

By: Morrison

H.B. No. 4692

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of selling or purchasing shark fins or
3 products containing shark fin.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [66.2161](#), Parks and Wildlife Code, is
6 amended by amending Subsections (a), (b), and (e) and adding
7 Subsections (a-1), (a-2), (b-3), (b-4), and (g) to read as follows:

8 (a) In this section:

9 (1) "Destroy" means, with respect to a shark fin, to
10 denature the fin for the purpose of rendering the fin inedible.

11 (2) "Place of business" has the meaning assigned by
12 Section [47.001](#).

13 (3) "Sale" includes barter and exchange.

14 (4) "Shark" means any species of the subclass
15 Elasmobranchii.

16 (5) [~~(2)~~] "Shark fin" means the fresh and uncooked, or
17 cooked, frozen, dried, or otherwise processed, detached fin or tail
18 of a shark.

19 (a-1) A person may process in a place of business or
20 restaurant a shark carcass into steaks or fillets only if:

21 (1) the steaks and fillets do not contain any portion
22 of a shark fin; and

23 (2) each of the shark's fins is destroyed and discarded
24 in the manner prescribed by the department immediately on detaching

1 the fins from the remainder of the carcass.

2 (a-2) A person commits an offense if the person fails to
3 immediately destroy and discard a shark fin as required by
4 Subsection (a-1).

5 (b) A person commits an offense if the person buys or offers
6 to buy, sells or offers to sell, possesses for the purpose of sale,
7 transports or ships for the purpose of sale, or advertises for sale
8 ~~[may not buy or offer to buy, sell or offer to sell, possess for the~~
9 ~~purpose of sale, transport, or ship for the purpose of sale, barter,~~
10 ~~or exchange]~~ a shark fin regardless of where the shark was taken or
11 caught.

12 (b-3) Each shark fin a person purchases or possesses for the
13 purpose of sale in violation of this section constitutes a separate
14 offense.

15 (b-4) For purposes of Subsection (b), proof that the person:

16 (1) possessed a shark fin, other than a shark fin that
17 has been destroyed, in a place of business or restaurant or on any
18 commercial vessel on the waters of this state is prima facie
19 evidence that the person possessed the shark fin for the purpose of
20 sale; and

21 (2) advertised for sale a shark fin, a product
22 containing shark fin, or a product represented to be or to contain
23 shark fin is prima facie evidence that the person offered a shark
24 fin for sale.

25 (e) When a person is charged with violating this section,
26 the warden or other peace officer shall seize and hold ~~[the shark~~
27 ~~fin]~~ as evidence the shark fin, product containing shark fin, or

1 product represented to be or to contain shark fin. Notwithstanding
2 Section 12.109, on a final court ruling, the department shall
3 destroy the shark fin, product containing shark fin, or product
4 represented to be or to contain shark fin.

5 (g) The commission may adopt rules as necessary to
6 administer this section.

7 SECTION 2. Sections 66.218(c) and (d), Parks and Wildlife
8 Code, are transferred to Section 66.2161, Parks and Wildlife Code,
9 redesignated as Sections 66.2161(b-1) and (b-2), Parks and Wildlife
10 Code, and amended to read as follows:

11 (b-1) [(c)] A person who violates this section [~~Section~~
12 ~~66.2161~~] or a proclamation or rule adopted under this [~~that~~]
13 section commits an offense that is a Class B Parks and Wildlife Code
14 misdemeanor.

15 (b-2) [(d)] If it is shown at the trial for a violation of
16 this section [~~Section 66.2161~~] or a proclamation or rule adopted
17 under this [~~that~~] section that the defendant has been convicted
18 within five years before the trial date of a violation of this
19 [~~that~~] section, on conviction the defendant shall be punished for a
20 Class A Parks and Wildlife Code misdemeanor.

21 SECTION 3. Sections 66.2161(c) and (f), Parks and Wildlife
22 Code, are repealed.

23 SECTION 4. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect on the date the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

3 SECTION 5. This Act takes effect September 1, 2023.