

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 711**

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**Introduced by Assembly Member Rendon**  
**(Principal coauthor: Assembly Member Pan)**  
**(Coauthors: Assembly Members *Ammiano*, Blumenfield, Fong,**  
**Stone, and Williams)**  
*(Coauthor: Senator Steinberg)*

February 21, 2013

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An act to amend Section 3004.5 of the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, as amended, Rendon. Hunting: nonlead ammunition.

Existing law requires the Fish and Game Commission, by July 1, 2008, to establish by regulation a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and to define by regulation nonlead ammunition as including only centerfire rifle and pistol ammunition in which there is no lead content. Existing law requires the commission to establish and annually update a list of certified centerfire rifle and pistol ammunition.

Existing law requires that nonlead ammunition, as determined by the commission, be used when taking big game with a rifle or pistol, as defined by the Department of Fish and Wildlife's hunting regulations, and when taking coyote, within specified deer hunting zones, but excluding specific counties and areas. *A violation of these provisions is a crime.* Existing law requires the commission to establish a process,

to the extent that funding is available, that will provide hunters in these specified deer hunting zones with nonlead ammunition at no or reduced charge. ~~A violation of these provisions is a crime.~~

This bill would revise and recast these provisions to require the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm. The bill would require the commission, by July 1, 2014, to certify, by regulation, nonlead ammunition for these purposes. The bill would make conforming changes. The bill would provide that these provisions do not apply to government officials or their agents when carrying out a mandatory statutory duty required by law.

The bill would require the commission to promulgate regulations by July 1, 2014, that phase in the requirements of these provisions. The bill would require that these requirements be fully implemented statewide by no later than July 1, 2016. The bill would also require that the commission not reduce or eliminate any existing regulatory restrictions on the use of lead ammunition in California condor habitat unless or until the additional requirements for use of nonlead ammunition as required by these provisions are implemented.

By expanding and changing the definition of a crime, the bill would impose a state-mandated local program.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s wildlife species represent the state’s rich natural
- 4 resources and environmental health and beauty.
- 5 (b) California’s wildlife species play an important role in the
- 6 state’s environmental health.
- 7 (c) Fifty years of research have shown that the presence of lead
- 8 in the environment poses an ongoing threat to the health of the

1 general public and the viability of the state's wildlife species,  
2 including federally listed threatened and endangered species.

3 (d) The United States Environmental Protection Agency defines  
4 lead as toxic to both humans and animals, and lead can affect  
5 almost every organ and system in the human body, including the  
6 heart, bones, intestines, kidneys, and reproductive and nervous  
7 systems. It interferes with the development of the nervous system  
8 and is therefore particularly toxic to children, causing potentially  
9 permanent learning and behavior disorders.

10 (e) Lead is a potent neurotoxin, for which no safe exposure level  
11 exists for humans. The use of lead has been outlawed in and  
12 removed from paint, gasoline, children's toys, and many other  
13 items to protect human health and wildlife.

14 (f) Routes of human and wildlife exposure to lead include  
15 contaminated air, water, soil, and food. Lead ammunition in felled  
16 wildlife is often consumed by other animals and passed along the  
17 food chain. Dairy and beef cattle have developed lead poisoning  
18 after feeding in areas where spent lead ammunition has  
19 accumulated. Spent lead ammunition can also be mingled into  
20 crops, vegetation, and waterways.

21 (g) Efforts to limit wildlife exposure to lead ammunition have  
22 been successful. The United States Fish and Wildlife Service  
23 banned the use of lead shot for waterfowl hunting decades ago,  
24 and both hunting and waterfowl have thrived since. ~~And~~ California  
25 passed a successful law preventing the use of lead ammunition in  
26 condor habitat. However, because these restrictions only apply in  
27 certain areas or to the hunting of particular species, many species  
28 of wildlife remain threatened by the use of lead ammunition and  
29 more protections are needed. These successes have shown us how  
30 to extend protection from lead poisoning to other wildlife.

31 (h) A variety of ~~nontoxic~~ *nonlead* ammunition is readily  
32 available. Studies have shown that ~~nontoxic~~ *nonlead* ammunition  
33 performs as well as, or better than, lead-based ammunition.

34 SEC. 2. Section 3004.5 of the Fish and Game Code is amended  
35 to read:

36 3004.5. (a) Nonlead ammunition, as determined by the  
37 commission, shall be required when taking all wildlife, including  
38 game mammals, game birds, nongame birds, and nongame  
39 mammals, with any firearm.

1 (b) By July 1, 2014, the commission shall establish, by  
2 regulation, a public process to certify ammunition as nonlead  
3 ammunition, and shall define, by regulation, nonlead ammunition  
4 as including only ammunition in which there is no lead content.  
5 The commission shall establish and annually update a list of  
6 certified ammunition.

7 (c) (1) To the extent that funding is available, the commission  
8 shall establish a process that will provide hunters with nonlead  
9 ammunition at no or reduced charge. The process shall provide  
10 that the offer for nonlead ammunition at no or reduced charge may  
11 be redeemed through a coupon sent to a permit holder with the  
12 appropriate permit tag. If available funding is not sufficient to  
13 provide nonlead ammunition at no charge, the commission shall  
14 set the value of the reduced charge coupon at the maximum value  
15 possible through available funding, up to the average cost within  
16 this state for nonlead ammunition, as determined by the  
17 commission.

18 (2) The nonlead ammunition coupon program described in  
19 paragraph (1) shall be implemented only to the extent that sufficient  
20 funding, as determined by the Department of Finance, is obtained  
21 from local, federal, public, or other nonstate sources in order to  
22 implement the program.

23 (3) If the nonlead ammunition coupon program is implemented,  
24 the commission shall issue a report on the usage and redemption  
25 rates of ammunition coupons. The report shall cover calendar years  
26 2008, 2009, and 2012. Each report shall be issued by June of the  
27 following year.

28 (d) The commission shall issue a report on the levels of lead  
29 found in California condors. This report shall cover calendar years  
30 2008, 2009, and 2012. Each report shall be issued by June of the  
31 following year.

32 (e) The department shall notify those hunters who may be  
33 affected by this section.

34 (f) A person who violates any provision of this section is guilty  
35 of an infraction punishable by a fine of five hundred dollars (\$500).  
36 A second or subsequent offense shall be punishable by a fine of  
37 not less than one thousand dollars (\$1,000) or more than five  
38 thousand dollars (\$5,000).

1 (g) This section does not apply to government officials or their  
2 agents when carrying out a mandatory statutory duty required by  
3 law.

4 (h) The commission shall promulgate regulations by July 1,  
5 2014, that phase in the requirements of this section. The  
6 requirements of this section shall be fully implemented statewide  
7 by no later than July 1, 2016. The commission shall not reduce or  
8 eliminate any existing regulatory restrictions on the use of lead  
9 ammunition in California condor habitat unless or until the  
10 additional requirements for use of nonlead ammunition as required  
11 by this section are implemented.

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.