

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 711

Introduced by Assembly Member Rendon

(Principal ~~coauthor: Assembly Member~~ *coauthors: Assembly Members Alejo, Gatto, and Pan*)

(Coauthors: Assembly Members Ammiano, Blumenfield, Fong, Holden, Stone, and Williams)

(Coauthor: Senator Steinberg)

February 21, 2013

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.

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,~~ *commission* to certify, by regulation, nonlead ammunition for these purposes. *The bill would require that the list of certified ammunition include any federally approved nontoxic shotgun ammunition.* 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,~~ *2015,* 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.~~ *2018.* *The bill would require the commission to implement any of these requirements that can be implemented practicably, in whole or in part, in advance of July 1, 2018.* 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:

1 (a) California’s wildlife species represent the state’s rich natural
2 resources and environmental health and beauty.

3 (b) California’s wildlife species play an important role in the
4 state’s environmental health.

5 (c) Fifty years of research have shown that the presence of lead
6 in the environment poses an ongoing threat to the health of the
7 general public and the viability of the state’s wildlife species,
8 including federally listed threatened and endangered species.

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

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

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

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

37 (h) A variety of nonlead ammunition is readily available. Studies
38 have shown that nonlead ammunition performs as well as, or better
39 than, lead-based ammunition.

1 (i) *Given the deleterious impacts of lead ammunition,*
2 *regulations for the use of nonlead ammunition should be*
3 *implemented as soon as practicable in California. The Fish and*
4 *Game Commission should implement the requirement for the use*
5 *of nonlead ammunition incrementally, if practicable, to provide*
6 *for increasing protection from lead exposure until full compliance*
7 *with the nonlead ammunition requirement is achieved.*

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

10 3004.5. (a) Nonlead ammunition, as determined by the
11 commission, shall be required when taking all wildlife, including
12 game mammals, game birds, nongame birds, and nongame
13 mammals, with any firearm.

14 (b) ~~By July 1, 2014, the~~ (1) ~~The~~ commission shall ~~establish,~~
15 ~~maintain,~~ by regulation, a public process to certify ammunition as
16 nonlead ammunition, and shall define, by regulation, nonlead
17 ammunition as including only ammunition in which there is no
18 lead content. The commission shall establish and annually update
19 a list of certified ammunition.

20 (2) *The list of certified ammunition shall include, but not be*
21 *limited to, any federally approved nontoxic shotgun ammunition.*

22 (c) (1) To the extent that funding is available, the commission
23 shall establish a process that will provide hunters with nonlead
24 ammunition at no or reduced charge. The process shall provide
25 that the offer for nonlead ammunition at no or reduced charge may
26 be redeemed through a coupon sent to a permit holder with the
27 appropriate permit tag. If available funding is not sufficient to
28 provide nonlead ammunition at no charge, the commission shall
29 set the value of the reduced charge coupon at the maximum value
30 possible through available funding, up to the average cost within
31 this state for nonlead ammunition, as determined by the
32 commission.

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

38 (3) If the nonlead ammunition coupon program is implemented,
39 the commission shall issue a report on the usage and redemption
40 rates of ammunition coupons. The report shall cover calendar years

1 2008, 2009, and 2012. Each report shall be issued by June of the
2 following year.

3 (d) The commission shall issue a report on the levels of lead
4 found in California condors. This report shall cover calendar years
5 2008, 2009, and 2012. Each report shall be issued by June of the
6 following year.

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

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

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

17 (h) The commission shall promulgate regulations by July 1,
18 ~~2014~~, 2015, that phase in the requirements of this section. The
19 requirements of this section shall be fully implemented statewide
20 by no later than July 1, ~~2016~~, 2018. *If any of the requirements of*
21 *this section can be implemented practicably, in whole or in part,*
22 *in advance of July 1, 2018, the commission shall implement those*
23 *requirements.* The commission shall not reduce or eliminate any
24 existing regulatory restrictions on the use of lead ammunition in
25 California condor habitat unless or until the additional requirements
26 for use of nonlead ammunition as required by this section are
27 implemented.

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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