

ASSEMBLY BILL

No. 2657

Introduced by Assembly Member Bloom

February 21, 2014

An act to add Section 12016.5 to the Fish and Game Code, relating to fish and wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as introduced, Bloom. Environmentally sensitive areas: use of anticoagulants.

Existing law requires the Director of Pesticide Regulation to, by regulation, designate and establish a list of restricted materials based upon, among other criteria, hazards related to persistent residues in the soil resulting ultimately in contamination of the air, waterways, estuaries, or lakes, with consequent damage to fish, wild birds, and other wildlife. Existing law requires the director to control and otherwise regulate the use of restricted materials, as specified. Existing law requires the Fish and Game Commission and the Department of Fish and Wildlife to protect and conserve the fish and wildlife resources of the state by establishing ecological reserves and by conserving, protecting, restoring, and enhancing any endangered species or any threatened species and its habitat.

This bill would prohibit the use of any poison, substance, or product, other than its use as a prescription drug under the direction of a licensed physician and surgeon, that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in environmentally sensitive areas.

Because a violation of this provision would be a misdemeanor, the bill would create new crimes, thereby imposing 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. Section 12016.5 is added to the Fish and Game
2 Code, to read:

3 12016.5. (a) The use of any poison, substance, or product,
4 other than its use as a prescription drug under the direction of a
5 licensed physician and surgeon, that contains one or more of the
6 following anticoagulants is prohibited in an environmentally
7 sensitive area.

- 8 (1) Brodifacoum.
- 9 (2) Bromadiolone.
- 10 (3) Difenacoum.
- 11 (4) Difethialone.

12 (b) As used in subdivision (a), an “environmentally sensitive
13 area” has the same meaning as defined in Section 30107.5 of the
14 Public Resources Code, and includes, but is not limited to, any
15 wetlands, animal sanctuary, conservancy, state or national park,
16 and any area or habitat that is protected for any endangered or
17 threatened species, including animals, birds, fish, and insects.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 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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