

3858--A

2011-2012 Regular Sessions

I N S E N A T E

March 8, 2011

Introduced by Sens. GRISANTI, AVELLA, DeFRANCISCO, GALLIVAN, KRUEGER, MAZIARZ, OPPENHEIMER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 THE FOLLOWING:
17 (A) POSSESSION AND TRANSPORTATION OF ONE BEAR GALLBLADDER BY A HOLDER
18 OF A VALID HUNTING LICENSE PURSUANT TO SECTION 11-0907 OF THIS TITLE;
19 AND
20 (B) AN OFFICER, EMPLOYEE, OR AGENT OF THE FEDERAL GOVERNMENT OR THE
21 DEPARTMENT FROM POSSESSING, TRANSPORTING, DELIVERING, OR RECEIVING BEAR
22 GALLBLADDERS, BILE, OR ANY PRODUCT, ITEM, OR SUBSTANCE CONTAINING, OR

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

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1 LABELED OR ADVERTISED AS CONTAINING, BEAR GALLBLADDERS OR BILE, FOR
2 WILDLIFE LAW ENFORCEMENT PURPOSES.

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

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

24 [d.] E. The dead bodies of birds belonging to all species or subspe-
25 cies native to this state, defined in SUBDIVISION 5 OF section 11-0103
26 OF THIS ARTICLE, [subdivision 5] as protected wild birds, or belonging
27 to any family of which any species or subspecies is native to this
28 state, and is so defined in SUBDIVISION 5 OF section 11-0103 OF THIS
29 ARTICLE, [subdivision 5] shall not be sold, offered for sale or
30 possessed for sale, for food purposes.

31 [e.] F. The plumage, skin or body of any wild bird shall not be sold,
32 possessed for sale or offered for sale [except as permitted by section
33 11-1729 or 11-1731 of the Fish and Wildlife Law].

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

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