

# SENATE BILL 46

M2, E1

3lr0349

(PRE-FILED)

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By: **Senator Colburn**

Requested: July 20, 2012

Introduced and read first time: January 9, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Shark or Elasmobranch Fins – Restriction on**  
3 **Possession, Distribution, or Consumption**

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; prohibiting a person from selling or consuming shark fin  
9 soup; requiring the Department of Natural Resources to adopt regulations to  
10 implement this Act; defining a certain term; and generally relating to a  
11 restriction on the possession or distribution of a shark or other elasmobranch  
12 fin.

13 BY adding to  
14 Article – Natural Resources  
15 Section 4-747  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume)

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**

21 **4-747.**

22 **(A) IN THIS SECTION, “SHARK FIN” MEANS THE RAW, DRIED, OR**  
23 **OTHERWISE PROCESSED DETACHED FIN OR TAIL OF A SHARK OR OTHER**  
24 **ELASMOBRANCH.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4           **(2) A PERSON MAY POSSESS A SHARK FIN IF:**

5                   **(I) THE PERSON HOLDS THE APPROPRIATE STATE OR**  
6 **FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A**  
7 **SHARK OR ELASMOBRANCH FOR RECREATIONAL OR COMMERCIAL PURPOSES;**

8                   **(II) THE SHARK FIN IS TAKEN FROM A SHARK OR**  
9 **ELASMOBRANCH THAT THE PERSON HAS TAKEN OR LANDED FOR PERSONAL**  
10 **USE; AND**

11                   **(III) THE SHARK FIN IS TAKEN IN A MANNER CONSISTENT**  
12 **WITH THE PERSON'S LICENSE.**

13           **(3) A PERSON MAY USE AN UNPROCESSED RAY OR SKATE AS BAIT**  
14 **IF:**

15                   **(I) THE PERSON HOLDS THE APPROPRIATE STATE OR**  
16 **FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A RAY**  
17 **OR SKATE;**

18                   **(II) THE PERSON USES THE UNPROCESSED RAY OR SKATE**  
19 **AS BAIT IN A COASTAL AREA; AND**

20                   **(III) THE NATIONAL MARINE FISHERIES SERVICE HAS NOT**  
21 **FOUND THAT THE SPECIES OF RAY OR SKATE BEING USED AS BAIT IS**  
22 **OVERFISHED.**

23           **(4) A MUSEUM, COLLEGE, OR UNIVERSITY:**

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

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

28           **(C) A PERSON MAY NOT SELL OR CONSUME SHARK FIN SOUP.**

29           **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**  
30 **THIS SECTION.**

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