S T A T E O F N E W Y O R K

1769--B

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. MAISEL, ROSENTHAL, MONTESANO, ENGLEBRIGHT, ROBERTS, COLTON, KATZ, SCHIMEL, KELLNER, PAULIN, LUPARDO, MARKEY, JAFFEE, CAMARA, OTIS, FAHY, MOSLEY, ESPINAL, GABRYSZAK, BRINDISI, BROOK-KRASNY, CURRAN -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BRENNAN, CERETTO, COOK, DINOWITZ, GARBARINO, GIBSON, GLICK, GOTTFRIED, GUNTHER, KEARNS, MALLIOTAKIS, McDONALD, RAIA, SEPULVEDA, SOLAGES, THIELE, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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:

Section 1. Section 13-0338 of the environmental conservation law, as added by chapter 231 of the laws of 1992, paragraph a of subdivision 1 as amended by chapter 308 of the laws of 1999 and subdivision 4 as amended by chapter 428 of the laws of 2011, is amended to read as follows:

S 13-0338. Sharks; DEPARTMENT AUTHORITY; finning prohibited.

1. For purposes of this section:

a. "Shark" means any species of the [order Squaliformes except species in the suborder Batoidea, and] SUBCLASS ELASMOBRANCHII EXCEPT SPECIES IN THE ORDER BATOIDEI;

b. "Finning" means the removal of a fin[, other than the caudal fin,] OR FINS from a shark and not retaining the remainder of the shark's carcass[.]; AND

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

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C. "SHARK FIN" MEANS THE RAW, DRIED OR OTHERWISE PROCESSED DETACHED FIN INCLUDING THE TAIL.

2. No person shall engage in finning on the waters of the marine and coastal district.

3. [No person shall possess shark fins in the marine and coastal district unless the proper proportion of species, number, and size of shark carcasses is also possessed.] A. NO PERSON SHALL POSSESS, SELL, OFFER FOR SALE, TRADE OR DISTRIBUTE A SHARK FIN; PROVIDED, HOWEVER, THAT THIS PROHIBITION SHALL NOT APPLY TO ANY SHARK FIN THAT WAS TAKEN FROM A SPINY DOGFISH (SQUALUS ACANTHIAS) OR A SMOOTH DOGFISH (MUSTELUS CANIS) LAWFULLY CAUGHT BY A LICENSED COMMERCIAL FISHERMAN.

B. A SHARK FIN MAY BE POSSESSED BY ANY PERSON IF THE SHARK WAS LAWFULLY CAUGHT AND THE PERSON HAS A RECREATIONAL MARINE FISHING REGISTRATION OR A LICENSE OR PERMIT FROM THE DEPARTMENT FOR BONA FIDE SCIENTIFIC RESEARCH OR EDUCATIONAL PURPOSES.

4. The department may, until December thirty-first, two thousand thirteen, fix by regulation measures for the management of sharks, including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S1800 et seq.).

S 2. This act shall take effect on July 1, 2014.