

# Enrolled House Bill 2838

Sponsored by Representative WITT (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to shark fins.

Whereas sharks are one of the top predators in the marine food chain and play an important role in the ocean's ecosystem; and

Whereas sharks have characteristics that make them more vulnerable to overfishing than most fish, and data from state, federal and international agencies show a decline in shark populations locally and worldwide; and

Whereas most sharks, unlike other fish, do not reach sexual maturity until seven to 12 years of age and then only give birth to a small litter of young; and

Whereas shark populations do not recover quickly once they are overfished; and

Whereas the practice of shark finning, in which a shark is caught, the fin is cut off and the shark is returned to the water, causes tens of millions of sharks to die a slow death each year; and

Whereas after a shark's fin is cut off and the shark is returned to the water some sharks starve to death, others are slowly eaten by other fish and some drown because most sharks need to keep moving to force water over their gills to extract oxygen; and

Whereas sharks are an essential element of the ocean's ecosystem, and by reducing the demand for shark fins, Oregon can help ensure that sharks will not become extinct; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 509.**

**SECTION 2. (1) As used in this section:**

**(a) "Shark fin" means the raw or dried fin or tail of a shark.**

**(b) "Spiny dogfish" means a shark belonging to the family Squalidae in the order Squaliformes that has two spines, one anterior to each dorsal fin, and that does not have an anal fin.**

**(2) A person may not possess, sell or offer for sale, trade or distribute a shark fin in this state.**

**(3) This section does not apply to:**

**(a) A person who possesses, sells or offers for sale, trades or distributes a shark fin from a spiny dogfish that was legally taken or landed under rules adopted by the State Department of Fish and Wildlife and in accordance with federal regulations;**

**(b) A person who holds a license or permit issued by the State Department of Fish and Wildlife under the commercial fishing laws to take a shark and who possesses, sells or offers for sale, trades or distributes a shark fin consistent with the terms of that license or permit; and**

(c) A fish processor who holds a license under the commercial fishing laws, who possesses and processes a shark obtained from a person described in paragraph (a) of this subsection and who sells or offers for sale, trades or distributes the shark fin consistent with the terms of the license of that fish processor.

**SECTION 3.** Section 4 of this 2011 Act is added to and made a part of ORS chapter 498.

**SECTION 4.** (1) As used in this section:

(a) "Shark fin" means the raw or dried fin or tail of a shark.

(b) "Spiny dogfish" means a shark belonging to the family Squalidae in the order Squaliformes that has two spines, one anterior to each dorsal fin, and that does not have an anal fin.

(2) A person may not possess, sell or offer for sale, trade or distribute a shark fin in this state.

(3) This section does not apply to:

(a) A person who possesses, sells or offers for sale, trades or distributes a shark fin from a spiny dogfish that was legally taken or landed under rules adopted by the State Department of Fish and Wildlife and in accordance with federal regulations; and

(b) A person who holds a license or permit issued by the State Department of Fish and Wildlife under the wildlife laws to take a shark and who possesses, sells or offers for sale, trades or distributes a shark fin consistent with the terms of that license or permit.

**SECTION 5.** Sections 2 (2) and 4 (2) of this 2011 Act do not apply to a person who possesses a shark fin on the effective date of this 2011 Act, except that the person may not sell or offer for sale, trade or distribute the shark fin.

Passed by House April 29, 2011

Received by Governor:

Repassed by House June 2, 2011

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Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

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Passed by Senate May 31, 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State