

- SUBJECT:** Restricting the sale and possession of shark fins; creating an offense
- COMMITTEE:** Culture, Recreation, and Tourism — favorable, without amendment
- VOTE:** 6 ayes — Guillen, Frullo, Larson, Márquez, Murr, Smith
- 0 nays
- 1 absent — Dukes
- WITNESSES:** For — Iris Ho, Humane Society International; Katie Jarl, the Humane Society of the United States; Cara Gustafson; Carol Knight; Craig Nazor; (*Registered, but did not testify:* Joey Park, Coastal Conservation Association Texas; Matt Matthews, Oceana; Jesse McClister, Sea Shepherd; Jordan Henry, Sea Shepherd Conservation Society Austin; Stacy Sutton Kerby, Texas Humane Legislation Network; and nine individuals)
- Against — None
- On — Larry Young, Texas Parks and Wildlife Department
- BACKGROUND:** Parks and Wildlife Code, sec. 66.216 stipulates that no person may possess a finfish taken from coastal water — except broadbill swordfish, king mackerel, or shark — that has the head or tail removed, unless the fish has been processed and delivered to the final destination or to a certified dealer.
- DIGEST:** HB 1579 would prohibit a person from buying or offering to buy, selling or offering to sell, possessing for the purpose of sale, transporting, shipping for the purpose of sale, bartering, or exchanging a shark fin, regardless of where the shark was taken or caught.
- A person could buy or offer to buy, sell or offer to sell, possess for the purpose of sale, transport, ship for the purpose of sale, barter, or exchange a shark carcass that retained all of its fins naturally attached

to the carcass through some portion of uncut skin.

The Texas Parks and Wildlife Department (TPWD) could issue a permit for the possession, transport, sale, or purchase of shark fins for scientific research.

A person who violated this section or a rule adopted under it would commit a class B Parks and Wildlife misdemeanor (up to 180 days in jail and/or a fine ranging from \$200 to \$2,000). A person who previously had violated this section or a rule adopted under it and had been convicted within five years before the trial date of the most recent violation would commit a class A Parks and Wildlife misdemeanor (up to one year in jail and/or a fine ranging from \$500 to \$4,000).

A game warden or other peace officer would be required to seize and hold the shark fin as evidence when a person was charged with violating the prohibitions. TPWD would have to destroy the shark fin on the final ruling of a court, regardless of provisions in Parks and Wildlife Code, sec. 12.109 regarding the confiscation and disposition of aquatic products.

The above provisions would apply to any shark species of the subclass *Elasmobranchii*. The bill would define “shark fin” as the fresh and uncooked, or cooked, frozen, dried, or otherwise processed, detached fin or tail of a shark.

The bill also would prohibit a person from possessing a shark whose tail had been removed, unless the fish had been processed and delivered to the final destination or to a certified dealer. A person still could possess a shark whose head had been removed.

HB 1579 would take effect July 1, 2016, and would apply only to an offense committed on or after that date.

SUPPORTERS
SAY:

HB 1579 would protect sharks from an unnecessarily cruel death by prohibiting the inhumane practice of shark finning. Finning is a practice in which the shark’s fin and tail are cut off while the animal still is alive, and

the still-living shark is tossed back into the ocean to die a slow and painful death. The shark dies of shock or blood loss or, because it cannot swim without its fin, the shark sinks to the bottom of the ocean where it either suffocates or is eaten by predators.

There is a national and global push to end the sale of shark fins. Twenty-seven countries have banned shark finning outright, and in China, where shark fin soup is considered a traditional delicacy, the dish has been banned at state dinners. In the United States, nine states also have banned the practice finning and sale of shark fins. In Texas, the shark fin market has grown 240 percent since 2010. HB 1579 would decrease the frequency with which this activity occurs in Texas waters.

The bill would have a negligible impact on the legal shark fishing industry in Texas because the bill would not prohibit shark fishing, an industry that brings in less than \$3,500 annually. The bill would not interfere with the legal ability of recreational and commercial fishermen to catch one shark per day, as long as the fins were still attached to the shark's carcass.

Allowing the sale of shark fins in Texas affects the state's oyster industry, reported to be worth \$30 million annually. Sharks are at the top of the ocean's ecosystem and affect everything beneath them in the food chain. Sharks eat rays, and rays eat shellfish. If sharks were not there to control the ray population, the rays could overeat the shellfish, leaving little for oystermen to catch.

Sharks produce few offspring, and many face the threat of endangerment or extinction. The sale of shark fins leads to the overfishing of these animals and could accelerate their endangerment or extinction. HB 1579 would preserve sharks for future generations to behold and appreciate.

**OPPONENTS
SAY:**

HB 1579 would not protect sharks from finning, a practice that already is illegal under federal law yet still goes on in Texas waters. People engaged in this illegal activity would not care if the sale of shark fins also was outlawed in Texas and would continue to conduct their business on the black market.

The bill is duplicative of federal law because the U.S. government already requires that sharks caught legally in American waters be landed with their fins attached. HB 1579 simply would reiterate this provision.

OTHER
OPPONENTS
SAY:

HB 1579 would be one more example of over-criminalization in Texas law. Individuals engaged in the practice of possessing or selling shark fins may deserve a civil fine but not jail time.