

[§188-40.7] Shark fins; prohibited. (a) It shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute shark fins.

(b) Notwithstanding subsection (a), any person who holds a license or permit issued by the department of land and natural resources to conduct research or for educational purposes possesses, sells, offers for sale, trades, or distributes shark fins shall not be subject to the penalties in this section.

(c) Prior to July 1, 2011, any restaurant holding a valid certificate, permit, or license issued by the department of health under section 321-11 may possess, sell, offer for sale, trade, or distribute shark fins possessed by that restaurant as of July 1, 2010 which are prepared for consumption.

(d) Any person violating this section or any rule adopted pursuant to this section shall be penalized as follows:

(1) For a first offense, by an administrative fine of not less than \$5,000 and not more than \$15,000;

(2) For a second offense, by an administrative fine of not less than \$15,000 and not more than \$35,000. In addition, shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A; and

(3) For a third or subsequent offense, by an administrative fine of not less than \$35,000 and not more than \$50,000 or by imprisonment of not more than one year, or both. In addition, shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A.

(e) In addition to any penalties imposed under subsection (d), any person violating this section or any rule adopted under it shall be subject to any other penalties authorized by section 188-70, and may be assessed administrative fees and costs, and attorney's fees and costs.

(f) The department may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(g) For the purpose of this section, "shark fin" means the raw or dried fin or tail of a shark. [L 2010, c 148, §2]