

Assembly Bill No. 711

Passed the Assembly September 10, 2013

Chief Clerk of the Assembly

Passed the Senate September 9, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3004.5 of the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, Rendon. Hunting: nonlead ammunition.

(1) Existing law requires the Fish and Game Commission, by July 1, 2008, to establish by regulation a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and to define by regulation nonlead ammunition as including only centerfire rifle and pistol ammunition in which there is no lead content. Existing law requires the commission to establish and annually update a list of certified centerfire rifle and pistol ammunition.

Existing law requires that nonlead centerfire rifle and pistol ammunition, as determined by the commission, be used when taking big game with a rifle or pistol, as defined by the Department of Fish and Wildlife's hunting regulations, and when taking coyote, within specified deer hunting zones, but excluding specific counties and areas. A violation of these provisions is a crime. Existing law requires the commission to establish a process, to the extent that funding is available, that will provide hunters in these specified deer hunting zones with nonlead ammunition at no or reduced charge.

This bill would instead require, as soon as is practicable, but by no later than July 1, 2019, the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm. The bill would require the commission to certify, by regulation, nonlead ammunition for these purposes. The bill would require that the list of certified ammunition include any federally approved nontoxic shotgun ammunition. The bill would make conforming changes. The bill would provide that these provisions do not apply to government officials or their agents when carrying out a statutory duty required by law.

The bill would require the commission to promulgate regulations by July 1, 2015, that phase in the requirements of these provisions.

The bill would require that these requirements be fully implemented statewide by no later than July 1, 2019. The bill would require the commission to implement any of these requirements that can be implemented practicably, in whole or in part, in advance of July 1, 2019. The bill would also require that the commission not reduce or eliminate any existing regulatory restrictions on the use of lead ammunition in California condor range, as described, unless or until the additional requirements for use of nonlead ammunition as required by these provisions are implemented.

By expanding and changing the definition of a crime, the bill would impose a state-mandated local program.

(2) Existing federal law restricts the importing, manufacturing, or sale of armor-piercing ammunition, as specified.

This bill would temporarily suspend the required use of nonlead ammunition for a specific hunting season and caliber upon a finding by the Director of Fish and Wildlife that nonlead ammunition of a specific caliber is not commercially available from any manufacturer because of federal prohibitions relating to armor-piercing ammunition. The bill would require, notwithstanding a suspension, that nonlead ammunition be used when taking big game mammals, nongame birds, or nongame mammals in the California condor range.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

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

(a) California's wildlife species represent the state's rich natural resources and environmental health and beauty.

(b) California's wildlife species play an important role in the state's environmental health.

(c) Fifty years of research has shown that the presence of lead in the environment poses an ongoing threat to the health of the

general public and the viability of the state's wildlife species, including federally listed threatened and endangered species.

(d) The United States Environmental Protection Agency defines lead as toxic to both humans and animals, and lead can affect almost every organ and system in the human body, including the heart, bones, intestines, kidneys, and reproductive and nervous systems. It interferes with the development of the nervous system and is therefore particularly toxic to children, causing potentially permanent learning and behavior disorders.

(e) Lead is a potent neurotoxin, for which no safe exposure level exists for humans. The use of lead has been outlawed in and removed from paint, gasoline, children's toys, and many other items to protect human health and wildlife.

(f) Routes of human and wildlife exposure to lead include contaminated air, water, soil, and food. Lead ammunition in felled wildlife is often consumed by other animals and passed along the food chain. Dairy and beef cattle have developed lead poisoning after feeding in areas where spent lead ammunition has accumulated. Spent lead ammunition can also be mingled into crops, vegetation, and waterways.

(g) Efforts to limit wildlife exposure to lead ammunition have been successful. The United States Fish and Wildlife Service banned the use of lead shot for waterfowl hunting decades ago, and both hunting and waterfowl have thrived since. California passed a successful law preventing the use of lead ammunition in condor habitat. However, because these restrictions only apply in certain areas or to the hunting of particular species, many species of wildlife remain threatened by the use of lead ammunition and more protections are needed. These successes have shown us how to extend protection from lead poisoning to other wildlife.

(h) Varieties of nonlead ammunition are readily available. Studies have shown that nonlead ammunition performs as well as, or better than, lead-based ammunition.

(i) Given the deleterious impacts of lead ammunition, regulations for the use of nonlead ammunition should be implemented as soon as practicable in California. The Fish and Game Commission should implement the requirement for the use of nonlead ammunition incrementally, if practicable, to provide for increasing protection from lead exposure until full compliance with the nonlead ammunition requirement is achieved.

SEC. 2. Section 3004.5 of the Fish and Game Code is amended to read:

3004.5. (a) (1) Nonlead centerfire rifle and pistol ammunition, as determined by the commission, shall be required when taking big game, as defined in the department's mammal hunting regulations (14 Cal. Code Regs. 350), with rifle or pistol, and when taking coyote, within the California condor range.

(2) For purposes of this section, "California condor range" means:

(A) The department's deer hunting zone A South, but excluding Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of Highway 101 within Santa Clara County, and areas between Highway 5 and Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.

(B) Areas within deer hunting zones D7, D8, D9, D10, D11, and D13.

(3) The requirements of this subdivision shall remain in effect in the California condor range unless and until the more restrictive nonlead prohibitions required pursuant to subdivision (b) are implemented.

(b) Except as provided in subdivision (j), and as soon as is practicable as implemented by the commission pursuant to subdivision (i), but by no later than July 1, 2019, nonlead ammunition, as determined by the commission, shall be required when taking all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm.

(c) (1) The commission shall maintain, by regulation, a public process to certify ammunition as nonlead ammunition, and shall define, by regulation, nonlead ammunition as including only ammunition in which there is no lead content, excluding the presence of trace amounts of lead. The commission shall establish and annually update a list of certified ammunition.

(2) The list of certified ammunition shall include, but not be limited to, any federally approved nontoxic shotgun ammunition.

(d) (1) To the extent that funding is available, the commission shall establish a process that will provide hunters with nonlead ammunition at no or reduced charge. The process shall provide that the offer for nonlead ammunition at no or reduced charge may be redeemed through a coupon sent to a permit holder with the appropriate permit tag. If available funding is not sufficient to

provide nonlead ammunition at no charge, the commission shall set the value of the reduced charge coupon at the maximum value possible through available funding, up to the average cost within this state for nonlead ammunition, as determined by the commission.

(2) The nonlead ammunition coupon program described in paragraph (1) shall be implemented only to the extent that sufficient funding, as determined by the Department of Finance, is obtained from local, federal, public, or other nonstate sources in order to implement the program.

(3) If the nonlead ammunition coupon program is implemented, the commission shall issue a report on the usage and redemption rates of ammunition coupons. The report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued by June of the following year.

(e) The commission shall issue a report on the levels of lead found in California condors. This report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued by June of the following year.

(f) The department shall notify those hunters who may be affected by this section.

(g) A person who violates any provision of this section is guilty of an infraction punishable by a fine of five hundred dollars (\$500). A second or subsequent offense shall be punishable by a fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000).

(h) This section does not apply to government officials or their agents when carrying out a statutory duty required by law.

(i) The commission shall promulgate regulations by July 1, 2015, that phase in the requirements of this section. The requirements of this section shall be fully implemented statewide by no later than July 1, 2019. If any of the requirements of this section can be implemented practicably, in whole or in part, in advance of July 1, 2019, the commission shall implement those requirements. The commission shall not reduce or eliminate any existing regulatory restrictions on the use of lead ammunition in California condor range unless or until the additional requirements for use of nonlead ammunition as required by this section are implemented.

(j) (1) The prohibition in subdivision (b) shall be temporarily suspended for a specific hunting season and caliber upon a finding by the director that nonlead ammunition of a specific caliber is not commercially available from any manufacturer because of federal prohibitions relating to armor-piercing ammunition pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(2) Notwithstanding a suspension pursuant to paragraph (1), nonlead ammunition shall be used when taking big game mammals, nongame birds, or nongame mammals in the California condor range, as defined in subdivision (a).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2013

Governor