

7707

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 16, 2011

---

Introduced by M. of A. MAISEL -- read once and referred to the Committee  
on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
prohibiting the possession, sale, offering for sale or distribution of  
shark fins

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

1     Section 1. Section 13-0338 of the environmental conservation law, as  
2     added by chapter 231 of the laws of 1992, paragraph a of subdivision 1  
3     as amended by chapter 308 of the laws of 1999, subdivision 4 as amended  
4     by chapter 141 of the laws of 2007, is amended to read as follows:  
5     S 13-0338. Sharks; finning prohibited.  
6     1. For purposes of this section:  
7     a. "Shark" means any species of the order Squaliformes except species  
8     in the suborder Batoidea, and  
9     b. "Finning" means the removal of a fin, other than the caudal fin,  
10    from a shark and not retaining the remainder of the shark's carcass.  
11    C. "SHARK FIN" MEANS THE RAW, DRIED OR OTHERWISE PROCESSED DETACHED  
12    FIN, OR THE RAW, DRIED OR OTHERWISE PROCESSED DETACHED TAIL OF A SHARK.  
13    2. No person shall engage in finning on the waters of the marine and  
14    coastal district.  
15    3. No person shall possess shark fins in the marine and coastal  
16    district unless the proper proportion of species, number, and size of  
17    shark carcasses is also possessed.  
18    4. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, NO PERSON  
19    SHALL POSSESS, SELL, OFFER FOR SALE OR DISTRIBUTE A SHARK FIN.  
20    5. The department may[, until December thirty-first, two thousand  
21    eleven,] fix by regulation measures for the management of sharks,  
22    including size limits, catch and possession limits, open and closed  
23    seasons, closed areas, restrictions on the manner of taking and landing,  
24    requirements for permits and eligibility therefor, recordkeeping

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

LBD11481-01-1

1 requirements, requirements on the amount and type of fishing effort and  
2 gear, and requirements relating to transportation, possession and sale,  
3 provided that such regulations are no less restrictive than requirements  
4 set forth in this chapter and provided further that such regulations are  
5 consistent with the compliance requirements of applicable fishery  
6 management plans adopted by the Atlantic States Marine Fisheries Commis-  
7 sion and with applicable provisions of fishery management plans adopted  
8 pursuant to the Federal Fishery Conservation and Management Act (16  
9 U.S.C. S1800 et seq.).

10 S 2. This act shall take effect on the sixtieth day after it shall  
11 have become a law.