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**SUBSTITUTE SENATE BILL 5688**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Swecker, Rockefeller, Litzow, Shin, and Kline)

READ FIRST TIME 02/21/11.

1       AN ACT Relating to shark finning activities; adding a new section  
2 to chapter 77.15 RCW; creating a new section; and prescribing  
3 penalties.

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

5       NEW SECTION.   **Sec. 1.**   The legislature finds and declares the  
6 following:

7       (1) The practice of shark finning, where a shark is caught, its  
8 fins are sliced off while it is still alive, and the animal returned to  
9 the sea severely and almost always fatally wounded, constitutes a  
10 serious threat to Washington's coastal ecosystem and biodiversity.  
11 Sharks are particularly susceptible to overfishing because they only  
12 reach sexual maturity between seven to twelve years of age and hatch or  
13 birth small litters. The destruction of the population of sharks,  
14 which reside at the top of the marine food chain, is an urgent problem  
15 that upsets the balance of species in the ocean ecosystem.

16       (2) Shark finning condemns millions of sharks every year to slow,  
17 painful deaths. Returned to the water without their fins, the maimed  
18 sharks are attacked by other predators or drown, because most shark

1 species must swim in order to push water through their gills. Shark  
2 finning is therefore a cruel practice contrary to the good morals of  
3 the citizens of the state of Washington.

4 (3) The market for shark fins drives the brutal practice of shark  
5 finning. Shark finning and trade in shark fins and shark fin  
6 derivative products are occurring all along the Pacific Coast,  
7 including the state of Washington.

8 (4) The consumption of shark fins and shark fin derivative products  
9 by humans may cause serious health risks, including risks from mercury.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.15 RCW  
11 to read as follows:

12 (1) A person is guilty of unlawful trade in shark fins in the  
13 second degree if:

14 (a) The person sells, offers for sale, purchases, offers to  
15 purchase, or otherwise exchanges a shark fin or shark fin derivative  
16 product for commercial purposes; or

17 (b) The person prepares or processes a shark fin or shark fin  
18 derivative product for human or animal consumption for commercial  
19 purposes.

20 (2) A person is guilty of unlawful trade in shark fins in the first  
21 degree if:

22 (a) The person commits the act described by subsection (1) of this  
23 section and the violation involves shark fins or a shark fin derivative  
24 product with a total market value of two hundred fifty dollars or more;

25 (b) The person commits the act described by subsection (1) of this  
26 section and acted with knowledge that the shark fin or shark fin  
27 derivative product was taken from a shark in a closed area, at a closed  
28 time, or by a person not licensed to take a shark; or

29 (c) The person commits the act described by subsection (1) of this  
30 section and the violation occurs within five years of entry of a prior  
31 conviction under this section or a prior conviction for any other gross  
32 misdemeanor or felony under this title involving fish, other than a  
33 recreational fishing violation.

34 (3)(a) Unlawful trade in shark fins in the second degree is a gross  
35 misdemeanor. Upon conviction, the department shall suspend all  
36 commercial fishing privileges requiring a license under this title for  
37 a period of one year.

1 (b) Unlawful trade in shark fins in the first degree is a class C  
2 felony. Upon conviction, the department shall suspend all commercial  
3 fishing privileges requiring a license under this title for a period of  
4 one year.

5 (4) Notwithstanding subsections (1) through (3) of this section,  
6 any person who obtains a license or permit issued by the department to  
7 take or possess sharks or shark parts for bona fide research or  
8 educational purposes, and who sells, offers for sale, purchases, offers  
9 to purchase, or otherwise trades a shark fin or shark fin derivative  
10 product, exclusively for bona fide research or educational purposes,  
11 shall not be held liable under or subject to the penalties of this  
12 section.

13 (5) Notwithstanding subsections (1) through (3) of this section,  
14 prior to August 1, 2012, nothing in this section prohibits the sale,  
15 offer for sale, purchase, offer to purchase, or other exchange of shark  
16 fins or shark fin derivative products for commercial purposes, or  
17 preparation or processing of shark fins or shark fin derivative  
18 products for purposes of human or animal consumption for commercial  
19 purposes, if the shark fins or shark fin derivative products were  
20 lawfully taken or lawfully acquired prior to the effective date of this  
21 section.

22 (6) The definitions in this subsection apply throughout this  
23 section unless the context clearly requires otherwise.

24 (a) "Shark fin" means a raw, dried, or otherwise processed detached  
25 fin, or raw, dried, or otherwise processed detached tail of a shark.

26 (b) "Shark fin derivative product" means any product intended for  
27 use by humans or animals that is derived in whole or in part from shark  
28 fins or shark fin cartilage, but does not include a United States food  
29 and drug administration-approved drug available by prescription only or  
30 a United States food and drug administration-approved medical device or  
31 vaccine.

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