

AMENDED IN SENATE JULY 2, 2014
AMENDED IN SENATE MAY 28, 2014
AMENDED IN SENATE APRIL 24, 2014
AMENDED IN SENATE MARCH 12, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Chesbro

February 20, 2013

An act to amend Sections 8405.4 and 15007 of, and to add Article 6.5 (commencing with Section 1210) to Chapter 3 of Division 2 of, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Chesbro. Fish: sea cucumbers: transgenic fish.

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate those hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries. *A violation of the Fish and Game Code is generally a misdemeanor.*

This bill would prohibit hatchery production and stocking of transgenic species of salmonids in California waters and would define "transgenic" for these purposes. ~~A violation of the Fish and Game Code~~

~~is generally a misdemeanor.~~ Because the bill would create new crimes, the bill would impose a state-mandated local program.

(2) Existing law makes it unlawful to spawn, incubate, or cultivate any species of finfish belonging to the family Salmonidae, transgenic fish species, or any exotic species of finfish in the waters of the Pacific Ocean that are regulated by this state, except for specified salmon or steelhead trout. A violation of this provision is a crime.

This bill would, *except as specified*, make it unlawful to spawn, incubate, or cultivate any transgenic species of finfish belonging to the family Salmonidae anywhere in this state. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

(3) Existing law governs the sea cucumber fishery in this state. Under existing law, sea cucumbers cannot be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued by the department. The commission is authorized to adopt regulations that it determines may reasonably be necessary to protect the sea cucumber resource and assure a sustainable sea cucumber fishery or to enhance enforcement activities. A violation of these provisions or regulations adopted pursuant to those provisions is a crime. Existing law provides that those provisions shall become inoperative on April 1, 2015, and, as of January 1, 2016, are repealed.

This bill would extend the operation of those provisions until April 1, 2020, and would repeal those provisions on January 1, 2021. Because this bill would extend the operation of the sea cucumber permit program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Article 6.5 (commencing with Section 1210) is
2 added to Chapter 3 of Division 2 of the Fish and Game Code, to
3 read:

1 Article 6.5. Transgenic Species of Salmonids

2
3 1210. (a) The hatchery production and stocking of transgenic
4 species of salmonids is prohibited.

5 (b) As used in this section, “transgenic” has the same meaning
6 as in Section 1.92 of Title 14 of the California Code of Regulations,
7 as that section read on May 14, 2003.

8 SEC. 2. Section 8405.4 of the Fish and Game Code is amended
9 to read:

10 8405.4. This article shall become inoperative on April 1, 2020,
11 and as of January 1, 2021, is repealed, unless a later enacted statute
12 that is enacted before January 1, 2021, deletes or extends the dates
13 on which it becomes inoperative and is repealed.

14 SEC. 3. Section 15007 of the Fish and Game Code is amended
15 to read:

16 15007. (a) In the waters of the Pacific Ocean that are regulated
17 by this state, it is unlawful to spawn, incubate, or cultivate any
18 species of finfish belonging to the family Salmonidae, transgenic
19 fish species, or any exotic species of finfish. It is unlawful to
20 spawn, incubate, or cultivate any transgenic species of finfish
21 belonging to the family Salmonidae in this state. This section does
22 not apply to salmon or steelhead trout reared from native California
23 stocks that are propagated and cultured for either of the following:

24 (1) Research conducted by, or on behalf of, ~~the department, or~~
25 *department.*

26 (2) Release into ocean waters for the purpose of recovery,
27 restoration, or enhancement of California’s native salmon and
28 steelhead trout populations pursuant to Chapter 8 (commencing
29 with Section 6900) of Part 1 of Division 6.

30 (b) Nothing in this section authorizes artificial propagation,
31 rearing, or stocking of transgenic freshwater and marine fishes,
32 invertebrates, crustaceans, or mollusks.

33 (c) As used in this section, ~~“transgenic”~~ *the following definitions*
34 *shall apply:*

35 (1) *“Transgenic”* has the same meaning as in Section 1.92 of
36 Title 14 of the California Code of Regulations, as that section read
37 on May 14, 2003.

38 (2) *“Exotic species”* means a fish that is not native to California
39 waters and that does not currently exist as a viable population in
40 a wild condition in the state.

1 (d) Except as provided in subdivision (e), research or
2 experimentation for the commercialization of transgenic salmonids
3 is prohibited.

4 (e) This section does not apply to medical or scientific research
5 conducted by accredited academic institutions if the research
6 occurs only in a closed system that has eliminated, to the maximum
7 extent feasible, the risk of escape to the waters of the state.

8 ~~(d) As used in this section, “exotic species” means a fish that~~
9 ~~is not native to California waters and that does not currently exist~~
10 ~~as a viable population in a wild condition in the state.~~

11 SEC. 4. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.