

CHAPTER 22
FORMERLY
HOUSE SUBSTITUTE NO. 1 FOR
HOUSE BILL NO. 41
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 9, Title 7 of the Delaware Code by adding thereto a new section 928A as indicated by underlining as follows:

§ 928A. Trade in shark fins; penalty.

(a) For the purpose of this section:

(1) "Shark" shall mean any species of the subclass Elasmbranchii, exclusive of the Spiny dogfish (Squalus acanthias) and Smooth dogfish (Mustelus canis); and

(2) "Shark fin" shall mean the raw, dried or otherwise processed detached fin, or the raw, dried or otherwise processed detached tail, of a shark.

(b) Except as otherwise provided in this section, no person shall possess, sell, offer for sale, trade or distribute a shark fin.

(c) Any person who holds a license and permit issued by the Department to take or land sharks for commercial purposes may possess or distribute, but not sell within Delaware, a shark fin taken or landed by that person pursuant to, and consistent with, the terms of that license or permit.

(d) Any person holding a license issued by the Department, or those persons exempt from licensing requirements concerning taking or landing sharks for recreational purposes, may possess a shark fin taken or landed by that person for personal use.

(e) The Department may issue scientific permits pursuant to section 911 of this title permitting possession of a shark fin for bona fide scientific research purposes.

(f) Any shark fin seized by the Department through the enforcement of this section shall upon forfeiture be destroyed by the Department, and not sold.

(g) Changes, deletions, or additions relative to new fisheries subject to this Section may be devised and enacted by the General Assembly or by the DNREC regulatory process.

(h) Whoever violates this section shall be guilty of a class B environmental misdemeanor for each offense.

Section 2. This Act takes effect on January 1, 2014.

Approved May 15, 2013