

# SENATE BILL 528

C2

3lr1518

---

By: **Senator Colburn**

Introduced and read first time: January 31, 2013

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Shark Fin Soup – Prohibition on Sale or Consumption**

3 FOR the purpose of prohibiting a restaurant or grocery store from selling shark fin  
4 soup; prohibiting an individual from consuming shark fin soup; establishing  
5 certain civil penalties for violations of this Act; defining certain terms; and  
6 generally relating to a prohibition against the sale or consumption of shark fin  
7 soup.

8 BY adding to

9 Article – Business Regulation  
10 Section 17–1605  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Business Regulation**

16 **17–1605.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
18 MEANINGS INDICATED.

19 (2) “GROCERY STORE” MEANS AN ESTABLISHMENT FOR WHICH:

20 (I) THE PRIMARY BUSINESS IS SELLING FOOD AT RETAIL TO  
21 THE GENERAL PUBLIC FOR OFF–PREMISES CONSUMPTION; AND

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(II) THE GROSS RECEIPTS ARE DERIVED FROM THE RETAIL**  
2 **SALE OF FRESH PRODUCE, MEATS, AND DAIRY PRODUCTS THAT TOTAL AT LEAST**  
3 **20%.**

4                   **(3) “RESTAURANT” MEANS AN ESTABLISHMENT:**

5                   **(I) THAT ACCOMMODATES THE PUBLIC;**

6                   **(II) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES**  
7 **FOR PREPARING AND SERVING REGULAR MEALS; AND**

8                   **(III) IN WHICH THE AVERAGE DAILY RECEIPTS FROM THE**  
9 **SALE OF FOODS EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF**  
10 **ALCOHOLIC BEVERAGES.**

11                   **(4) “SHARK FIN” MEANS THE RAW, DRIED, OR OTHERWISE**  
12 **PROCESSED DETACHED FIN OR TAIL OF A SHARK OR OTHER ELASMOBRANCH.**

13                   **(B) A RESTAURANT OR GROCERY STORE MAY NOT SELL SHARK FIN**  
14 **SOUP.**

15                   **(C) AN INDIVIDUAL MAY NOT CONSUME SHARK FIN SOUP.**

16                   **(D) A RESTAURANT, GROCERY STORE, OR INDIVIDUAL THAT VIOLATES**  
17 **THIS SECTION IS SUBJECT TO THE FOLLOWING CIVIL PENALTIES:**

18                   **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$15,000;**

19                   **(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$35,000; OR**

20                   **(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT**  
21 **EXCEEDING \$50,000.**

22                   **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**  
23 **THIS SECTION.**

24                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2013.