

A BILL

To prohibit the sale of shark fins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shark Fin Trade Elimination Act of 2016”.

SEC. 2. PROHIBITION ON TRADE IN SHARK FINS.

(a) PROHIBITION.—No person shall ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of for purposes of offering for sale or selling shark fins or products containing shark fins.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

SEC. 3. EXEMPTION FOR TRADITIONAL FISHERIES, EDUCATION AND SCIENCE.

(b) Nothing in this Act shall be construed to apply to any shark fin taken lawfully -

(1) under a state, territorial, or federal permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is immediately destroyed, unless the shark fin is used by the person for noncommercial purposes or;

(2) for noncommercial subsistence purposes in accordance with state or territorial law.

(c) Nothing in this Act shall be construed to apply to a shark fin used solely for display or research purposes by a museum, college, university, or other person under a state or federal permit to conduct noncommercial scientific research.

SEC. 4. SHARK AND SHARK FIN DEFINED.

(a) the term ‘shark’ means –

(1) any species of the subclass Elasmobranchii but does not include –

(A) any stock of the species *Mustelus canis* (smooth dogfish) or *Squalus acanthias* (spiny dogfish) which is managed pursuant to a fishery management plan prepared under Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853); or

(B) any species in the superorder Batoidea which is managed pursuant to a fishery management plan prepared under Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853); and

(b) the term ‘shark fin’ means the raw, dried, or otherwise processed detached fin, or the raw, dried, or otherwise processed detached tail of a shark.

SEC. 5. STATE AUTHORITY.

Nothing in this Act shall preclude, deny or limit any right of a state or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this Act.