

3858

2011-2012 Regular Sessions

I N   S E N A T E

March 8, 2011

---

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the possession or sale of bear gallbladder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 9 of section 11-0917 of the environmental  
2     conservation law, paragraph b as added by chapter 491 of the laws of  
3     1984, paragraph c as added and paragraphs d and e as relettered by chap-  
4     ter 182 of the laws of 1993 and paragraph f as amended by chapter 432 of  
5     the laws of 1997, is amended to read as follows:

6     9. a. The flesh of cottontail rabbits, varying hares, European hares,  
7     squirrels, bear and deer shall not be bought or sold[, except as  
8     provided in section 11-1713 with respect to bear].

9     b. (I) IT SHALL BE UNLAWFUL FOR ANY PERSON IN THE STATE TO POSSESS,  
10     SELL OR BARTER, OFFER TO SELL OR BARTER, PURCHASE, TRANSPORT, DELIVER,  
11     OR RECEIVE, BEAR GALLBLADDERS, BILE, OR ANY PRODUCT, ITEM, OR SUBSTANCE  
12     CONTAINING, OR LABELED OR ADVERTISED AS CONTAINING, BEAR GALLBLADDERS OR  
13     BILE.

14     (II) A MINIMUM ONE THOUSAND DOLLAR PENALTY SHALL BE ISSUED PER INFRAC-  
15     TION OF THIS PARAGRAPH.

16     (III) NOTHING IN THIS SECTION PROHIBITS AN OFFICER, EMPLOYEE, OR AGENT  
17     OF THE FEDERAL GOVERNMENT OR THE DEPARTMENT FROM POSSESSING, TRANSPORT-  
18     ING, DELIVERING, OR RECEIVING BEAR GALLBLADDERS, BILE, OR ANY PRODUCT,  
19     ITEM, OR SUBSTANCE CONTAINING, OR LABELED OR ADVERTISED AS CONTAINING,  
20     BEAR GALLBLADDERS OR BILE, FOR WILDLIFE LAW ENFORCEMENT PURPOSES.

21     C. Notwithstanding [paragraph] PARAGRAPHS a OR B of this subdivision,  
22     game legally taken may be possessed, prepared and served by a non-profit  
23     organization at any meeting for the members and guests provided that  
24     there is no charge for the meal.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10006-02-1

1 [c.] D. Game legally taken may be donated to, and possessed, prepared  
2 and distributed by a charitable or not-for-profit organization which  
3 serves or distributes food without cost to the poor or needy. Game or  
4 packages of game donated pursuant to this paragraph shall, notwithstanding  
5 the requirements for tagging and labelling of game contained in  
6 paragraph b of subdivision 5 of section 11-0911 of this [chapter] TITLE,  
7 be tagged, labelled or marked "not for sale" and such tag, label or  
8 marking shall identify the type of meat, the license number of the  
9 taker, the name and address of the professional processor of the game  
10 and the date of processing. The department shall make available  
11 instructions for the safe and sanitary preparation of game, a list of  
12 professional processors where potential donors may take their game for  
13 preparation and packaging and a list of charitable or not-for-profit  
14 organizations which accept donations of game. Professional processors,  
15 charitable and not-for-profit organizations may notify the department of  
16 their intention to participate in such distribution, and the department  
17 shall include them in its lists unless good cause otherwise exists.

18 [d.] E. The dead bodies of birds belonging to all species or subspe-  
19 cies native to this state, defined in section 11-0103 OF THIS ARTICLE,  
20 subdivision 5 as protected wild birds, or belonging to any family of  
21 which any species or subspecies is native to this state, and is so  
22 defined in section 11-0103 OF THIS ARTICLE, subdivision 5 shall not be  
23 sold, offered for sale or possessed for sale, for food purposes.

24 [e.] F. The plumage, skin or body of any wild bird shall not be sold,  
25 possessed for sale or offered for sale [except as permitted by section  
26 11-1729 or 11-1731 of the Fish and Wildlife Law].

27 [f.] G. No live wolf, coyote, coydog, fox, skunk, venomous reptile or  
28 raccoon shall be possessed or transported, except under a license or  
29 permit issued by the department. Every such license or permit shall  
30 contain a prominent notice thereon warning the licensee or permittee of  
31 his or her duty to exercise due care in safeguarding the public from  
32 attack by such wild animal or venomous reptile and that failure to do so  
33 is a crime under section three hundred seventy of the agriculture and  
34 markets law. The provisions of the opening paragraph of section three  
35 hundred seventy of the agriculture and markets law except the last  
36 sentence thereof shall be set forth on such license or permit immedi-  
37 ly following such warning notice.

38 S 2. This act shall take effect on the one hundred eightieth day after  
39 it shall have become a law. Effective immediately, the addition, amend-  
40 ment and/or repeal of any rule or regulation necessary for the implemen-  
41 tation of this act on its effective date are authorized and directed to  
42 be made and completed on or before such effective date.