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:

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

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

7. The department may, until December thirty-first, two thousand [~~twenty-four~~] **twenty-six**, fix by regulation measures for the management of crabs of any kind [~~including~~]**, excluding** horseshoe crabs (Limulus sp.), including minimum and maximum size limits, catch and possession limits, open and closed seasons including lunar closures, closed areas, 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.

LBD07610-04-4

on the harvest of crabs in amplexus, 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. § 1800 et seq.).

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

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