

ISSUE BRIEF

RIGHT TO HUNT

Understanding "Right to Hunt and Fish" Constitutional Amendments

Although often presented as symbolic protections for hunting traditions, Right to Hunt amendments increasingly include language that could shape future wildlife policy, legislative decisions, and court interpretation. Currently, 29 states hold some form of protection for hunting, fishing, or both. This policy brief will focus on constitutional amendments.

AT A GLANCE

- More than 140 Right to Hunt proposals have been introduced since 1997.
- More than half of U.S. states now have constitutional Right to Hunt provisions.
- Recent proposals increasingly go beyond symbolic recognition, adding language that could shape future wildlife policy and legal interpretation.

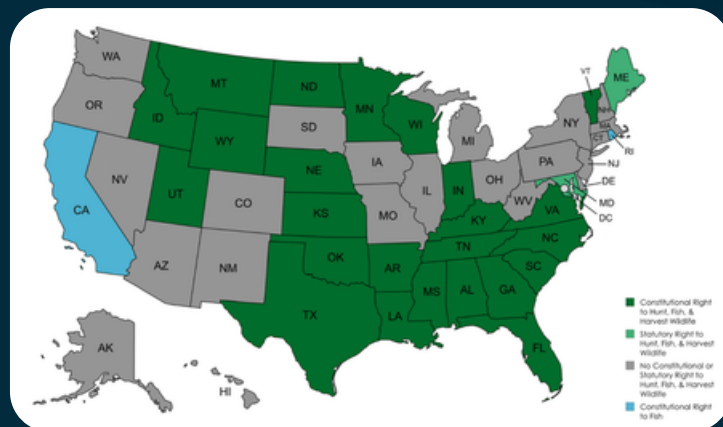
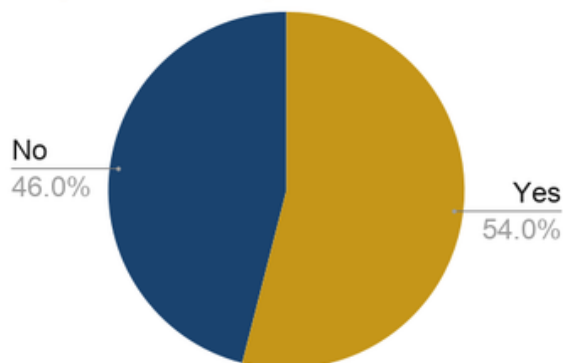


Image from the Congressional Sportsmen's Foundation

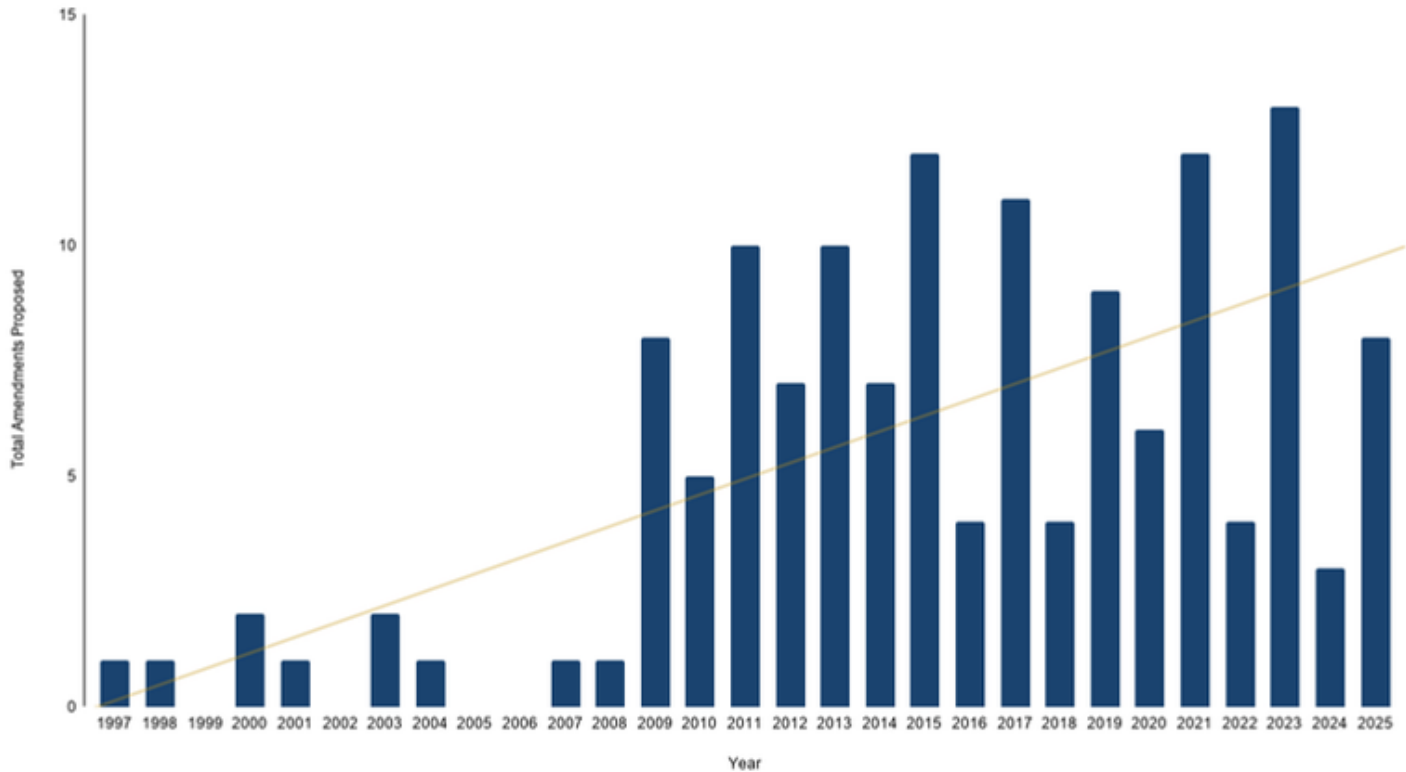
Percentage of States with Right to Hunt Amendments



A GROWING TREND

Since 1997, more than 140 Right to Hunt and Fish constitutional amendments or statutes have been introduced nationwide, though not all have passed.

Total Amendments Proposed Each Year (1997-2025)

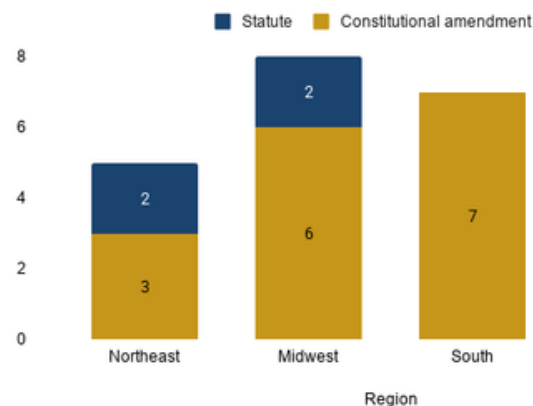


New proposals continue to emerge every legislative session. Because hunting and fishing are already legal nationwide, these proposals generally do not create new hunting or fishing opportunities.

Instead, they place existing practices into state constitutions, where future efforts to adopt new wildlife management approaches or revise hunting policies may face additional legal or political hurdles.

Because constitutions are intentionally difficult to amend, broad or ambiguous language can shape wildlife policy long after it is adopted, making it harder for future policymakers to respond to new science, changing ecosystems, and evolving public values..

Right to Hunt Amendments by Region



WHAT DO THEY SAY?

Although many right-to-hunt amendments are presented as symbolic protections for outdoor traditions, more recent proposals increasingly include language that could influence how wildlife is managed in the future. Seemingly small changes in wording can have important implications for future wildlife policy and legal interpretation.

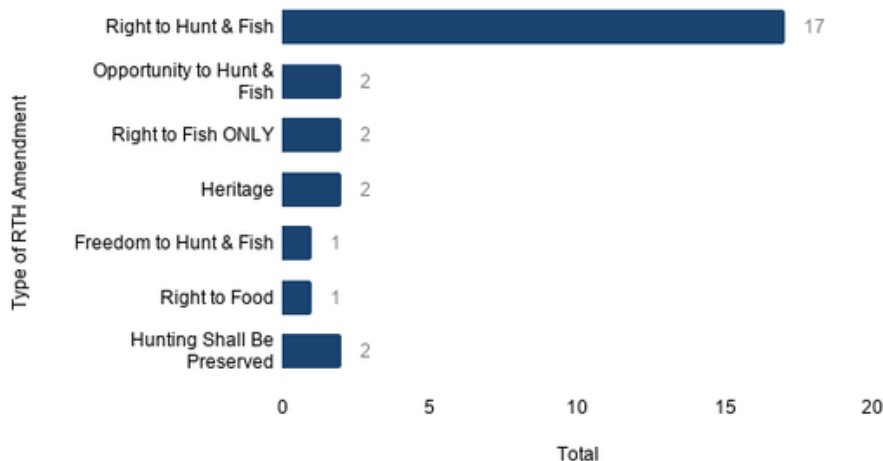
Nearly all right-to-hunt amendments include:

- Hunting and fishing are part of the state's heritage
- The right shall be "forever preserved"
- Vaguely termed "traditional methods" are protected but not specified
- Hunting is a "preferred" wildlife management tool

Some proposals also include:

- trapping
- harvesting wildlife
- gathering wild foods

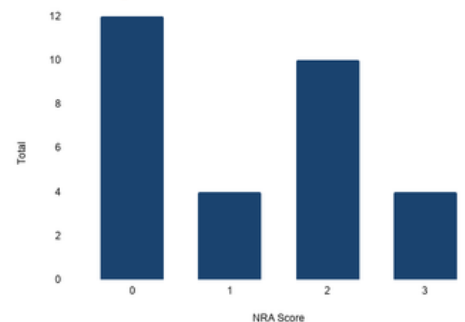
Right to Hunt Language



Researchers have found that many state right-to-hunt amendments incorporate language from a model constitutional amendment developed and promoted by the National Rifle Association (NRA). Most seek to place hunting—and sometimes trapping and fishing—into a state's constitution.

Not all right-to-hunt amendments are the same. Researchers have identified three provisions from the NRA model amendment language that frequently appear. These include hunting as the preferred means of wildlife management and protections for traditional hunting methods. Some state amendments include none of these provisions, while others incorporate one, two, or all three.

States with Right to Hunt Amendments with NRA Elements



WHY PAY ATTENTION?

Constitutional amendments are meant to last. While many Right to Hunt amendments state they preserve existing state wildlife regulatory authority, constitutional amendments are intentionally difficult to change.

Unlike ordinary laws, constitutions establish a state's fundamental governing principles and protect core rights and liberties, such as freedom of speech, freedom of religion, and due process.

Since changing a constitution requires a much higher threshold than passing ordinary legislation, the language it contains can shape public policy for generations.

Many wildlife advocates distinguish between protecting the ability to hunt, which is a privilege that already broadly exists under state law in every state in the nation, versus constitutionally elevating hunting as a right and the preferred approach to wildlife management.

When wildlife management principles are written into a constitution, they can shape future policy long after science, ecosystems, and public priorities have changed.

Advocates are concerned because these amendments can:

- reduce future policy flexibility
- elevate lethal wildlife management approaches over nonlethal methods that are more effective, durable, or publicly acceptable
- create uncertainty that may require future court interpretation
- make it more difficult for future generations to adapt wildlife policy as science, ecosystems, and values evolve

CASE STUDY: FLORIDA

These amendments can immediately change wildlife law in some instances. For example, a hunting advocate for nighttime shark fishing used Florida's recently adopted constitutional amendment to overturn an ordinance restricting nocturnal lights on Marco Island that had been passed to protect sea turtles during nesting season.

CASE STUDY: NEBRASKA

After Nebraska adopted a constitutional right-to-hunt amendment in 2012, the governor cited the amendment when vetoing legislation that would have ended controversial mountain lion hunting to protect the state's small population, arguing the bill could conflict with the new constitutional language and invite litigation.

While this did not result in a court decision, it illustrates how constitutional amendments can influence policymaking before a case ever reaches a judge.



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WHAT ABOUT COURTS?

Right-to-hunt constitutional amendments have not generally prevented states from regulating wildlife. Courts have continued to uphold many types of wildlife laws and regulations, including hunting seasons, licensing requirements, public safety measures, trespass laws, and conservation rules.

However, courts have rarely been asked to interpret the broader language increasingly found in newer amendments.

Recent proposals increasingly include terms such as "preferred means of wildlife management," "sound scientific wildlife management," or "forever preserve." Because these phrases are often left undefined, future courts may be asked to determine what they mean and how they apply to new wildlife policies.

As states adopt broader constitutional language, legal questions may include:

- How much discretion wildlife agencies and legislatures retain to regulate hunting and fishing.
- Whether future wildlife ballot initiatives or legislation are consistent with constitutional protections.
- How courts interpret undefined terms such as sound science or preferred means of wildlife management.
- How constitutional protections are balanced against other public interests, including biodiversity conservation, public safety, and property rights.

Bottom line: Earlier right-to-hunt amendments have generally coexisted with state wildlife regulation. But as newer amendments expand in scope and complexity, they may create new legal questions that have yet to be resolved.

QUESTIONS TO ASK WHEN EVALUATING RIGHT-TO-HUNT AMENDMENTS:

- Why is a constitutional amendment needed if hunting is already legal?
- What problem is it intended to solve?
- Why place wildlife policy in the constitution instead of statute?
- How might courts interpret "preferred means of wildlife management" or "traditional methods?"
- How could this affect future decisions for wildlife management?
- Will this reduce future policy options?



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KEY TAKEAWAYS

Right-to-hunt amendments are not all alike.

Their language varies considerably from state to state, and those differences matter.

Recent proposals have become broader.

Many newer amendments go beyond recognizing hunting traditions to address how wildlife should be managed and who can make those decisions.

Much remains legally untested.

While courts have generally upheld wildlife regulations under existing amendments, broader constitutional language may present new questions that have yet to be resolved.

The exact wording matters.

Terms like "traditional methods," "preferred means," "sound science," or "forever preserve" can shape how future policymakers and courts interpret wildlife laws.

Constitutions are designed to endure.

Constitutional amendments receive greater legal deference and are intentionally more difficult to change than statutes, making their language especially important.

METHODOLOGY

This brief is based on Wildlife for All's original 50-state database of right-to-hunt constitutional amendments, statutes, legislative proposals, and relevant court decisions. We reviewed primary legal sources, case law (including Westlaw), peer-reviewed legal scholarship, legislative materials, and publicly available policy documents to identify national trends in amendment language and legal interpretation. Graphs and comparative analyses were developed by coding each state's constitutional language for recurring legal provisions identified in published legal scholarship.

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