

# SENATE BILL 465

M2, E1

2lr0501  
CF HB 393

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By: **Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 19, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Shark or Elasmobranch Fins – ~~Prohibition~~ Restriction**  
3 **on Possession or Distribution**

4 FOR the purpose of prohibiting a person from possessing, selling, offering for sale,  
5 trading, or distributing a shark or other elasmobranch fin; exempting a certain  
6 person from the prohibition against possessing a shark fin under certain  
7 circumstances; authorizing a certain person to use a ray or skate as bait under  
8 certain circumstances; ~~establishing certain civil penalties for violations of this~~  
9 Act; requiring the Department of Natural Resources to adopt regulations to  
10 implement this Act; defining a certain term; and generally relating to a  
11 ~~prohibition against~~ restriction on the possession or distribution of a shark or  
12 other elasmobranch fin.

13 BY adding to

14 Article – Natural Resources

15 Section 4-747

16 Annotated Code of Maryland

17 (2005 Replacement Volume and 2011 Supplement)

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

20 **Article – Natural Resources**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-747.

2 (A) IN THIS SECTION, "SHARK FIN" MEANS THE RAW, DRIED, OR  
3 OTHERWISE PROCESSED DETACHED FIN OR TAIL OF A SHARK OR OTHER  
4 ELASMOBRANCH.

5 (B) (1) ~~A EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), (3), AND~~  
6 (4) OF THIS SECTION, A PERSON MAY NOT POSSESS, SELL, OFFER FOR SALE,  
7 TRADE, OR DISTRIBUTE A SHARK FIN.

8 (2) A PERSON MAY POSSESS A SHARK FIN IF:

9 (I) THE PERSON HOLDS THE APPROPRIATE STATE OR  
10 FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A  
11 SHARK OR ELASMOBRANCH FOR RECREATIONAL OR COMMERCIAL PURPOSES;

12 (II) THE SHARK FIN IS TAKEN FROM A SHARK OR  
13 ELASMOBRANCH THAT THE PERSON HAS TAKEN OR LANDED FOR PERSONAL  
14 USE; AND

15 (III) THE SHARK FIN IS TAKEN IN A MANNER CONSISTENT  
16 WITH THE PERSON'S LICENSE.

17 (3) A PERSON MAY USE AN UNPROCESSED RAY OR SKATE AS BAIT  
18 IF:

19 (I) THE PERSON HOLDS THE APPROPRIATE STATE OR  
20 FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A RAY  
21 OR SKATE;

22 (II) THE PERSON USES THE UNPROCESSED RAY OR SKATE  
23 AS BAIT IN A COASTAL AREA; AND

24 (III) THE NATIONAL MARINE FISHERIES SERVICE HAS NOT  
25 FOUND THAT THE SPECIES OF RAY OR SKATE BEING USED AS BAIT IS  
26 OVERFISHED.

27 (4) A MUSEUM, COLLEGE, OR UNIVERSITY:

28 (I) MAY POSSESS A SHARK FIN IF THE SHARK FIN IS USED  
29 SOLELY FOR DISPLAY OR RESEARCH PURPOSES; AND

30 (II) MAY NOT SELL A SHARK FIN WHEN THE SHARK FIN IS  
31 NO LONGER USED FOR DISPLAY OR RESEARCH PURPOSES.

1        ~~(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE~~  
2 ~~FOLLOWING CIVIL PENALTIES:~~

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

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

5            ~~(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT~~  
6 ~~EXCEEDING \$50,000.~~

7        ~~(D)~~ (C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO  
8 IMPLEMENT THIS SECTION.

9            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 ~~June~~ October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.