

Assembly Bill No. 504

CHAPTER 444

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.

[Approved by Governor September 19, 2014. Filed with Secretary of State September 19, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 504, 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 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 or private entities for research only and not for commercial production, or private entities for research only and not for commercial production 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.

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

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

Article 6.5. Transgenic Species of Salmonids

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

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

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

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 This article shall become inoperative on April 1, 2020, and as of January 1, 2021, is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

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

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

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

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

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

(c) Research or experimentation for the commercial production of transgenic salmonids is prohibited.

(d) (1) Medical or scientific research conducted on transgenic finfish species by accredited California academic institutions or private entities for research only and not for commercial production may be authorized pursuant to a permit issued by the department pursuant to Section 671 of Title 14 of the California Code of Regulations, as that section read on May 14, 2003.

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

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

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

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

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

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

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

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