

# STATE OF NEW YORK

3185--A

Cal. No. 638

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sens. HOYLMAN-SIGAL, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to prohibiting the taking of horseshoe crabs for commercial and biomedical purposes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1, 7 and 8 of section 13-0331 of the environ-  
2 mental conservation law, subdivision 1 as amended by chapter 447 of the  
3 laws of 2017, subdivision 7 as amended by chapter 243 of the laws of  
4 2022 and subdivision 8 as amended by chapter 21 of the laws of 2018, are  
5 amended to read as follows:

6 1. No person shall take crabs [~~, including horseshoe crabs (Limulus~~  
7 ~~sp.)~~] for commercial purposes without first obtaining a permit from the  
8 department. For purposes of this subdivision, a presumption of "commer-  
9 cial purposes" shall be made wherein one takes or lands more than fifty  
10 crabs in any one day or sells or barter or offers for sale or barter  
11 any crabs he or she has taken. Permits shall be issued to individuals  
12 only but may be endorsed for use on a vessel, in which case it shall  
13 cover all persons on board such vessel.

14 7. The department may, until December thirty-first, two thousand  
15 [~~twenty-four~~] twenty-six, fix by regulation measures for the management  
16 of crabs of any kind [~~including~~, excluding horseshoe crabs (Limulus  
17 sp.), including minimum and maximum size limits, catch and possession  
18 limits, open and closed seasons including lunar closures, closed areas,  
19 restrictions on the manner of taking and landing including a prohibition

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

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1 on the harvest of crabs in amplexus, requirements for permits and eligi-  
2 bility therefor, recordkeeping requirements, requirements on the amount  
3 and type of fishing effort and gear, and requirements relating to trans-  
4 portation, possession and sale, provided that such regulations are no  
5 less restrictive than requirements set forth in this chapter and  
6 provided further that such regulations are consistent with the compli-  
7 ance requirements of applicable fishery management plans adopted by the  
8 Atlantic States Marine Fisheries Commission and with applicable  
9 provisions of fishery management plans adopted pursuant to the Federal  
10 Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

11 8. [~~The department shall, when adopting regulation measures for the~~  
12 ~~management of~~] No person shall take horseshoe crabs (*Limulus* sp.)  
13 [~~pursuant to subdivision seven of this section, consult with any town,~~  
14 ~~village or county that requests any municipal property be subject to a~~  
15 ~~harvest closure~~], including for commercial or biomedical purposes, from  
16 the waters of this state. Provided however that this section shall not  
17 apply to the taking of horseshoe crabs (*Limulus* sp.) for bona fide  
18 scientific or educational purposes including, but not limited to, public  
19 or not-for-profit zoos and aquaria, as determined by the commissioner  
20 pursuant to rules and regulations.

21 § 2. This act shall take effect January 1, 2025.