

CHAPTER 1062  
FILED WITH SECRETARY OF STATE SEPTEMBER 30, 2000  
INTRODUCED BY Assembly Members Honda and Machado  
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Washington)

JANUARY 28, 1999

An act to add Article 11.5 (commencing with Section 111067) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to aquatic animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 238, Honda. Importation: bullfrogs and turtles: local regulation.

Under existing law, no live aquatic plant or animal may be imported into this state without the prior written approval of the Department of Fish and Game pursuant to regulations adopted by the Fish and Game Commission.

This bill would permit a city, county, or city and county to adopt an ordinance that provides for the regulation of the disposition of bullfrogs and turtles imported for sale in live animal markets for use as food. The bill would authorize the State Department of Health Services and the Department of Fish and Game to consult with a city, county, or city and county for the purposes of carrying out these provisions, and would make related legislative findings.

The bill would become operative only if AB 2479 of the 1999-2000 Regular Session is enacted and becomes operative on or before January 1, 2001.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Live turtles and bullfrogs have been sold in retail food markets and restaurants in California since the days of the Gold Rush, and hundreds of thousands of live turtles and bullfrogs are imported into California each year and are sold for human consumption.

(b) Wholesalers and retail restaurants in California purchase an estimated 1,000,000 pounds of live turtles and bullfrogs each year to sell at restaurants and seafood markets throughout California, primarily in Asian-American communities.

(c) Small food markets and restaurants that specialize in selling and preparing fresh seafood and Asian delicacies depend upon the importation of live turtles and bullfrogs to sustain their businesses.

(d) It is the intent of the Legislature in enacting this act that local governments play an active role over the sale of live animals for food, as they deem necessary, because local governments are in a good position to regulate live animal markets.

SEC. 2. Article 11.5 (commencing with Section 111067) is added to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to read:

Article 11.5. Local Enforcement: Live Food

111067. (a) Any city, county, or city and county may adopt an ordinance that provides for the regulation of the disposition of bullfrogs and turtles imported for sale in live animal markets for use as food. The ordinances may provide for all of the following:

- (1) The designation of a local agency to carry out this article.
- (2) Require a permit, issued by an agency designated by the city, county, or city and county to issue permits, for the sale of bullfrogs and turtles imported for sale in live animal markets for use as food.
- (3) Establish a fee for the permit in an amount determined sufficient to offset the administrative cost of issuing the permit and enforcing the provisions of the ordinance.
- (4) Require that animals sold pursuant to the permit be dispatched at the time of sale.
- (5) Require that signs be posted at the permittee's place of business, stating that animals must be properly dispatched and that release into the wild in a live state is unlawful.

(6) Authorize the local agency, after notice and opportunity for a hearing, to suspend or revoke a permit issued pursuant to paragraph (1) for violation of any provision of the ordinance adopted pursuant to this article.

(b) The State Department of Health Services and the Department of Fish and Game may consult with a city, county, or city and county for purposes related to this article.

111068. Nothing in this article is intended to limit or preempt the jurisdiction of any state agency or commission, or any other state entity, from adopting any regulation or taking any action it deems necessary and appropriate regardless of any local ordinance adopted pursuant to this article.

SEC. 3. This act shall become operative only if Assembly Bill 2479 of the 1999-2000 Regular Session is enacted and becomes operative on or before January 1, 2001.