

AMENDED IN SENATE MARCH 25, 2011

**SENATE BILL**

**No. 769**

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**Introduced by Senator Fuller**

February 18, 2011

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~~An act relating to healing arts.~~ *An act to amend Section 4800 of the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 769, as amended, Fuller. ~~Medicine.~~ *Mountain lions: display or exhibition.*

*Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. The act establishes the mountain lion (genus Felis) is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof. The act establishes certain exemptions from that prohibition, including exemptions for zoos and bona fide scientific institutions. The act prohibits the Legislature from changing the act, with specified exceptions, except by a  $\frac{4}{5}$  vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.*

*This bill would establish an exemption for the possession or sale of a mountain lion carcass or any part or product thereof, not taken in violation of the act, prepared for display or exhibition for a bona fide scientific or educational purpose. The bill would find and declare that the amendments made by the bill are consistent with, and further the purposes of, the act.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.~~

~~This bill would declare the intent of the Legislature to enact legislation that would amend the Medical Practice Act.~~

Vote: ~~majority~~<sup>4/5</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 4800 of the Fish and Game Code is*  
 2     *amended to read:*

3     4800. (a) The mountain lion (genus *Felis*) is a specially  
 4     protected mammal under the laws of this state.

5     (b) It is unlawful to take, injure, possess, transport, import, or  
 6     sell any mountain lion or any part or product thereof, except as  
 7     specifically provided in this chapter or in Chapter 2 (commencing  
 8     with Section 2116) of Division 3. This chapter does not prohibit  
 9     the sale or possession of any mountain lion or any part or product  
 10    thereof, when the owner can demonstrate that the mountain lion,  
 11    or part or product thereof, was in the person’s possession on June  
 12    6, 1990. *This chapter does not prohibit the possession or sale of*  
 13    *a mountain lion carcass or any part or product thereof, not taken*  
 14    *in violation of this chapter, prepared for display or exhibition for*  
 15    *a bona fide scientific or educational purpose.*

16    (c) Any violation of this section is a misdemeanor punishable  
 17    by imprisonment in the county jail for not more than one year, or  
 18    a fine of not more than ten thousand dollars (\$10,000), or by both  
 19    that fine and imprisonment. An individual is not guilty of a  
 20    violation of this section if it is demonstrated that, in taking or  
 21    injuring a mountain lion, the individual was acting in self-defense  
 22    or in defense of others.

23    (d) Section 219 does not apply to this chapter. Neither the  
 24    commission nor the department shall adopt any regulation that  
 25    conflicts with or supersedes any of the provisions of this chapter.

26    *SEC. 2. The Legislature finds and declares that the amendments*  
 27    *made by this act to Section 4800 of the Fish and Game Code are*

1 *consistent with, and further the purposes of, the California Wildlife*  
2 *Protection Act of 1990.*

3 *SEC. 3. This act is an urgency statute necessary for the*  
4 *immediate preservation of the public peace, health, or safety within*  
5 *the meaning of Article IV of the Constitution and shall go into*  
6 *immediate effect. The facts constituting the necessity are:*

7 *In order to allow museums or other educational or scientific*  
8 *institutions to display or exhibit mountain lion carcasses or parts*  
9 *thereof for a bona fide scientific or educational purpose as soon*  
10 *as possible, it is necessary that this act take effect immediately.*

11 ~~SECTION 1. It is the intent of the Legislature to enact~~  
12 ~~legislation that would amend the Medical Practice Act~~  
13 ~~(commencing with Section 2000) of Division 2 of the Business~~  
14 ~~and Professions Code.~~