

3767--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. GLICK, JAFFEE, ROSENTHAL, GUNTHER, DUPREY, SWEENEY -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, BROOK-KRASNY, CROUCH, FAHY, RIVERA, ROBINSON, SOLAGES, STECK, TENNEY -- (at request of the Department of Environmental Conservation) -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the sale, distribution, transport and trade of Eurasian boars

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

1 Section 1. Paragraph b of subdivision 29 of section 11-0103 of the
2 environmental conservation law, as added by chapter 208 of the laws of
3 1999, is amended to read as follows:
4 b. A captive bred North American big game mammal including: cougar,
5 wolf, bear, bison, big horn sheep, mountain goat, antelope, elk, musk
6 ox, mule deer, black tailed deer, caribou, [swine,] and a domestic game
7 animal as defined in paragraph b of subdivision four of this section,
8 provided, however, that nothing herein shall be deemed to expand, diminish,
9 or alter the department's authority under existing statute or regulation
10 to regulate the taking of big game as defined in paragraph b of
11 subdivision two of this section or other protected wildlife as defined
12 in paragraph c of subdivision six of this section.
13 S 2. The environmental conservation law is amended by adding a new
14 section 11-0514 to read as follows:
15 S 11-0514. EURASIAN BOARS PROHIBITED.
16 1. FOR PURPOSES OF THIS SECTION, "EURASIAN BOAR" SHALL MEAN ANY
17 SUBSPECIES, BREED, OR HYBRID OF SWINE RECOGNIZED AS EURASIAN BOAR,
18 RUSSIAN BOAR, WILD BOAR, WILD HOG, RAZORBACK, OR FERAL SWINE. "EURASIAN
19 BOAR" SHALL NOT INCLUDE DOMESTIC PIGS (SUS SCROFA DOMESTICA) POSSESSED

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

LBD04568-02-3

1 FOR MEAT PRODUCTION OR AS PETS, OR ANIMALS POSSESSED OR OWNED BY A
2 ZOOLOGICAL PARK ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS.

3 2. NO PERSON, FIRM, PARTNERSHIP, CORPORATION, OR GOVERNMENT ENTITY
4 SHALL KNOWINGLY IMPORT, ALLOW TO BREED, OR INTRODUCE INTO THE WILD EURA-
5 SIAN BOARS.

6 3. BEGINNING SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, NO PERSON, FIRM,
7 PARTNERSHIP, CORPORATION OR GOVERNMENT ENTITY SHALL KNOWINGLY POSSESS,
8 SELL, OFFER FOR SALE, DISTRIBUTE, TRANSPORT, OR OTHERWISE MARKET OR
9 TRADE LIVE EURASIAN BOARS.

10 4. THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS NECESSARY TO IMPLE-
11 MENT AND ADMINISTER THIS SECTION.

12 S 3. Section 71-0925 of the environmental conservation law is amended
13 by adding a new subdivision 15 to read as follows:

14 15. IF THE VIOLATION WAS A FIRST OR SECOND VIOLATION OF SECTION
15 11-0514 OF THIS CHAPTER, A FINE OF UP TO FIVE HUNDRED DOLLARS FOR EACH
16 ANIMAL FOR EACH ACT OF IMPORTATION, POSSESSION, INTRODUCTION, SALE,
17 OFFER FOR SALE, DISTRIBUTION, TRANSPORTATION OR OTHERWISE MARKETING OR
18 TRADING. FOR A THIRD OR SUBSEQUENT SEPARATE VIOLATION OF SECTION
19 11-0514 OF THIS CHAPTER, THE GREATER OF A. A FINE OF ONE THOUSAND
20 DOLLARS FOR EACH ANIMAL FOR EACH ACT OF IMPORTATION, BREEDING,
21 POSSESSION, INTRODUCTION, SALE, OFFER FOR SALE, DISTRIBUTION, TRANSPOR-
22 TATION OR OTHERWISE MARKETING OR TRADING OR B. AN AMOUNT EQUAL TO THREE
23 TIMES (1) THE FINANCIAL SECURITY PROVIDED BY CUSTOMERS FOR THE OPPORTU-
24 NITY TO TAKE THE ANIMAL OR (2) THE VALUE OF A BOAR FOR MEAT PRODUCTION
25 OR AS BREEDING STOCK.

26 S 4. This act shall take effect immediately, provided, however, that
27 any person, firm, partnership or corporation which has a contract to
28 import Eurasian boars as of the effective date of this act may import
29 such animals for 60 days after such effective date.