

B-Engrossed
House Bill 2838

Ordered by the Senate May 26
Including House Amendments dated April 26 and Senate Amendments
dated May 26

Sponsored by Representative WITT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits person from possessing, selling, offering for sale, trading or distributing shark fins. Exempts authorized possession, sale, offering for sale, trading or distribution of [*spiny dogfish*] shark fin from **spiny dogfish**. Exempts person or fish processor who holds authorizing permit or license.

A BILL FOR AN ACT

1
2 Relating to shark fins.

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

9 **(c) A fish processor who holds a license under the commercial fishing laws, who pos-**
10 **sesses and processes a shark obtained from a person described in paragraph (a) of this sub-**
11 **section and who sells or offers for sale, trades or distributes the shark fin consistent with**
12 **the terms of the license of that fish processor.**

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

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

15 **(a) “Shark fin” means the raw or dried fin or tail of a shark.**

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

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

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

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

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

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

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