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I N   S E N A T E

February 8, 2012

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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, sale, offer for sale, trade or distribution of shark fins

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 428 of the laws of 2011, 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] SUBCLASS ELASMOBRANCHII;  
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    AND  
12    C. "SHARK FIN" MEANS THE RAW, DRIED OR OTHERWISE PROCESSED DETACHED  
13    FIN, OR THE RAW, DRIED OR OTHERWISE PROCESSED DETACHED TAIL, OF A SHARK.  
14    2. No person shall engage in finning on the waters of the marine and  
15    coastal district.  
16    3. [No person shall possess shark fins in the marine and coastal  
17    district unless the proper proportion of species, number, and size of  
18    shark carcasses is also possessed.] EXCEPT AS OTHERWISE PROVIDED IN  
19    SUBDIVISION FOUR OF THIS SECTION, NO PERSON SHALL POSSESS, SELL, OFFER  
20    FOR SALE, TRADE OR DISTRIBUTE A SHARK FIN.  
21    4. THE DEPARTMENT MAY ISSUE PERMITS FOR THE POSSESSION OF A SHARK FIN  
22    FOR BONA FIDE SCIENTIFIC RESEARCH OR EDUCATIONAL PURPOSES.  
23    5. The department may, until December thirty-first, two thousand thir-  
24    teen, fix by regulation measures for the management of sharks, including  
25    size limits, catch and possession limits, open and closed seasons,  
26    closed areas, restrictions on the manner of taking and landing, require-  
27    ments for permits and eligibility therefor, recordkeeping requirements,

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

LBD14512-01-2

1 requirements on the amount and type of fishing effort and gear, and  
2 requirements relating to transportation, possession and sale, provided  
3 that such regulations are no less restrictive than requirements set  
4 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 July 1, 2013.