**South Carolina General Assembly**

121st Session, 2015-2016

**A169, R175, S780**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McElveen and Campsen

Document Path: l:\s-res\jtm\013gras.ls.jtm.docx

Companion/Similar bill(s): 4708

Introduced in the Senate on May 14, 2015

Introduced in the House on February 9, 2016

Last Amended on May 5, 2016

Passed by the General Assembly on May 6, 2016

Governor's Action: May 12, 2016, Signed

Summary: Sale and trafficking of fish

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/14/2015 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5CSJ%20Archive%5C2015%5C05-14-15.docx))

 5/14/2015 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 12](file:///h%3A%5CSJ%20Archive%5C2015%5C05-14-15.docx))

 2/3/2016 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 30](file:///h%3A%5CSJ%20Archive%5C2016%5C02-03-16.docx))

 2/4/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2016%5C02-04-16.docx))

 2/4/2016 Senate Read second time ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2016%5C02-04-16.docx))

 2/4/2016 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2016%5C02-04-16.docx))

 2/9/2016 Senate Read third time and sent to House ([Senate Journal‑page 9](file:///h%3A%5CSJ%20Archive%5C2016%5C02-09-16.docx))

 2/9/2016 House Introduced and read first time ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2016%5C02-09-16.docx))

 2/9/2016 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2016%5C02-09-16.docx))

 5/3/2016 House Recalled from Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 22](file:///h%3A%5CHJ%20Archive%5C2016%5C05-03-16.docx))

 5/4/2016 House Requests for debate‑Rep(s). Lowe, White, Pitts, Huggins, Toole, Loftis, Yow, Sandifer, Fry, Clemmons, Whitmire, Ryhal, Hixon ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2016%5C05-04-16.docx))

 5/5/2016 House Amended ([House Journal‑page 151](file:///h%3A%5CHJ%20Archive%5C2016%5C05-05-16.docx))

 5/5/2016 House Read second time ([House Journal‑page 151](file:///h%3A%5CHJ%20Archive%5C2016%5C05-05-16.docx))

 5/5/2016 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 151](file:///h%3A%5CHJ%20Archive%5C2016%5C05-05-16.docx))

 5/5/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 152](file:///h%3A%5CHJ%20Archive%5C2016%5C05-05-16.docx))

 5/6/2016 House Read third time and enrolled ([House Journal‑page 2](file:///h%3A%5CHJ%20Archive%5C2016%5C05-06-16.docx))

 5/11/2016 Ratified R 175

 5/12/2016 Signed By Governor

 5/18/2016 Effective date 05/12/16

 5/23/2016 Act No. 169

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**VERSIONS OF THIS BILL**

[5/14/2015](file:///p%3A%5Cpprever%5C2015-16%5C780_20150514.docx)

[2/3/2016](file:///p%3A%5Cpprever%5C2015-16%5C780_20160203.docx)

[2/4/2016](file:///p%3A%5Cpprever%5C2015-16%5C780_20160204.docx)

[5/3/2016](file:///p%3A%5Cpprever%5C2015-16%5C780_20160503.docx)

(A169, R175, S780)

**AN ACT TO AMEND SECTION 50‑13‑1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE AND TRAFFICKING IN FISH, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE, AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE IMPORTATION, BREEDING, AND POSSESSION OF GRASS CARP.**

Be it enacted by the General Assembly of the State of South Carolina:

**Sale and trafficking of fish**

SECTION 1. Section 50‑13‑1630(A) through (D) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

 “(A) A person may not possess, sell, offer for sale, import, bring, cause to be brought or imported into this State, or release in this State the following species at any stage of its life cycle:

 (1) carnero or candiru catfish (Vandellia cirrhosa);

 (2) freshwater electric eel (Electrophorus electricus);

 (3) white amur or grass carp (Ctenopharyngodon idella);

 (4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

 (5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

 (6) stickleback;

 (7) Mexican banded tetra;

 (8) sea lamprey;

 (9) rudd (Scardinius erythrophtalmu‑Linneaus);

 (10) snakehead (all members of family Channidae);

 (11) rusty crayfish (Orconectes rusticus); and

 (12) other nonindigenous species not established, except by permit, exclusive of the recognized pet trade species.

 (B) The department may issue special import permits to qualified persons for research and education only.

 (C)(1) The department may issue permits for the release or the stocking of sterile white amur, grass carp, or grass carp hybrids in this State. The permits must certify that the permittee’s white amur, grass carp, or grass carp hybrids have been tested and determined to be sterile. The department may charge a testing fee of one dollar for each white amur, grass carp, or grass carp hybrid that measures five inches or longer or twenty‑five cents for each white amur, grass carp, or grass carp hybrid that measures less than five inches. The fee collected for sterility testing must be retained by the department and used to offset the costs of the testing.

 (2) The department is authorized to promulgate regulations to establish a fee schedule to replace the fee schedule contained in item (1) of this subsection. Upon these regulations taking effect, the fee schedule contained in item (1) of this subsection no longer applies.

 (D) The department may issue permits for the importation, breeding, and possession of nonsterile white amur, grass carp, or grass carp hybrids. The permits must be issued pursuant to the provisions of the Aquaculture Enabling Act in Article 2, Chapter 18 of this title. Provided, however, that no white amur, grass carp, or grass carp hybrids imported, bred, or possessed pursuant to this subsection may be stocked in this State except as provided in subsection (C) of this section.”

**Sale and trafficking of fish**

SECTION 2. Section 50‑13‑1630(F) of the 1976 Code, as last amended by Act 114 of 2012, is further amended to read:

 “(F) The department shall prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a permit is issued. The department shall condition all permits issued under this section to safeguard public safety and welfare and to prevent the introduction into the wild or release of nonnative species of fish or other organisms into this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous. A violation of the terms of the permit may result in recovation and a civil penalty of up to five thousand dollars. An appeal is pursuant to the provisions of Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2016.

Approved the 12th day of May, 2016.

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