buy, or have in his or her possession game or any protected animal, whether living or dead, or parts of any game or protected animal, from this state or from outside of this state, except as provided for in this part or by an order of the department or an interim order of the department."*

In 1989, the Natural Resources Commission filed regulations known as "The Wildlife Conservation Order", which set bear hunting seasons and methods, and define legal and illegal sale and trade in bear parts. The order requires hunters in the state to obtain bear tags, and to have bears taken sealed and registered at a designated check station. Chapter IV, **Possession, Importation and Sale** covers importation, buying, and sale of bear parts. The law allows the importation of bear parts with documentation as to their origin and legality for display or use/consumption. Buying and selling of various bear parts in the state come under different categories. Fur, hide, pelt, and skin, may be sold by the person who took the animal. Buying and selling of skulls is also legal, not necessarily just by the person who took the animal. Sale of other parts, including teeth, claws, flesh, bones, or internal organs is prohibited, while sale of paws is not.

Relevant sections spelling this out include:

#### 4.2 Importation

*"Sec. 4.2. A person may import any animal, whether living or dead, or parts of any animal, into this state only as provided in this section:*

*(1) Dead bear, deer, elk, and wild turkey and parts thereof, lawfully taken or purchased in another state, territory, or country and lawfully exported from that state, territory, or country may be imported into this state if the bear, deer, elk, or turkey is clearly and permanently tagged as to the state, territory, or country of origin. A person causing a dead animal or parts thereof to be imported shall maintain documentation of the lawful taking, purchase, and/or importation of the animal until the animal is consumed or if prepared as a trophy, the documentation must remain with the trophy."*

#### 4.3 Buying and selling.

*"A person may buy, offer to buy, sell, offer to sell, or exchange for anything of value animals or parts of animals only as provided in this section:*

- (1) *The fur, hide, pelt, plumage, or skin of game, lawfully taken during the open season or raised under the authority of a permit to hold wild animals in captivity, may be sold or offered for sale by the person licensed to take the game or the person permitted to hold wild animals in captivity.*
- (2) *The carcass and parts thereof, of fur-bearing animals lawfully taken during their open season or lawfully imported from another state, territory, or country, may be bought or sold.*
- (3) *The antlers of deer, elk, and moose and the skull of black bear lawfully taken may be bought or sold. The teeth, claws, flesh, bones, or internal organs of game, other than those species listed in subsection (2), shall not be bought or sold.*
- (4) *A person engaged in the business of buying or selling animals, or parts thereof, other than tanned skins, hides, or manufactured products, may be required to obtain a fur dealer's license as required...*

#### **Violation/Penalty:**

Michigan Compiled Laws spell out specific penalties for violating these restrictions. Section 324.40118 **Violation as misdemeanor; penalty** has several relevant subsections. These are:

*"(6) A person sentenced pursuant to subsection (3), (4), (5), (10), or (11) shall not secure or possess a license of any kind during the remainder of the year in which convicted and the next 3 succeeding calendar years...*

*(11) A person who buys or sells game or a protected animal in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense...*

*(12) If a person is convicted of a violation of this part, a departmental order authorized under section 40107, or an interim order of the department and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the person had been previously convicted 2 times within the preceding 5 years for a violation of this part, a department order authorized under section 40107, or an interim order of the department, the person is guilty of a misdemeanor, and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than \$500.00 or more than \$2,000.00, and costs of prosecution."*

Finally, Section 324.40119, Reimbursement of state for value of game or protected animal, adds another penalty:

*“(1) In addition to the penalties provided for violating this part or an order issued under this part... a person convicted of the illegal killing, possessing, purchasing, or selling, of game or protected animals, in whole or in part, shall reimburse the state for the value of the game or protected animal as follows:*

- (a) Bear, elk, hawk, moose, or any animal that appears on a list specified in section 36505, \$1,500.00 per animal.”*

*Source: Michigan Department of Natural Resources*

## MINNESOTA

<b>Bear Population:</b>	15,000-26,000 (Increasing)
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Sale of skulls, teeth, claws, and hides is legal. Sale of paws and gallbladders is specifically prohibited.
<b>License/Tag Required:</b>	Specific license required to hunt black bear.
<b>Reporting/Verification:</b>	Bear must be registered and sealed. Hunter must return tooth to regulating agency.

### Summary/State Statute:

Minnesota law specifically bans sale of bear gallbladders and paws. While it is legal to possess and sell many wildlife parts taken legally and duly registered in or outside of Minnesota, Section 97A.512 of the Minnesota Statutes Annotated, **Sale of Inedible Portions of Big Game Animals, Fur-Bearing Animals, and Game Birds Other than Migratory Waterfowl**, reads:

*"(a) Except as otherwise provided by the game and fish laws and as restricted in this section, a person may possess, transport, buy, or sell the following inedible portions of lawfully taken or acquired big game animals, fur-bearing animals, and game birds other than migratory waterfowl: bones, including skulls; sinews; hides; hooves; teeth; claws; and antlers.*

*(b) A person may not buy or sell bear paws, unless attached to the hide, or bear gallbladders."*

### Violation/Penalty:

Violators are guilty of a gross misdemeanor if sale is >\$300. Recommended fine is \$2,400 (with taxes and surcharges), but with extenuating circumstances can be up to \$10,000. For sales <\$300, recommended fine is \$1,000 for first animal and \$500 for each additional animal.

*Source: Minnesota Department of Natural Resources*





## MISSISSIPPI

<b>Bear Population:</b>	<50 ( Slightly Increasing – Louisiana Subspecies)
<b>Legal Classification:</b>	Endangered (State); Threatened (Federal)
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned by Protected Status
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

Mississippi's small population of the Louisiana black bear subspecies is classified as endangered under state law and protected as such under Mississippi's Wildlife, Fisheries and Parks Laws and Public Notices. As a federally threatened species Mississippi's black bear population is also protected under the Endangered Species Act. No hunting or export, import, or sale of parts is allowed.

Section 49-5-109, **Designation and protection of endangered species, states:**

- (c) *"Except as otherwise provided in sections 49-5-101 through 49-5-119, it shall be unlawful for any person to take, possess, transport, export, sell or offer for sale or ship, and for any common contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists: (1) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to subsection (a); (2) the United States' List of Endangered Native Fish and Wildlife as it appears on July 1, 1974 (Part 17 of Title 50, Code of federal Regulations, Appendix D); and (3) the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50, Code of Federal Regulations, Appendix A), as such list may be modified thereafter."*

**Violation/Penalty:**

Section 49-5-115, **Enforcement; penalties**, of the Wildlife, Fisheries and Parks Laws and Public Notices covers violations:

*"(b) Any person who violates the provisions of subsection ( c ) of section 49-5-109, or any regulations issued pursuant thereto or whoever fails to procure or violates the terms of any permit issued under subsections (d) and (e) of section 49-5-111 shall be fined one thousand (\$1,000.00) or be imprisoned not more than one (1) year, or both."*

*Source: Mississippi Department of Wildlife, Fisheries & Parks*

## MISSOURI

<b>Bear Population:</b>	100-200 (Slowly Increasing)
<b>Legal Classification:</b>	Game Mammal – Also classified by state as “Rare”
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned because not exempted from general prohibition on sale of wildlife.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Documentation Required for Transportation into State

### Summary/State Statute:

The Wildlife Code of Missouri, issued January 1, prohibits the sale of any wildlife except as specifically permitted. Section 3CSR10-4.110, **General Prohibition; Applications**, states:

- (1) *“No bird, fish, mammal or other form of wildlife, including their homes, dens, nests and eggs in Missouri shall be molested, pursued, taken, hunted, trapped, tagged, marked, enticed, poisoned, killed, transported, stored, served, bought, sold, given away, accepted, possessed, propagated, imported, exported or liberated to the wild in any manner, number, part, parcel or quantity, at any time, except as specifically permitted by these rules and any laws consistent with Article IV, sections 40-46 of the Constitution of Missouri.”*

There is no exception for sale of black bear parts, but Section 3CSR10-4.135, **Transportation**, makes it legal to bring legally taken parts of wildlife into the state with documentation.

- (1) *“Wildlife legally taken by sport hunting and fishing may be possessed and transported into, within or out of this state as personal baggage of the taker, who has in his/her possession the required permit, or by other lawful possessor. Persons possessing wildlife taken by another shall plainly label that wildlife with the full name, address and permit number of the taker and the date taken, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier.”*

Section 3CSR10-4.150, **Legality of Wildlife Taken Outside of Missouri**, clarifies that

*"This code shall apply immediately when wildlife is transported into Missouri, except for interstate shipment neither originating in or destined for Missouri."*

The one possible exception under the code for selling bear comes in 3CSR10-10-743, **Commercial Establishments**, which states:

*"Resident commercial establishments, when possession is accompanied by a valid invoice or bill of sale, may buy, possess, transport and sell legally purchased and plainly marked dressed or processed pheasants, exotic partridges, coturnix quail, game bird eggs, bear, deer except white-tailed and mule deer, elk, moose, caribou, wild boar, live bait and frogs and fish permitted to be sold by this Code."*

Presumably this refers to bear meat for restaurants and retail.

**Violation/Penalty:**

Misdemeanor. Fine up to \$500 and/or jail up to three months.

*Source: Missouri Department of Conservation*

## MONTANA

<b>Bear Population:</b>	9,000-10,000 (Stable to Increasing)
<b>Legal Classification:</b>	Game Animal
<b>Take Allowed:</b>	Seasonal Hunting – Spring and Fall seasons set by regional unit.
<b>Black Bear Trade:</b>	Sale of hides, heads, or mounts only is legal.
<b>License/Tag Required:</b>	Specific license required to hunt black bear.
<b>Reporting/Verification:</b>	Immediately after harvest sportsman must attach month and day from license/tag and attach to animal in a secure and visible manner until tanning. Must present skull to regional official for aging. Must personally report within 48 hours of kill in Region 5.

### Summary/State Statute:

Montana has several different laws regulating the sale of bear parts. Statute 87-1-511 discusses the sale of grizzly bear parts. Regarding black bear parts, the Department of Fish, Wildlife and Parks (FWP) has the legal right to create rules and regulations regarding the protection of wildlife. Laws pertaining to black bears are written in two different places:

- 1) Each year Montana publishes a booklet outlining the seasons, bag limits, hunting areas and other important laws. This booklet is given to each hunter buying a hunting license.
- 2) Each year Montana also publishes a specific pamphlet on black bears.

Both of these items point out that it is illegal to sell certain bear parts. In the General Regulations Pamphlet, the section on **Sale of Game Parts** reads:

*"It is unlawful to sell or purchase any part of a black bear except as specifically permitted by the laws of Montana. The sale or purchase of hides, heads or mounts of lawfully killed black bear is not prohibited. The penalty for the unlawful sale may be subject to a fine of \$10,000 or imprisonment in the state prison for a term of 1 year or both."*

**Violation/Penalty:**

Fine of \$10,000 and/or 1 year in state prison.

*Source: Hunting regulations from Montana Department of Fish, Wildlife and Parks. Summary not reviewed by state.*

## NEBRASKA

<b>Bear Population:</b>	0
<b>Legal Classification:</b>	Game Species
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Bear parts can be possessed, but not bought, sold, or bartered.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

The black bear is classified as a protected game animal in Nebraska, although the state has no black bear population. Nebraska law makes it unlawful to hunt, possess, sell, or purchase the parts of a protected game species. Thus the black bear is protected in case a migrant enters the state. The relevant sections are in the Revised Statutes of Nebraska, Chapter 37 (Game and Parks):

Section 37-101 (18) defines game animals:

(18) *"Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, squirrels, mountain lions, moose, and bears."*

This inclusion of the black bear on the game animals list puts the bear under the purview of Section 37-304, **Hunting, fishing, fur harvesting; unlawful during closed season**, which states:

*"It shall be unlawful, except as otherwise provided by the Game Law, to shoot, harvest, hunt, take, or pursue any species of game birds, game animals, or fur-bearing animals or to angle for or catch any game fish protected by the Game Law except during the open seasons, if any, that may be authorized by the commission in accordance with the Game Law."*

The commercialization of black bear parts is addressed in Section 37-505 which states:

- (1) *"It shall be unlawful to buy, sell, or barter the meat or flesh of game animals or game birds whether such animals or birds were killed or taken within or outside this state. Except as otherwise provided in this section, it shall be unlawful to buy, sell, or barter other parts of game animals or game birds."*

**Violation/Penalty:**

Violation is a misdemeanor with a latitude in possible penalties to reflect the severity of the offense.

*Source: Nebraska Game & Parks Commission*



## NEVADA

<b>Bear Population:</b>	200-400 (Stable to Increasing)
<b>Legal Classification:</b>	Big Game Mammal
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Ban on sale of all parts of wildlife taken in Nevada unless specifically permitted. Sale of non-edible parts legal, but lack of open season precludes taking black bears in-state.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	None

**Summary/State Statute:**

Nevada allows no hunting of its population of 200-400 black bears. It is illegal to take or sell wildlife except as specifically provided for under title or regulation. Section 501.379 of the Nevada Revised Statutes, on **Unlawful sales of wildlife or importation of game mammals, game birds or game amphibians; exception, states:**

1. *"Except as otherwise provided in this section:*
  - (a) *It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this Title or in a regulation of the commission."*

That statute covers black bear parts such as gallbladders and paws. Under a regulation added by the Nevada Administrative Code by the Board of Wildlife Commissioners effective in September, 1983, however, sale of non-edible parts of game is allowed. Regulation 503.174, **Sale of nonedible parts of legally taken game, states:**

*"The sale of the hide, head, antlers or horns or other nonedible parts of game animals which were legally killed is permitted."*

Thus, sale of heads, hides, teeth, claws etc. would presumably be legal if a bear hunting season is established. There is no law against selling these parts brought in from other states.

**Violation/Penalty:**

Misdemeanor. Fine \$50-\$500 and/or jail up to six months.

*Source: Nevada Department of Wildlife*

## NEW HAMPSHIRE

<b>Bear Population:</b>	2-000 - 3,000 (Stable to Increasing)
<b>Legal Classification:</b>	Game Animal
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Sale of head, hide, and feet legal; sale of gallbladder, claws and teeth prohibited.
<b>License/Tag Required:</b>	Specific license and tags required to hunt black bear.
<b>Reporting/Verification:</b>	Bear must be presented to state conservation officer within 24 hours of taking to be sealed and tooth collected.

### Summary/State Statute:

Bear heads, hides, and feet may be legally sold in New Hampshire. Bear gall bladders may not be sold. Galls from bears legally taken can, however, be taken out of state and sold in states where such trade is legal. New Hampshire Fish and Game Laws (1995 Edition) Section 188:11, **Buying or Selling**, states:

*"No person shall buy, sell, or offer or expose for sale a deer, moose, or bear or part thereof except the head, hide, or feet."*

### Violation/Penalty:

"Violation" if a "Natural Person"; Misdemeanor for anyone else. In addition, anyone convicted of illegal taking or possession may be sentenced to restitution to the state of \$500 for each animal.

*Source: Information sent by New Hampshire Fish and Game Department – Summary not reviewed by state.*

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## NEW JERSEY

<b>Bear Population:</b>	550+ (Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	No trade of parts allowed because not specifically exempted from ban on commercialization of wildlife.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

New Jersey does not allow the sale, trade, or possession of parts of black bears. Prior to 1998 the state did permit the trade and sale of parts from animals in captivity or legally imported from other states. In January 1998, NJSA 23:4-27 was amended in such a way as to prohibit the sale of black bear parts. As amended, Article 4, **Transportation and Sale of Game**, includes:

#### **23:4-27. Possession for sale of game; penalty.**

*"a. No person shall sell or purchase wildlife, except as authorized pursuant to this section or any other law or as may be authorized by rule or regulation adopted by the division pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et. seq.)."*

Subsection (d) of 23:4-27 provides the exceptions, allowing the sale or purchase of the dead body or any part or product thereof of the following species (provided that the wildlife was taken and possessed in a legal manner): Virginia opossum, beaver, muskrat, nutria, coyote, red fox, gray fox, raccoon, long tail weasel, short tail weasel, mink, striped skunk, and river otter. There is no exception for black bear parts.

Subsection (g) defines the terms "sell or purchase" as:

- g. *"For the purposes of this section, "sell or purchase" means to offer for sale, possess for sale, purchase or agree to purchase, receive compensation, barter or offer to barter, trade or offer to trade, or transfer or offer to transfer, or conspire for any of those purposes."*

**Violation/Penalty:**

Subsection (f) of 23:4-27 lays out the penalties, stating that: *"in addition to any penalties that may be prescribed by any other applicable law:*

- (1) a person who violates this section shall be:*
  - (a) subject to a civil penalty of not less than \$200 and not more than \$1,000 for the first offense, and not less than \$500 and not more than \$3,000 for each subsequent offense. If the violation involves the sale or purchase of a black bear (*Ursus americanus*), turkey (*Meleagris gallapavo*), white-tailed deer (*Odocoileus virginianus*), bobcat (*Felis rufus*), or illegally taken river otter (*Lutra canadensis*), the civil penalty shall be not less than \$1,000 and not more than \$2,000 for the first offense, and not less than \$1,500 and not more than \$3,000 for each subsequent offense; and*
  - (b) assessed the replacement value of the animal, as prescribed by section 10 of P.L.1990, c.29 (C.23:3-22.2); and*
- (2) a person who purposely violates this section when the total value of the sale or purchase is:*
  - (a) less than \$200 shall be guilty of a disorderly persons offense;*
  - (b) \$200 or more, but less than \$500, shall be guilty of a crime of the fourth degree;*
  - (c) \$500 or more shall be guilty of a crime of the third degree."*

*Source: New Jersey Division of Fish, Game & Wildlife*

## NEW MEXICO

<b>Bear Population:</b>	4,000 (Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting, set by regional management unit.
<b>Black Bear Trade:</b>	Skins, heads, or claws of legally taken black bears may be bartered or sold. Internal organs may not be sold.
<b>License/Tag Required:</b>	Specific license required to hunt black bear.
<b>Reporting/Verification:</b>	A hunter who takes a bear shall contact a Department representative within 5 days to schedule arrangements to present the skull and hide. The external genitalia shall remain attached to the hide and be readily visible until the hide has been inspected and tagged by a Department representative.

### Summary/State Statute:

New Mexico considers the black bear a protected game species, with a yearly hunting season. Sale of bear gall bladders is prohibited in New Mexico under state game regulations (19 NMAC 31.1).

Section 9.4 regulates **Sale of Game Animal Parts**. It states:

*"Only skins, heads, antlers, horns, or claws of legally taken protected species and feathers from non-migratory game birds may be bartered or sold. (Internal organs of protected species may not be sold)."*

### Violation/Penalty:

All violations are misdemeanors. Violators are cited to court, if found guilty they are fined or sentenced to jail time. Jail can up to six months and fine up to \$1,000 per violation.

*Source: New Mexico Department of Game and Fish*

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## NEW YORK

<b>Bear Population:</b>	4,000-5,000 (Stable)
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Legal to sell parts other than flesh, provided parts are from a bear legally taken in New York.
<b>License/Tag Required:</b>	Specific tag required for non-residents to hunt black bear. Only a general big game license required for residents.
<b>Reporting/Verification:</b>	Hunter must complete Bear Report Card, phone regulating agency, and return tooth. Harvested bears are checked by a biologist in the southern part of the state. Each part sold must be tagged with specific information; tag must remain until part is tanned, processed, or prepared for ingestion.

### Summary/State Statute:

Title 6 of New York's state code, Environmental Conservation, allows the Division of Fish and Wildlife to promulgate regulations to fix open seasons, bag limits, manner of taking, and possession and disposition of bears and parts under Section 11-0903, **Open hunting seasons and bag limits fixed by regulation**. Rules for sale of parts and reporting requirements are spelled out in Regulation 1.31, **Hunting black bear**, subsections, (d) (1) and (d) (6). These read:

- (d) "Other regulations. (1) Any person who takes a bear must fill out completely, using indelible ink, ballpoint pen or indelible pencil, the bear tag and the bear report card upon taking a bear and must attach the bear tag securely to the bear, except that such tag need not be so attached while the bear is being physically dragged or physically carried by the taker to a camp or point where other transportation is available. It is unlawful for any person to remove the tag until the bear is prepared for consumption. Any person who takes a bear must return the completed bear report card to the department within five days of the close of the season in which the bear was taken. Any person who takes a bear must call the toll-free telephone number as it appears on his or her big game license within 24 hours of reaching a road and must also call such number before transporting the bear out of New York State.

- (6) *Parts of bear, other than flesh, may be possessed and sold provided the parts are from a black bear legally taken and reported in New York State. Each part must be tagged with a tag provided by the taker or buyer. The tag must contain the big game license number, name, address, date of birth and signature of the taker and the town and county where the bear was taken. The tag must remain on the part until the part is tanned or processed (treated so the pelt is rendered soft and pliable), mounted, prepared for use as an article of clothing or as an article for display or prepared for ingestion."*

**Violation/Penalty:**

Misdemeanor; fine and possible jail time depending on severity (for example \$2,000 fine and/or up to 1 year in jail for illegal taking of bear). When a violation involves the sale, trade, or barter of wildlife or parts, the following additional penalties are imposed:

- Misdemeanor where the value is \$250 or less – fine of \$500 and/or 15 days in jail;
- Misdemeanor when value is \$250-\$1,500 – fine of \$5,000 and/or up to 1 year in jail;
- Class E felony when value exceeds \$1,500.

*Source: New York State Division of Fish and Wildlife*

## NORTH CAROLINA

<b>Bear Population:</b>	6,100 (Increasing)
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting; November-January
<b>Black Bear Trade:</b>	Sale of all bear parts prohibited.
<b>License/Tag Required:</b>	Specific license required for non-residents; Only a general big-game license required for residents.
<b>Reporting/Verification:</b>	Bears must be tagged at the site of kill and registered with a Co-operator Agent.

### Summary/State Statute:

North Carolina Wildlife Resources General Statutes from January 1994 govern trade in wildlife and wildlife parts. Section 113-291.3 covers **Possession, sale, and transportation of wildlife**. It allows the possession, transportation and sale of wildlife legally taken with appropriate licenses, but specifically prohibits sale in any black bear parts. Subsection 113-291.3(b)(4) states:

- (4) *"The sale of rabbits and squirrels and their edible parts not for resale is permitted. If the Wildlife Resources Commission finds that affected game populations would not be endangered, it may authorize the sale of heads, antlers, horns, hides, skins, plumes, feet, and claws of one or more game animals or birds. In addition, it may authorize the sale of bobcats, opossums, and raccoons, and their parts, following their taking as game animals. No part of any bear or wild turkey may be sold under the above provisions, however, and no part of any fox taken in North Carolina may be sold except as provided in G.S. 113-291.4."*

### Violation/Penalty:

Misdemeanor. Any unlawful taking, possession, transport, sale or purchase of any bear or bear part results in a minimum fine of \$2,000, jail up to two years, or both. Each act is a separate offense.

*Source: North Carolina Wildlife Resources Commission*



## NORTH DAKOTA

<b>Bear Population:</b>	>10 (Stable)
<b>Legal Classification:</b>	Fur-Bearer
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	No taking of bear in North Dakota; No law against sale of bear parts from other states.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

North Dakota has very few black bears, mostly migrants from Canada, Montana and Minnesota. They are listed as fur-bearers in the state, with a closed hunting season. There is no law specifically regulating commercial trade in bear gall bladders from out-of-state. However parts from black bears taken in the state cannot be sold under Section 20.1-87-84 of the North Dakota Century Code, **Depredating fur-bearing animals - destruction and disposition**. With a closed hunting season, only depredating bears can be taken. The section reads:

*"A landowner or tenant or that person's agent may catch or kill any wild fur-bearing animal that is committing depredations upon that person's poultry, domestic animals, or crops. A landowner or tenant or that person's agent shall notify and obtain the approval of the director before catching and killing a black bear. Except as provided in this section, a landowner or tenant or that person's agent may not commercialize in, sell, or ship an animal or the pelt or any part of an animal caught or killed under this section during the closed season. The landowner or tenant or that person's agent may possess a black bear killed under this section."*

### Violation/Penalty:

No state penalty set.

*Source: North Dakota Game and Fish*



## OHIO

Bear Population:	12-30 (Stable – Estimate of Maximum)
Legal Classification:	Endangered (State)
Take Allowed:	No Open Season
Black Bear Trade:	Sale banned by status as endangered species; all resident bears protected. Exception for claws, teeth, hair and hide of bears legally acquired outside the state.
License/Tag Required:	Not Applicable
Reporting/Verification:	None

Summary/State Statute:

The black bear is listed as an endangered species in Ohio. Under Section 1501:31-23-01 of the Ohio Revised Code, in July 1995 the black bear was listed in subsection (A) (1), **Mammals**, under the Special Endangered Wild Animal Regulations:

(A) "Notwithstanding any other provision of this or any other wildlife order, or chapters 1531. And 1533. Of the Revised Code, the following native species and subspecies of wild animals shall be designated as endangered in accordance with section 1531.25 of the Revised Code:

(1) *Mammals*

**BLACK BEAR, URSUS AMERICANUS**" (Capitals denote new listing).

Subsection ( C ) states:

C) "It Shall be unlawful for any person to take, transport, sell, offer for sale or possess any of the native endangered species of wild animals, applying to wild animals that are either resident in or migrate into or through Ohio, or hides or parts thereof listed in this rule or any other wildlife order without first obtaining a written permit from the wildlife chief, except as provided in paragraph (B) and (F) of this rule."

Section 1531-15-02, **General hunting and trapping provisions**, however, provide some flexibility for legally obtained parts:

- C) *"Live furbearing animals, game quadrupeds or wild birds may not be held in captivity nor sold except as provided in section 1533.71 of the Revised Code or as provided in the provisions of the wildlife orders RULES. Provided further:*
  - (3) Legally acquired bear claws, teeth, hair, and hides may be bought or sold at any time."*

**Violation/Penalty:**

Misdemeanor of the first degree. In addition civil fine of \$750 for each bear part.

*Source: Division of Wildlife, Ohio Department of Natural Resources*



## OKLAHOMA

<b>Bear Population:</b>	100-150 (Stable to Increasing)
<b>Legal Classification:</b>	Game/Fur-Bearer
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Trade in bears/parts from Oklahoma banned; Out-of-state bears/parts can be sold in Oklahoma if documented.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Signed invoice required from seller specifying source of bear/parts brought from out-of-state.

### Summary/State Statute:

Oklahoma Statutes, Title 29 (Game and Fish) pertains in part to black bears. Section 5-411 deals with the prohibition to harvest bears and sell bear parts in Oklahoma. Section 7-503 deals with the selling of bear parts legally harvested in other states. Section 5-411 (A) (2), **Antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or subspecies; hunting, selling, buying; seizure of meat, head, hide or any part of carcass, states:**

*"No person shall sell, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies or any parts thereof, except as otherwise provided by rules and regulations prescribed by the Oklahoma Wildlife Conservation Commission or by law."*

Section 7-503, **Prohibition on buying, bartering, trading, selling, or offering or exposing for sale protected fish or wildlife; exceptions; penalties, contains several relevant subsections, including:**

- A. *"Except as otherwise provided for by law, no person may buy, barter, trade, sell or offer, or expose for sale all or any part of any fish or wildlife or the nest or eggs of any bird, protected by law."*

- D. *"No person shall buy, barter, trade, or sell, within this state, any furbearing animal, game animal, or game fish, or any part thereof, acquired from a source within or outside of this state unless at the time and place of each such sale, the seller shall have in his possession an invoice signed by the person from whom said seller purchased said animals or fish, which shall contain a statement of the source from which said animals or fish were acquired, and the species and quantity of each species, or parts thereof, delivered to said seller."*

**Violation/Penalty:**

The same section spells out penalties:

- F. *"The first violation of the provisions of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.. Subsequent violations of the provisions of this section shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment."*

Source: Oklahoma Department of Wildlife Conservation

## OREGON

<b>Bear Population:</b>	25,000-30,000 (Stable to Increasing)
<b>Legal Classification:</b>	Game Mammal
<b>Take Allowed:</b>	Open Season August 30-November 30; Restrictions by regional unit.
<b>Black Bear Trade:</b>	Banned because not specifically permitted as exception to general prohibition on sale of game mammals or parts.
<b>License/Tag Required:</b>	Specific license required to hunt black bear.
<b>Reporting/Verification:</b>	No mandatory statewide reporting system. Carcass must be tagged and checked in with state only if possession is transferred. Hunters are requested to return a tooth in a tooth envelope provided by the state. In 1997 hunters in three big game management units were required to "check out their bears with the state as part of a research project.

### Summary/State Statute:

Oregon Big Game Regulations cover the possession and sale of black bear parts as a game mammals. The regulations prohibit the sale or exchange of parts of any game mammal not specifically allowed. Under "General Hunting Regulations", the section on **Disguising Sex, Waste, Sale** states:

- *"No person shall...Sell or offer for sale, barter or exchange, any game mammals or parts thereof EXCEPT deer, elk, and pronghorn antelope hides, hooves, dew claws, sinew and naturally shed or legally taken cervid antlers used for handcrafted items."*

Another section of the regulations establish Oregon's system for tagging, possessing, and transporting game mammals taken within the state. Essential to Oregon's ability to monitor and control taking and possession of black bears is the state requirement that all hunters obtain a bear "tag" from a "Point of-Sale" (POS), a computerized licensing system authorizing the taking of a designated animal. The regulations covering **"Tagging, Possession, and Transportation"** state:

- *"When the owner of a game mammal tag kills a game mammal for which a tag is issued, they shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or parts thereof so long as the same are preserved.*
- *No person shall have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.*
- *When a game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred and the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved.*
- *All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged by the Department of Fish and Game or Oregon State Police.*
- *All game mammals or portions thereof shipped by commercial carrier must be tagged by the Department of Fish and Wildlife or Oregon State Police.*
- *No person shall receive or have in possession any game mammal or part thereof which: (1) is not properly tagged; (2) was taken in violation of any wildlife laws or regulations; or (3) was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations."*

**Violation/Penalty:**

Information not available at the time of this report.

*Source: Oregon Department of Fish and Wildlife. Not reviewed by state.*

## PENNSYLVANIA

<b>Bear Population:</b>	7,500 (Stable) – 1992 estimate
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Sale of edible parts prohibited. Sale of non-edible parts from bears taken in other states legal within 90 days of the end of the season in which it was taken.
<b>License/Tag Required:</b>	Specific license required to hunt bear.
<b>Reporting/Verification:</b>	Licensee must immediately complete game kill tag and attach it to remain until processed for consumption or mounting. Report to Check Station for examination within 24 hours. Fill in report card and mail to Game Commission within 10 days of kill. Person not required to secure a license must write to Game Commission within 5 days. Imported game must be tagged in English identifying source for sale to be legal.

### Summary/State Statute:

Pennsylvania's Consolidated Statutes prohibit the sale or possession for sale of game or protected birds and animals taken in the state. The state does, however, allow the sale of non-edible parts of game or wildlife legally taken in another state or nation within 90 days after the close of the season in which the game or wildlife was taken. It also allows the sale of game raised under the authority of a propagating permit (i.e. captive-bred game animals). Game imported into the state cannot be sold unless a tag in English is attached to the carton or carcass identifying the game and its source state or nation. The relevant section reads:

#### **Sec. 2312. Buying and selling game.**

- (a) *"General Rule. – Unless otherwise provided, it is unlawful for any person to buy, sell or barter, or aid, abet, assist or conspire to buy, sell or barter, or offer for sale or barter, or have in possession for sale or barter, any game or the edible parts of game or any protected bird or animal or parts of any protected bird or animal.*

- (b) *Imported game.* – It is unlawful for any person to sell or barter, or offer for sale or barter, any game or wildlife protected by this title imported, either dead or alive, from another state or nation unless there is attached to the carton containing the game or wildlife or to the individual carcasses a tag identifying the game or wildlife in English and giving the state or nation from which originally shipped.
- (c) *Exception.* – Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in the Commonwealth or the capture and sale of game or wildlife after securing a permit from the director and payment of any fees established by the commission or the purchase or sale of the tanned, cured, or mounted heads or skins, or parts thereof, of any game or wildlife not killed in a wild state in this Commonwealth, or the sale or purchase of any inedible part thereof, from game or wildlife lawfully killed, if such parts are disposed of by the original owner within 90 days after the close of the season in which the game or wildlife was taken. Prior to selling parts of game or wildlife under the provisions of this subsection, all edible parts shall be removed. This subsection shall not be construed to permit any individual or agency other than the commission to sell the skins or parts of game or wildlife killed as a protection to crops, or accidentally killed upon the highways, or seized as contraband."

#### **Violation/Penalty:**

A violation of this section relating to elk or bear is a summary offense of the first degree and results in forfeiture of the privilege to hunt or take wildlife anywhere within the Commonwealth for a period of five years. In addition to the loss of license cited above, the fine for a summary offense of the first degree is \$800 (first offense). Where an offense is a second or subsequent violation in a two-year period, one and one-half times the amount shall be imposed. Each animal or part is a separate offense.

*Source: Material from Pennsylvania Game Commission – Summary not Reviewed by State.*

## RHODE ISLAND

<b>Bear Population:</b>	0-2
<b>Legal Classification:</b>	Protected
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Illegal to sell wildlife except as provided. Legal to sell only non-edible parts of wildlife (antlers, hides, feet, or tails).
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	None

### Summary/State Statute:

The black bear is protected in the Rhode Island. There is no resident black bear population (perhaps an occasional migrant from Connecticut) and no bear hunting season. It is illegal to possess a bear or to sell any parts from a bear that was taken in Rhode Island, but legal to sell non-edible parts of game legally taken in another state or country.

Rhode Island General Laws, Section 20-13-14, states that:

*"It is unlawful to sell or offer for sale a wild bird, mammal, vertebrate, or parts, except as provided; this does not prohibit sale of inedible parts of game such as antlers, hides, feet or tails."*

### Violation/Penalty:

Misdemeanor; punishable by a fine of not more than \$500, and/or jail up to 90 days.

*Source: Rhode Island Division of Fish and Wildlife*





## SOUTH CAROLINA

<b>Bear Population:</b>	275+ (Slightly Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting: 3 <sup>rd</sup> week of October (still hunting); 4 <sup>th</sup> week October (dogs allowed)
<b>Black Bear Trade:</b>	Ban on sale of all bear parts.
<b>License/Tag Required:</b>	Only a general big game license required to hunt black bear.
<b>Reporting/Verification:</b>	Registered by hunter at designated check station through 1996. As of 1997, phone call by hunter to regulating agency required.

### Summary/State Statute:

South Carolina allows a limited hunt of its minimal black bear population each year. It is the state with the smallest black bear population to allow hunting, and reports the fewest kills. Section 50-11-430 of the Code of Laws of South Carolina, **Killing of bear**, expressly prohibits the sale of bear parts. The section states:

(A) *"It is unlawful to:*

- (1) hunt, take, or attempt to take a bear except during the open season which is set by the department;*
- (2) buy, sell, barter, or exchange a bear or bear part;*
- (3) possess or transport a freshly killed bear or a bear part except during the open season for hunting and taking bears."*

**Violation/Penalty:**

Section 50-11-430 of the state code also sets the penalties for violation:

- (B) *"Each act constituting a violation is a separate offense.*
- (C) *A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than two years, or both. The hunting and fishing privileges of a person convicted under the provisions of this section must be suspended for three years. Equipment used or intended for use in violating this section is forfeited to the South Carolina Wildlife and Marine Resources Department. The court may order that restitution be paid to the department of not less than one thousand dollars."*

*Source: South Carolina Department of Natural Resources*

## SOUTH DAKOTA

<b>Bear Population:</b>	Unknown
<b>Legal Classification:</b>	Threatened (State)
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned by state protected status.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

The South Dakota Department of Game, Fish, and Parks has determined that the black bear is a **Threatened Species** in South Dakota. The Department has rule-making authority granted by South Dakota Codified Laws, sections 41-2-18 and 34A-8-2, which gives authority to deal with threatened species. Under these authorities, other provisions are as follows:

**SDCL 34A-8-0. Possession, transportation and sale of endangered and threatened species prohibited-Violation as misdemeanor.** *"Except as otherwise provided in this chapter, no person may take, possess, transport, import, export, process, sell or offer for sale, buy or offer to buy, nor may a common or contract carrier transport or receive for shipment, any species of wildlife or plants appearing on the following lists:*

- (1) The list of wildlife and plants indigenous to the state determined to be endangered or threatened within the state pursuant to sections 34A-8-3 and 34A-8-4.*
- (2) The United States list of endangered or threatened native wildlife effective on January 1, 1977.*
- (3) The United States list of endangered or threatened foreign wildlife effective on January 1, 1977.*
- (4) The United States list of endangered or threatened plants effective on January 1, 1977."*

**Violation/Penalty:**

A violation of this section is a Class 2 misdemeanor.

*Source: South Dakota Game, Fish and Parks Department*

## TENNESSEE

<b>Bear Population:</b>	900-1,200 (Stable to Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Two hunting sessions mid-October & mid-December.
<b>Black Bear Trade:</b>	Sale of bear parts taken in Tennessee prohibited; Purchase of legally taken bear parts in other states allowed, but no resale legal.
<b>License/Tag Required:</b>	General big game license required to hunt black bear.
<b>Reporting/Verification:</b>	Tagging system for bears taken in-state. Must maintain records for bear parts purchased out-of-state, and file statement that game transported out of Tennessee will not be sold.

### Summary/State Statute:

Tennessee is the only state with a statute that specifically allows the purchase for bear parts taken from other states, but also then specifically prohibits their resale.

No black bears or parts taken inside the state can be legally sold or purchased. While it is legal to ship or transport legally killed wildlife out of the state, a person can do so only after attesting that the wildlife is not to be sold. The Rules of the Tennessee Wildlife Resources Agency -- Wildlife Resources, Chapter 1660, spell out the law.

Chapter 1660-1-17, Rules and Regulations Governing the Commercial Use of Wildlife covers commercialization. Section 1660-1-17-.01 General Provisions for Commercial Use, contains the following subsection (3):

(3) *Finished Products and Parts, Other than Meat, That May be Bought and Sold*

- (a) *"Finished products and parts of non-native species legally obtained in the State of origin. No parts of black bear (Ursus americanus) taken in Tennessee may be bought or sold. Individuals may obtain legally possessed bear parts from other States, which allow the sale of such parts, through mail order purchases or direct purchases which take place outside the boundaries of Tennessee. Any individual possessing parts of bear provided for in this exception must maintain records of legal purchase. No bear parts, including meat, possessed under this exception may be resold within the boundaries of Tennessee."*

Sections 70-4-203 and 70-4-204 of the Tennessee Code cover transportation of protected game or fish out of state, allowing persons to take such items out of state if they: 1) possess at the time of transporting a hunting or fishing license; 2) take from the state no more than two days' bag or creel limit on ducks or other migratory birds or protected game or fish; 3) file with a common carrier a statement giving name, address, license number, and number of game/fish to be transported, and that such were legally killed by the person and are not for sale. Agency officers have a right to inspect licenses and a refusal to comply is a misdemeanor. It is unlawful for a person or common carrier to ship/transport birds, game or fish without ascertaining that the shipper has a hunting/fishing license. No person shall place in cold storage at one time more than two days' bag or creel limit of wild animals, birds, fowl or game fish, nor place such in storage without filing an affidavit that they have been killed lawfully and are stored for the person's own use and not for sale.

**Violation/Penalty:**

Class C Misdemeanor; \$25-\$50 fine for each infraction.

*Source: Wildlife Division, Tennessee Wildlife Resources Agency – Summary not reviewed by state.*

## TEXAS

<b>Bear Population:</b>	75 (Increasing)
<b>Legal Classification:</b>	Threatened (State and Federal)
<b>Take Allowed:</b>	No Open Season
<b>Black Bear Trade:</b>	Banned by threatened status.
<b>License/Tag Required:</b>	Not Applicable
<b>Reporting/Verification:</b>	Not Applicable

### Summary/State Statute:

There is no law specific to sale of black bear parts in Texas. Sale of bear parts in the state is banned because the state's population of Louisiana black bears is listed as Threatened by the Texas Parks and Wildlife Department Code (and under the federal Endangered Species Act). State protection for the species from hunting and trading is provided under a Threatened Nongame Species Proclamation adopted under the Parks and Wildlife Code, Chapters 43, 67, and 68, which provide the Commission with the authority to establish regulations governing the take, possession, transportation, and propagation of nongame species of fish and wildlife.

Section 65.171, **Closed Seasons**, reads:

*(a) Except as otherwise provided in this subchapter, no person may:*  
*(1) take, possess, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed in this subchapter as threatened; or*  
*(2) possess, transport, export, sell or offer for sale goods made from fish or wildlife listed in this subchapter as threatened, except as provided in subsection (b) of this section.*

*(b) Any person may possess, transport, export, sell, or offer for sale goods made from fish or wildlife listed in this subchapter as threatened, provided the person possesses proof that the goods were obtained from lawfully taken animals.*

Section 65.172 designates threatened species, including the black bear.

**Violation/Penalty:**

Violations of threatened species provisions are:

- For first offense, Class C Texas Parks and Wildlife Department misdemeanors (\$25-\$500 fine);
- Second offense, Class B Texas Parks and Wildlife Department misdemeanors (\$200-\$1,000 fine, jail up to 180 days, or both);
- Two or more prior convictions, Class A Texas Parks and Wildlife Department misdemeanors (\$500-\$2,000 fine, jail up to one year, or both).

*Source: Texas Parks and Wildlife Department*



## UTAH

<b>Bear Population:</b>	800-1,000 (Stable to Increasing) – 1992 estimate
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting: Set yearly.
<b>Black Bear Trade:</b>	Sale of gallbladder, tooth, claw, paw, or skull specifically prohibited.
<b>License/Tag Required:</b>	Specific license required to hunt black bear.
<b>Reporting/Verification:</b>	Permanent tag must be attached to legally taken bear. Check-in required within 48 hours of taking.

### Summary/State Statute:

Utah allows the hunting of bear, with seasons set yearly. In 1997 the state issued 164 resident permits and 28 non-resident permits. Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the state's Wildlife Board establishes an annual "Proclamation" for taking and pursuing black bear. Under the category "Disposal of Wildlife", Regulation 657-33-22 of the proclamation **Purchasing or Selling** reads:

- (1) *"Legally Obtained, tanned bear hides may be purchased or sold.*
- (2) *A person may not purchase, sell, offer for sale, or barter a gall bladder, tooth, claw, paw, or skull of any bear."*

A person, may, however, export a bear or its parts with a valid license and tag. Under "Possession and Transportation" of the proclamation, Regulation 657-33-20, **Exporting Bear**, states:

- (1) *"A person may export a legally taken bear or its parts if that person has a valid license and permit and the bear is properly tagged with a permanent possession tag."*

**Violation/Penalty:**

Class B misdemeanor. The penalty for aiding or assisting another person to violate a provision of the wildlife code or regulation is the same as for the provision or regulation for which aid or assistance was given.

*Source: Utah Division of Wildlife Resources – Summary not reviewed by state*

## VERMONT

<b>Bear Population:</b>	2,500 (Increasing)
<b>Legal Classification:</b>	Big Game Animal
<b>Take Allowed:</b>	Hunting season September 1 through 1 <sup>st</sup> Wednesday of regular deer season.
<b>Black Bear Trade:</b>	Sale of head, hide, paws and internal organs legal.
<b>License/Tag Required:</b>	General big game license only required to hunt black bear.
<b>Reporting/Verification:</b>	Animal tagged upon taking and must remain tagged until cut up for consumption; Taking must be reported to State within 48 hours and carcass exhibited.

### Summary/State Statute:

Vermont allows the sale of certain bear parts (including internal organs) taken legally. Relevant sections of the law regarding possession and sale are specific. Title 10, Sections 4781-4783 (Conservation) of the Vermont Statutes Annotated, state:

#### **4781. Big Game; Possession**

*"A person shall not possess big game except during the open season and for a reasonable time thereafter unless otherwise provided, and then only such as can be legally taken. A person shall not possess big game taken by any illegal devices, nor any game taken in closed season."*

#### **4782. Possession in cold storage of big game**

*"Any part of the carcass of big game legally taken may be possessed at any time in cans or in a cold storage locker or home freezer."*

#### **4783. Purchase and sale of big game**

*"(a) A person shall not buy or sell big game or the meat of big game within the state except during the open season and for twenty days thereafter.*

*(b) Notwithstanding subsection (a) of this section, a person may buy or sell at any time:*

*(1) the head, hide and hoofs of deer and moose legally taken; or the head, hide, paws and internal organs of a black bear, legally taken."*

The law also requires reporting of any animals taken. Title 10 App. (Game), Section 2 states:

**2. Report, big game**

*“(a) A person taking big game...pursuant to the seasons provided by law or regulation of the Fish and Wildlife Board, shall within 48 hours report the taking and exhibit the carcass to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the commissioner to receive the reports.*

*No big game carcass shall be transported out of the state without first being reported as required herein.”*

**Violation/Penalty:**

- First offense: fine of \$200-\$500 and/or up to 60 days in jail, as well as a violation of 20 points, meaning a 3-year license revocation. If convicted of taking big game by illegal means, forfeiture of illegal equipment – firearms, lights and motor vehicles.
- Second and subsequent convictions: \$500-\$1,000 fine and/or up to 60 days in jail as well as revocation and forfeiture.

In addition, violator owes restitution to the state for black bear (each offense, in addition to fines and forfeiture) is \$1,000.00 per animal.

*Source: Vermont Fish and Wildlife Department*

## VIRGINIA

<b>Bear Population:</b>	3,500-4,000 (Increasing)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Banned because not specifically permitted.
<b>License/Tag Required:</b>	Specific license required to hunt bear.
<b>Reporting/Verification:</b>	Hunters must check in bear with state. Return of tooth to regulating agency. Seal affixed by check station operator and game check card secured to carcass until processed.

### Summary/State Statute:

Virginia Game, Inland Fish and Boat Laws ban the sale of black bear parts. Section 29.1-521, **Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted**, contains the following relevant subsections:

A. *"The following shall be unlawful:*

10. *To hunt, trap, take, capture, kill, attempt to take capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time and in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated...*
11. *To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law. A violation of this subdivision shall be punishable as provided in section 29.1-553.*

B. *A violation of subdivisions 1 through 10 of Subsection A of this section shall be punishable as a Class 3 misdemeanor."*

**Violation/Penalty:**

Illegal take and possession are class 3 misdemeanors as stated in the statute above. The penalty for illegal sale is more severe. Section 29.1-553, **Selling or offering for sale; penalty**, states:

1. *“Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by any person totals \$200 or more during any ninety-day period, that person shall be guilty of a Class 6 felony.”*

*Source: Virginia Department of Game and Inland Fisheries. Summary Not reviewed by state.*

## WASHINGTON

<b>Bear Population:</b>	27,000-30,000 (Stable to Increasing)
<b>Legal Classification:</b>	Big Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Ban on sale of gallbladder, claws, or teeth of bear. Sale of other non-edible parts legal.
<b>License/Tag Required:</b>	Information not Available
<b>Reporting/Verification:</b>	Information Not Available.

### Summary/State Statute:

The Washington Administrative Code (WAC) includes a section specific to trade in wildlife, which covers trade in gallbladders. WAC, Section 232-12-071, **Buying or selling game unlawful**, reads:

1. *"Unless prohibited by federal regulations, nonedible parts of wild animals, game birds or game fish lawfully taken may be offered for sale, sold, purchased or traded, except. It is unlawful to offer for sale, sell, purchase or trade cougar, mountain sheep, mountain goat, velvet antlers of deer or elk or the gall bladder, claws and teeth of bear, unless the offer for sale, sell, purchase or trade is authorized by a written statement issued by the director."*

That language leaves a possibility of sale, but only if approved by the Washington Department of Fish and Wildlife, which is not currently providing such authorizations.

### Violation/Penalty:

Violation of a provision involving big game or an endangered species is a gross misdemeanor: \$250-\$1,000 fine; jail 30 days to one year, or both. In addition, if a person is convicted of illegal killing or possession of a black bear or black bear part, the court shall order restitution to the state of \$1,000 per animal.

*Source: Washington Department of Wildlife. Summary not reviewed by state.*

1

2

3



## WEST VIRGINIA

Bear Population:	5,000-6,000 (Increasing)
Legal Classification:	Game
Take Allowed:	Seasonal Hunting
Black Bear Trade:	Legal to buy and sell only the hide, head and skull of a legally taken black bear.
License/Tag Required:	License specifically to hunt black bear required.
Reporting/Verification:	Mandatory kill reports. Hunter must register harvest at check station and return tooth to regulating agency.

### Summary/State Statute:

The West Virginia Natural Resources Laws were amended in 1999 to make it illegal to sell any parts of the black bear except for the hide, head and skull. Prior to this, it was also legal to sell the “organs” and feet. As amended, Article 2, “Wildlife Resources”, section 20-2-11, Sale of wildlife; transportation of same, reads:

*“No person, except those legally licensed to operate private game preserves for the purpose of propagating game for commercial purposes and those legally licensed to propagate or sell fish, amphibians and other forms of aquatic life, shall purchase or offer to purchase, sell or offer to sell, expose for sale, or have in his or her possession for the purpose of sale any wildlife, or part thereof, which has been designated as game animals, fur-bearing animals, game birds, game fish or amphibians, or any of the song or insectivorous birds of the state, or any other species of wildlife which the director may designate: Provided, That pelts of game or fur-bearing animals taken during the legal season may be sold and live red and gray foxes and raccoon taken by legal methods during legal and established trapping seasons may be sold within the state: Provided, however, That hide, head, antlers and feet of a legally killed deer and the hide, head and skull of a legally killed black bear may be sold. (Emphasis added).*

*No person, including a common carrier, shall transport, carry or convey, or receive for such purposes any wildlife, the sale of which is prohibited, if such person knows or has reason to believe that such wildlife has been or is to be sold in violation of this section.*

*The selling or exposing for sale, having in possession for sale, transporting or carrying in violation of this section shall each constitute a separate misdemeanor offense. Notwithstanding the provisions of this or any other section of this chapter, any game birds or game bird meats sold by licensed retailers may be served at any hotel, restaurant or other licensed eating place in this state.*

*The director shall have authority to promulgate rules and regulations in accordance with chapter twenty-nine-a of this code, dealing with the sale of wildlife and the skins thereof."*

**Violation/Penalty:**

Misdemeanor.

*Source: West Virginia Division of Wildlife Resources*

## WISCONSIN

<b>Bear Population:</b>	14,000 (Stable)
<b>Legal Classification:</b>	Game
<b>Take Allowed:</b>	Seasonal Hunting
<b>Black Bear Trade:</b>	Legal to sell hide if it includes claws, head, and teeth.
<b>License/Tag Required:</b>	License specifically to hunt black bear required.
<b>Reporting/Verification:</b>	Hunter must register harvest at designated check station.

### Summary/State Statute:

Black bears are classified as game animals in Wisconsin. Section 29.48 of the state Fish and Game Code (91-92 Wis. Stats.), **Sale of game or fish**, has several relevant subsections regarding sale of bear parts. These are:

- Sale of game or fish.** (1) (a) *"Except as otherwise expressly provided under this chapter, no person may sell, buy, barter or trade, or offer to sell, buy, barter or trade or have in possession or under control for the purpose of sale, barter or trade any of the following:*
1. *Deer, bear, squirrel, game bird, game fish or the carcass thereof at any time.*
  2. *Any other wild animal or the carcass thereof during the closed season for that wild animal.*
- (b) *This subsection applies whether the wild animals listed under par. (a) were lawfully or unlawfully taken within or without the state.*
- (5) (a) *The hide of any bear which is lawfully killed is exempt from sub. (1) if the hide includes the claws, head and teeth of the bear.*
- (b) *No person may sell, buy, barter or trade or offer to sell, buy, barter or trade or possess or control for the purpose of sale or barter any bear claws or bear teeth which are not part of a bear hide."*

### Violation/Penalty:

Fine of \$1,000-\$2,000 and or 6 months in jail.

*Source: Wisconsin Department of Natural Resources*



## WYOMING

<b>Bear Population:</b>	Unknown (No Available Census)
<b>Legal Classification:</b>	Trophy Game
<b>Take Allowed:</b>	Seasonal Hunting, April-June and August-November
<b>Black Bear Trade:</b>	Sale Legal
<b>License/Tag Required:</b>	License specifically to hunt black bear required.
<b>Reporting/Verification:</b>	Hunters must register harvest at designated check station. There is also a mandatory reporting/verification system for sale of black bear parts for hunters, outfitters, tanneries, and taxidermists. Permit is required if items are sold or transported out-of-state.

### Summary/State Statute:

Wyoming has a black bear population, but has not conducted a population census to determine its exact size. The state allows hunting of bears subject to receiving a specific hunting permit.

Sale of black bear parts is legal in Wyoming, subject to a mandatory reporting/verification system including the name and address of the seller, the name and address of the purchaser, the name and number of the hunting license, and a description of the items to be sold. Sales and transportation out-of-state are legal under this system provided that a permit is acquired from the state. This covers gall bladders, paws, skulls, teeth, and claws.

### Violation/Penalty:

Penalties for violation range from 6-12 months in jail and a fine of \$1,500-\$2,000.

*Source: Wyoming Game and Fish Commission – Summary not reviewed by state.*



## REFERENCES

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- McCracken, C., Rose, D. A., and Johnson, K. A. 1995. Status, management, and commercialization of the American black bear (*Ursus americanus*). TRAFFIC USA, Washington, DC. 132 p.
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- TRAFFIC North America (unpublished). Data from 1997 TRAFFIC survey of state wildlife authorities.

State Codes and Regulations Cited

Alabama	Alabama Game, Fish, and Wildlife Laws, Section 9-11-237, "Sale, Purchase, etc. of game birds or game animals; sale of furs, etc., of fur-bearing animals; sale of hides, etc., and of finished products".
Alaska	Alaska Statutes Sections 16.05.255, 16.05.258, and 16.05.920; Alaska Administrative Code Section 5 AAC 92.200; Alaska State Hunting Regulations, effective dates July 1, 1995 - June 30, 1996.
Arizona	Arizona Revised Statutes (A.R.S.), Title 17 (Arizona Game and Fish Laws), sections A.R.S. 17-309.A.2. and A.R.S. 17-371.D.
Arkansas	Official Code of the Arkansas Game and Fish Commission, updated January 1, 1996, Regulation 18.03, "Selling Wildlife Restrictions".
California	California Game and Fish Code, Section 4758, "Sale of bear meat, etc."; Section 4760, "Applicability, Taking out of state"; Section 4754, "Violations".
Colorado	Colorado Revised Statutes, Title 33, Section 33-6-109, "Wildlife – illegal possession"; Section 33-6-113, "Illegal Sale of Wildlife"; Section 33-6-114, "Transportation, importation, exportation, and release of wildlife", Section 33-6-117. Colorado Wildlife Regulation #013.
Connecticut	Connecticut General Statutes Annotated, Title 26, Section 78.
Delaware	No law or regulation – Regulations under development.
Florida	Florida Administrative Code, Title 39 (Florida Wildlife Code), Section 39-12.004 (12) F.A.C.
Georgia	Georgia Conservation Law Handbook, Article 1 – Hunting, Section 27-3-26, "Hunting bears; restrictions; penalties"; Article 3 – Transportation, sections 27-3-90, "Requirements for lawful transportation", 27-3-92 "Transportation out of state", and 27-3-94 "Acceptance by carriers of wildlife for shipment; reports required".
Hawaii	No law or regulation.



<b>Idaho</b>	<b>Idaho Code, Title 36, Chapter 5 – Restrictions on Possession, Transportation, Sale and Use of Wildlife, sections 36-501, “Sale and Purchase of Wildlife – Restrictions – Exceptions; 36-502, “Possession – Transportation – Shipment of Wildlife – Restriction – Exception”; Idaho Regulations, Regulation 300.01 “Wildlife Legally Killed”.</b>
<b>Illinois</b>	<b>Illinois Annotated Statutes and Illinois Administrative Code. Neither have a law or regulation relevant to black bears.</b>
<b>Indiana</b>	<b>No law or regulation.</b>
<b>Iowa</b>	<b>No law or regulation.</b>
<b>Kansas</b>	<b>Kansas Statutes Annotated, Section 32-1002, “Taking or dealing in wildlife”.</b>
<b>Kentucky</b>	<b>Kentucky Revised Statutes Annotated, 1986, Title 12, sections 150.183 and 150.390.</b>
<b>Louisiana</b>	<b>Louisiana Statutes Annotated, Title 56, sections 56-1904 and 56-1905</b>
<b>Maine</b>	<b>Maine Revised Statutes Annotated, Title 12 (“Conservation”), sections 12-7451, 12-7452, and 12-7901.</b>
<b>Maryland</b>	<b>Annotated Code of Maryland, Article 10-404, “Hunting, possessing, importing, and selling game birds or mammals”; Article 8-1501, “Penalties and fines; Prosecution”.</b>
<b>Massachusetts</b>	<b>Massachusetts General Laws Annotated 1991, Chapter 131 (“Inland Fisheries and Game”), Section 131:22, “Sale of fish and game”.</b>
<b>Michigan</b>	<b>Michigan Compiled Laws Annotated, Part 401 (“Wildlife Conservation”), sections 324.40103, “Definitions, G to P”, 324.40113a , “Legislative findings and declarations; taking of game”, 324.40106, “game or protected animal; taking, releasing, transporting, selling, buying, or possessing; construction of section”, 324.40118, “Violation as misdemeanor; penalty”, and 324.40119, “Reimbursement of state for value of game or protected animal”. <b>The Wildlife Conservation Order, 1989, Chapter 4 (“Possession Importation and Sale”), sections 4.2, “Importation”, 4.3, “Buying and Selling”.</b></b>

Minnesota	Minnesota Statutes Annotated, Chapter 97A, section 512, "Sale of Inedible Portions of Big Game Animals, Fur-Bearing Animals, and Game Birds Other than Migratory Waterfowl".
Mississippi	Mississippi Department of Wildlife, Fisheries and Parks, Wildlife, Fisheries and Parks Laws and Public Notices. Sections 49-5-109, "Designation and protection of endangered species", and 49-5-115, "Enforcement, penalties".
Missouri	Wildlife Code of Missouri, 1995. Sections 3CSR10-4.110, "General Prohibitions, Applications"; 3CSR10-4.135, "Transportation"; 3CSR10-4.150, "Legality of Wildlife Taken Outside of Missouri"; and 3CSR10-10-10-743, "Commercial Establishments".
Montana	Montana Department of Fish, Wildlife and Parks, General Regulations Pamphlet, "Sale of Game Parts".
Nebraska	Revised Statutes of Nebraska, Chapter 37 ("Game and Parks"), sections 37-101 (18) "Definitions"; 37-304, "Hunting, fishing, fur harvesting; unlawful during closed season"; and 37-505 (1996 Revised Statutes Supplement amendment closing trade, effective September 1997).
Nevada	Nevada Revised Statutes Annotated, Section 501.379, "Unlawful sales of wildlife or importation of game mammals, game birds or game amphibians; exception"; Nevada Administrative Code, Regulation 503.174, "Sale of nonedible parts of legally taken game".
New Hampshire	New Hampshire Game and Fish Laws, 1995 Edition, Section 188:11, "Buying or Selling".
New Jersey	New Jersey Statutes Annotated, Title 23, Article 4, Section 23:4-27 "Possession for sale of game; penalty".
New Mexico	New Mexico Administrative Code, 19NMAC 31.1. Game Regulations, Section 9.4, "Sale of Game Animal Parts".
New York	New York State Code, Title 6 ("Environmental Conservation"), Section 11-0903, "Open hunting seasons and bag limits fixed by regulation"; Regulation 1.31, "Hunting black bear".

<b>North Carolina</b>	<b>North Carolina Wildlife Resources General Statutes 1994, Section 113-291.3, "Possession, sale, and transportation of wildlife".</b>
<b>North Dakota</b>	<b>North Dakota Century Code, Chapter 20.1-87-84, "Depradating fur-bearing animals – destruction and disposition".</b>
<b>Ohio</b>	<b>Ohio Revised Code Annotated, Section 1501:31-23-01 "Mammals"; Section 1531-15-02, "General hunting and trapping provisions". (Black bear was added to Section 1501:31-23-01 list in 1995 under <u>Special Endangered Wild Animal Regulations</u>.)</b>
<b>Oklahoma</b>	<b>Oklahoma Statutes Annotated, Title 29 ("Game and Fish"), Section 5-411 (A) (2), "Antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or subspecies; hunting, selling, buying; seizure of meat, head, hide, or any part of carcass"; Section 7-503, "Prohibition on buying, bartering, trading, selling, or offering or exposing for sale protected fish or wildlife; exceptions; penalties".</b>
<b>Oregon</b>	<b>Oregon Department of Fish and Wildlife, Oregon Big Game Regulations, 1997.</b>
<b>Pennsylvania</b>	<b>Pennsylvania Consolidated Statutes Annotated, Section 2312 "Buying and selling game".</b>
<b>Rhode Island</b>	<b>Rhode Island General Laws, Section 20-13-14.</b>
<b>South Carolina</b>	<b>Code of Laws of South Carolina, Section 50-11-430, "Killing of Bear".</b>
<b>South Dakota</b>	<b>South Dakota Codified Laws, Section 34A-8-0, "Possession, transportation and sale of endangered and threatened species prohibited – Violation as misdemeanor".</b>
<b>Tennessee</b>	<b>Rules of the Tennessee Wildlife Resources Agency -- Wildlife Resources, Chapter 1660-1-117, Rules and Regulations Governing the Commercial Use of Wildlife, Section 1660-1-17-.01 "General Provisions for Commercial Use". Tennessee Code Annotated, sections 70-4-203 and 70-4-204.</b>
<b>Texas</b>	<b>Texas Wildlife and Parks Department, Threatened Nongame Species Proclamation, Section 65.171, "Closed Seasons".</b>

Utah	State of Utah, Department of Natural Resources Division of Wildlife Resources, <b>Proclamation of the Wildlife Board for Taking Bear, 1997</b> , Regulation 657-33-22, "Purchasing or Selling", Regulation 657-33-20, "Exporting Bear".
Vermont	<b>Vermont Statutes Annotated</b> , Title 10 ("Conservation"), sections 4781, "Big Game; Possession", 4782, "Possession in storage of cold game", and 4783 "Purchase and sale of big game"; "Report, big game"; <b>Vermont Statutes Annotated</b> , Title 10 App. ("Game"), Section 2, "report, big game".
Virginia	<b>Virginia Game, Inland Fish and Boat Laws</b> , Section 29.1-521, "Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted", Section 29.1-553, "Selling or offering for sale; penalty".
Washington	<b>Washington Administrative Code</b> , Section 232-12-071, "Buying or selling game unlawful".
West Virginia	<b>West Virginia Natural Resources Laws (1994 Edition)</b> , Section 20-2-11, "Sale of wildlife, transportation of same"; Section 20-2-12, "Transportation of wildlife out of state; penalties".
Wisconsin	<b>Wisconsin Statutes Annotated</b> , (91-92 Wis. Stats), Section 29.48, "Sale of game or fish".
Wyoming	Information from unpublished 1997 TRAFFIC survey of state wildlife authorities.

## APPENDICES

# APPENDIX I

## Summary of State Laws

STATE	POPULATION*	LEGAL DESIGNATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
Alabama**	50	Game	No Open Season	Ban because not exempted	Misdemeanor: \$250-\$500 Fine
Alaska	100,000-200,000	Game	Most Areas Open Year-round	Ban specific to all bear parts	Class A Misdemeanor
Arizona	2000-3000	Game	Seasonal	Ban because not exempted	Illegal commercialization is Class 6 felony, up to 1 year in jail and \$2,000 + in fines.
Arkansas	3,000	Game	Seasonal	Ban on sale of parts taken in state. Sale of parts from other states legal	\$100-\$1,000 Fine, 10 days in jail, possible revocation of privileges
California	15,000-18,000	Game	Seasonal	Ban specific to bear "meat, skin, hide, teeth, claws, or any other parts"	Loss of bear license tags for current and following season
Colorado	8,000-12000	Game	Seasonal	Ban specific to bear gallbladders. Sale of Non-edible parts legal.	Misdemeanor or felony depending on violation. Range possible fines, license points, and jail time.
Connecticut	30-60	Protected	No Open Season	Ban on sale of parts taken in state. Sale of parts from other states legal.	\$200 fine and/or up to 60 days in jail.
Delaware	0	No Designation	N/A	Regulations under development.	N/A
Florida**	1000-1500	Threatened	No Open Season	Ban specific to all bear parts	First offense: second degree misdemeanor. Subsequent: first degree misdemeanor.

\* Based on TRAFFIC North America's survey of state wildlife agencies.  
 \*\* Florida subspecies

## APPENDIX I: Summary of State Laws (Continued)

STATE	POPULATION	LEGAL CLASSIFICATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
Georgia	1,800-2,000	Game	Seasonal	Ban specific to all bear parts	Misdemeanor: Fine \$500-\$5,000 and/or up to one year in jail, restitution of \$1,500 for each part.
Hawaii	0	None	N/A	No law	N/A
Idaho	20,000-25,000	Game	Seasonal	Sale legal	Felony; penalty depends on violation, up to 1 yr. in jail and \$2,000+ in fines.
Illinois	0	None	N/A	No law	N/A
Indiana	0	None	N/A	No law	Relies on federal law
Iowa	0	None	N/A	No law	N/A
Kansas	0	Non-Game Wildlife	N/A	Sale of parts from other states legal but cannot be commercialized	Class C Misdemeanor: but Commercialization > \$500 Class A Misdemeanor; < \$500 Class E Felony
Kentucky	25-75	Protected	No Open Season	Ban because of protected species status	First offense, \$100-\$1000; second offense, \$500-\$1,500; subsequent offense, \$2,000.
Louisiana***	<300	Threatened	No Open Season	Ban on sale of parts taken in state by protected species status; Sale of parts from other states legal.	First offense \$400-\$450 fine and/or jail up to 120 days; second offense fine of \$750-\$3,000 and jail of 90-180 days; Subsequent: jail of 180 days-2 yrs., forfeit anything seized in connection with violation.

\*\*\* Louisiana subspecies

## APPENDIX I: Summary of State Laws (Continued)

STATE	POPULATION	LEGAL CLASSIFICATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
Maine	22,000-23,000	Game	Seasonal	Sale of head, teeth, gall bladder, claws, and hide of any bear allowed	Class D crime. Fine not less than \$1,000. Jail up to 180 days.
Maryland	250-300	Game	No Open Season	Ban because not exempted	Misdemeanor: First offense up to \$500 and costs; Second or subsequent offense up to \$1,000 and/or 1 year in jail, plus costs.
Massachusetts	1,200-1,800	Game	Seasonal	Ban because not exempted	\$100-\$1,000 and/or up to 6 months in jail for each bear unlawfully taken or possessed. Fine of \$300-\$1,000 for sale.
Michigan	~12,000	Game	Seasonal	Bans sale of teeth, claws, flesh, bones, or internal organs of bear. Allows sale of paws and skull.	First offense is a misdemeanor. Subsequent offense a felony.
Minnesota	20,000	Game	Seasonal	Ban specific to sale in paws and gallbladders	Gross Misdemeanor: Fine not less than \$3,000
Mississippi***	<50	Endangered	No Open Season	Banned because of endangered species status	\$1,000 Fine and/or 1 Year in Jail
Missouri	50-150	Game	No Open Season	Banned because not specifically permitted	Misdemeanor. Fine up to \$500 and/or jail up to 3 months.

\*\*\* Louisiana subspecies



## APPENDIX I: Summary of State Laws (Continued)

STATE	POPULATION	LEGAL CLASSIFICATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
Montana	9,000-10,000	Game	Seasonal	Ban on sale of all parts except heads, hides, or mounts.	\$10,000 fine and/or 1 year in jail
Nebraska	0	Game	No Open Season	Banned because not exempted	Misdemeanor
Nevada	200-400	Game	No Open Season	Banned because not exempted	Misdemeanor: Fine \$50-\$500 and/or jail up to 6 months.
New Hampshire	3,000	Game	Seasonal	Ban specific to gallbladders, claws and teeth. Head, hide and feet legal.	Violation if a Natural Person, Misdemeanor for anyone else.
New Jersey	550+	Game	No Open Season	Banned because not exempted.	Fine of \$1,000-\$2,000 for first offense; \$1,500-\$3,000 for subsequent. Criminal penalty for sale depends on value of items.
New Mexico	4,000	Game	Seasonal	Ban Specific to Internal Organs. Skin, Head and Claws may be sold.	Misdemeanor: Jail up to six months and Fine of \$1,000.
New York	4,000-5,000	Game	Seasonal	Sale legal with documentation	Where the value is \$250 or less, fine of \$500 and/or 15 days in jail; \$250-\$1,500 is misdemeanor – fine of \$5,000 and/or up to 1 year in jail; value exceeds \$1,500, Class E felony.
North Carolina	6,100	Game	Seasonal	Ban on sale of all bear parts	Misdemeanor: Minimum fine of \$2,000, jail up to two years, or both. Each act is separate offense.

## APPENDIX I: Summary of State Laws (Continued)

STATE	POPULATION	LEGAL CLASSIFICATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
North Dakota	>10	Fur-bearer	No Open Season	Ban on sale of parts taken in state. Sale of parts from other states legal.	No state penalty set
Ohio	12-30	Endangered	No Open Season	Legally acquired bear claws, teeth, hair, and hides may be bought and sold.	Misdemeanor of the first degree. In addition civil fine of \$750 for each bear part.
Oklahoma	120-200	Game/Fur-bearer	No Open Season	Ban on sale of parts taken in state. Sale of parts from other states legal.	First violation fine \$100-\$500 and/or 10-60 days; Subsequent Fine not less than \$1,000 and or 10-60 days.
Oregon	25,000-30,000	Game	Seasonal	Banned because not specifically permitted	Information Not Available
Pennsylvania	7,500	Game	Seasonal	Ban on sale of parts taken in state. Sale of inedible parts from other states legal.	Summary Offense of First Degree; Suspension of Hunting or Taking Wildlife Privileges for 5 Years
Rhode Island	0-2	Protected	No Open Season	Banned by protected status	Misdemeanor
South Carolina	275+	Game	Seasonal	Ban specific to bear parts	Misdemeanor: Fine up to \$2,500 and or jail up to 2 years; 3 year suspension of privileges; equipment forfeited; restitution of not less than \$1,000.
South Dakota	Unknown	Threatened	No Open Season	Banned because of threatened species status	Class 2 Misdemeanor
Tennessee	900-1,200	Game	Seasonal	All sale specifically banned in state	Class C Misdemeanor

## APPENDIX I: Summary of State Laws (Continued)

STATE	POPULATION	LEGAL CLASSIFICATION	HUNTING	BEAR PARTS TRADE	VIOLATION/PENALTY
Texas***	75-100	Threatened	No Open Season	Banned because of threatened species status	Misdemeanor – Fines and Penalties increase from first to subsequent offenses.
Utah	800-1,200	Game	Seasonal	Sale of gallbladder, tooth, claw, paw, or skull specifically prohibited	Class B Misdemeanor
Vermont	2,500	Game	Seasonal	Sale of head, hide, paws and internal organs legal	First offense \$200-\$500 fine and/or up to 60 days in jail, plus license revocation. Subsequent \$500-\$1,000 fine and/or up to 60 days in jail plus revocation and forfeiture. \$1,000 restitution per animal.
Virginia	3,500-4,000	Game	Seasonal	Banned because not specifically permitted	Class 1 Misdemeanor. More than \$200 in 90 day period, Class 6 Felony.
Washington	27,000-30,000	Game	Seasonal	Ban specific to gallbladders, teeth, and claws. Other non-edible parts legal.	Gross misdemeanor: \$250-\$1,000 fine and/or jail 30 days - 1 year. Reimburse state \$1,000 per animal.
West Virginia	5,000-6,000	Game	Seasonal	Sale legal except for teeth and claws	Misdemeanor
Wisconsin	14,000	Game	Seasonal	Ban on bear parts except hide with teeth, claws, and head attached	Fine of \$1,000-\$2,000 and or 6 months in jail.
Wyoming	Unknown	Game	Seasonal	Sale legal with documentation	\$1,500-\$2,000 fine and/or 6-12 months in jail.

\*\*\* Louisiana subspecies

## APPENDIX II

### Respondents to TRAFFIC Survey of State Laws

Alabama	Keith Guyse, Game and Fish Division
Alaska	Steve Peterson, Dorothy Parker McNeill, and Kathleen Meddleton, Department of Game and Fish
Arizona	John S. Phelps, Game and Fish Department
Arkansas	W. E. Howell, Game and Fish Commission
California	Robert W. Stafford and Fredrick Cole, Department of Fish and Game
Colorado	Fran Marcoux and David Croonquist, Division of Wildlife
Connecticut	Paul W. Rego, Wildlife Division
Delaware	H. Lloyd Alexander, Jr., Division of Fish and Wildlife
Florida	John Wooding and Terry D. DeBruyn, Game and Fresh Water Fish Commission
Georgia	David Carlock, Wildlife Resources Division
Hawaii	Carol J. Terry, Division of Forestry and Wildlife
Idaho	John Beecham and Ray Lyon, Department of Fish and Game
Illinois	Michael Gregonis, Department of Natural Resources
Indiana	John Olson, Division of Fish and Wildlife
Iowa	Allen L. Farris, Fish and Wildlife Division
Kansas	Richard Harrold, Department of Wildlife and Parks
Kentucky	Jayson Plaxico, Department of Fish and Wildlife Resources
Louisiana	Gary Lester, Department of Wildlife and Fisheries
Maine	Craig R. McLaughlin, Department of Inland Fisheries and Wildlife
Maryland	Steve Bittner, Department of Natural Resources
Massachusetts	James E. Cardoza, Division of Fisheries and Wildlife
Michigan	Tim Reis, Department of Natural Resources
Minnesota	David Garshelis and Scott Bradley, Department of Natural Resources
Mississippi	Cathy Shropshire, Department of Wildlife, Fisheries and Parks
Missouri	David Hamilton, Department of Conservation
Montana	Glenn Erickson, Department of Fish, Wildlife and Parks
Nebraska	Frank Andelt, Game and Parks Commission
Nevada	San Stiver and Steve Albert, Division of Wildlife
New Hampshire	Eric P. Orff, Department of Fish and Game
New Jersey	Patricia A. McConnell and Greg Huljack, Division of Fish, Game and Wildlife
New Mexico	Santiago R. Gonjales, Department of Game and Fish
New York	Lou Berchielli, Division of Fish and Wildlife
North Carolina	Carl Betsill and Gordon Warburton, Wildlife Resources Commission

**Appendix II**  
**Respondents to TRAFFIC Survey of State Laws (Continued)**

North Dakota	North Dakota Game and Fish (No name provided)
Ohio	Carolyn Caldwell and Pat Ruble, Department of Natural Resources
Oklahoma	Julianne Whitaker-Hoagland, Department of Wildlife Conservation
Oregon	Don Whittaker, Department of Fish and Wildlife
Pennsylvania	James Beard and Gary Alt, Game Commission
Rhode Island	Pamela Paasche O'Hearn, Division of Fish and Wildlife
South Carolina	Sam W. Stokes and J. C. Sims, Department of Natural Resources
South Dakota	Eileen Dowd Stukel, Game, Fish and Parks Department
Tennessee	Greg Wathen, Wildlife Resources Agency
Texas	Richard B. Taylor, Parks and Wildlife Department
Utah	Boide Blackwell, Division of Wildlife Resources
Vermont	Tom Stearns and Scott R. Darling, Department of Fish and Wildlife
Virginia	Mike Bize, Department of Game and Inland Fisheries
Washington	Steve Pozzanghera, Department of Fish and Wildlife
West Virginia	Joseph Rieffenberger, Department of Natural Resources
Wisconsin	Bruce Kohn and Kevin Wallenfang, Department of Natural Resources
Wyoming	Dave Moody, Game and Fish Department

