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State Endangered Species Act Statutes:

Rhode Island



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Endangered Species of Plants and Animals §§ 20-37-1 – 20-37-5

Current through November 2020

§ 20-37-1. Statement of policy.

It is the policy of this state to contribute to the maintenance of a high-quality environment within the state and elsewhere for the benefit of the safety, health, and welfare of its citizens by forbidding the importation, sale, offering for sale, transportation, storage, traffic, ownership, or other possession or use of any dead or live animal or plant or any part of the skin, other tissues, or body, whether raw, manufactured, processed, or preserved, of any species of animal or plant considered by the United States Secretaries of the Interior or Commerce to be under the provisions of the federal Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

§ 20-37-2. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Animal" and "plant" means any living or dead organism, or organisms, other than bacteria, or viruses or any part of such organism regardless of its age, condition, location, or proximity to other parts or tissues of the same or similar organisms;

(2) "Director" means the director of the Rhode Island department of environmental management;

(3) "Endangered species" means any animal or plant so declared by the United States Secretaries of the Interior or Commerce under the provisions of the federal Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., or any animal or plant so declared by the director of the Rhode Island department of environmental management pursuant to chapter 34 of title 42; and

(4) "Person" means any individual, firm, company, corporation, business, manufacturer, wholesaler, retailer, warehouse operator, transporter, importer, exporter, state or municipal agency, club, or any other group, organization, or individual.

§ 20-37-3. Special permit.

No person shall buy, sell, offer for sale, store, transport, import, export, or otherwise traffic in any animal or plant, or any part of any animal or plant, whether living, dead, processed, manufactured, preserved, or raw if the animal or plant has been declared to be an



endangered species by either the United States Secretaries of the Interior or Commerce or the director of the Rhode Island department of environmental management. The only exception to these prohibitions shall be for purposes of scientific research or educational display either of which must be done by or under the formal supervision of a legitimate college or university and then only upon the issuance of a special permit for each individual excepted species. The permit may be issued by the director of environmental management. The permit will be denied by the director if, in his or her opinion, issuance of the permit would not be entirely justified or entirely in the best interests of preservation and protection of the species involved. Under no circumstances will a permit be granted for exception if commercial considerations are involved in any way.

§ 20-37-4. Enforcement.

(a) The director of environmental management and all enforcement personnel in the director's department, all members of the state police force, and all duly authorized city and town law enforcement authorities have power to enforce this law. They have authority under warrant to search for and seize any goods, merchandise, or animal sold, or offered for sale, or otherwise used or possessed in violation of this section, or any property or item used in connection with a violation of this section; the seized goods, merchandise, wildlife, or property shall be held pending proceedings in any court of proper jurisdiction. Upon conviction of a violation, the seized goods, merchandise, or animals shall be forfeited and, upon forfeiture, either offered to a college or university for scientific or educational purposes, or destroyed. The possessor of an animal included under this chapter has the burden of proof that the animal or parts thereof are not held in violation of this chapter.

(b) Individuals in possession of the skins of endangered species must show that the skins were purchased or obtained prior to January 1, 1974.

§ 20-37-5. Penalty for violation.

Upon conviction of a violation of this chapter, the violator shall be fined no less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or imprisoned not exceeding one year, or both.

