

SUBJECT: Adjusting provisions governing the unlawful sale or purchase of shark fins

COMMITTEE: Culture, Recreation & Tourism — committee substitute recommended

VOTE: 6 ayes — Ashby, Martinez, Flores, Holland, Morrison, Troxclair
0 nays
3 absent — Bailes, Collier, Garcia

WITNESSES: For — John Shepperd, Texas Foundation for Conservation (*Registered, but did not testify*; Ian Randolph, Animal Legal Defense Fund; Joey Park, Coastal Conservation Association Texas; Larry Young, Game Warden Peace Officer's Association; Cyrus Reed, Lone Star Chapter Sierra Club; Stacy Sutton Kerby, Texas Humane Legislation Network; Susan Stewart)
Against — None
On — Les Casterline, Texas Parks and Wildlife

BACKGROUND: Concerns have been raised that some cases of illegal sale and purchase of shark fins have not been prosecuted due to confusion regarding current statutory language.

DIGEST: HB 4692 would amend Parks and Wildlife Code sec. 66.2161 to allow a person to process a shark carcass into steaks or fillets in a place of business or restaurant only if the steaks and fillets did not contain any part of a shark fin and each of the shark's fins was destroyed and discarded in a manner prescribed by Texas Parks and Wildlife immediately upon detaching the fins from the remainder of the carcass.

The bill would amend the definition of "sale" to include barter and exchange.

The bill would amend restrictions on the purchase and sale of a shark fin such that a person would commit an offense if the person:

- failed to immediately destroy and discard a shark fin as required by the bill;
- transported for the purpose of sale or advertised for sale a shark fin, regardless of where the shark was taken or caught; or
- violated a proclamation or rule established by the bill.

An offense under the amended section would be a class B Parks and Wildlife Code misdemeanor. If the defendant had previously been convicted of such an offense within the previous five years, the offense would be a class A Parks and Wildlife Code misdemeanor.

Each shark fin a person purchased or possessed for the purpose of sale would constitute a separate offense.

Any proof that a person possessed a shark fin other than a shark fin that had been destroyed in a place of business or restaurant or on any commercial vessel on the water of this state would be prima facie evidence that the person possessed the shark fin for the purpose of sale.

Proof that the person advertised a shark fin, a product containing shark fin, or a product that represented to be or to contain shark fin would be prima facie evidence that the person offered a shark fin for sale.

The bill would remove a provision allowing for the attempted or real sale, purchase, transportation, shipment, barter, or exchange of a shark carcass that retained all of its fins naturally attached to the carcass through some portion of uncut skin.

The bill would add language to exempt the prohibitions from applying to scientific research purposes. The bill also would require a warden or peace officer to seize, hold as evidence, and, upon a final court ruling, destroy any product containing or representing to contain shark fin when a person was charged with violating the provisions.

The bill would eliminate provisions allowing a person to possess a shark

fin under certain licenses or permits.

The Texas Parks and Wildlife Commission could adopt rules as necessary to implement the bill.

The bill would take effect September 1, 2023.