

AMENDED IN SENATE AUGUST 19, 2014
AMENDED IN SENATE AUGUST 4, 2014
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. 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 make it unlawful to spawn, incubate, or cultivate any transgenic species of finfish belonging to the family Salmonidae anywhere in this state, except as specified. *The bill would also prohibit research or experimentation for the commercial production of transgenic salmonids.* By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

This bill would *authorize the department to issue a specified permit for medical or scientific research conducted on transgenic finfish species by accredited California academic institutions and would require the department to notify the Joint Committee on Fisheries and Aquaculture and the commission upon receipt of a specified permit application at least 30 days prior to the approval or disapproval of the permit.*

(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 ensure 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:

4
5 Article 6.5. Transgenic Species of Salmonids
6

7 1210. (a) The hatchery production and stocking of transgenic
8 species of salmonids is prohibited.

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

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

14 8405.4. This article shall become inoperative on April 1, 2020,
15 and as of January 1, 2021, is repealed, unless a later enacted statute
16 that is enacted before January 1, 2021, deletes or extends the dates
17 on which it becomes inoperative and is repealed.

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

20 15007. (a) In the waters of the Pacific Ocean that are regulated
21 by this state, it is unlawful to spawn, incubate, or cultivate any
22 species of finfish belonging to the family Salmonidae, transgenic
23 fish species, or any exotic species of finfish. ~~It~~ *Except as authorized*
24 *pursuant to subdivision (d), it is unlawful to spawn, incubate, or*
25 *cultivate any transgenic species of finfish belonging to the family*
26 *Salmonidae in this state. This section does not apply to salmon or*
27 *steelhead trout reared from native California stocks that are*
28 *propagated and cultured for either of the following:*

29 (1) Research conducted by, or on behalf of, the department.

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

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

4 (c) ~~Except as provided in subdivision (d), research~~ *Research* or
5 experimentation for the commercial production of transgenic
6 salmonids is prohibited.

7 (d) (1) ~~This section does not apply to biomedical public health~~
8 *Medical or scientific* research conducted on *transgenic finfish*
9 *species* by ~~California-accredited~~ *accredited California* academic
10 institutions ~~when may be~~ authorized pursuant to a permit issued
11 by the department pursuant to Section 671 of Title 14 of the
12 California Code of Regulations, as that section read on May 14,
13 2003.

14 (2) At a minimum, research activities conducted pursuant to
15 this subdivision shall be conducted in a closed system that has
16 eliminated the risk of escape of transgenic ~~or exotic~~ finfish species
17 and any potential disease they may transmit.

18 (3) A permit application applied for pursuant to this subdivision
19 shall include a research plan specifying the objectives and goals
20 of the proposed research.

21 (4) *Nothing in this subdivision shall be construed to require the*
22 *disclosure of proprietary information.*

23 (e) The department shall notify the Joint Committee on Fisheries
24 and Aquaculture and the commission upon receipt of a permit
25 application applied for pursuant to subdivision (d) at least 30 days
26 prior to the approval or disapproval of the permit.

27 (f) As used in this section, the following definitions shall apply:

28 (1) “Exotic species” means a fish that is not native to California
29 waters and that does not currently exist as a viable population in
30 a wild condition in the state.

31 (2) “Transgenic” has the same meaning as in Section 1.92 of
32 Title 14 of the California Code of Regulations, as that section read
33 on May 14, 2003.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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