
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1407 Session of
2012

INTRODUCED BY ALLOWAY, BRUBAKER, RAFFERTY, FONTANA, WAUGH AND
FERLO, FEBRUARY 1, 2012

REFERRED TO GAME AND FISHERIES, FEBRUARY 1, 2012

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for sale of certain fish,
3 reptiles and amphibians prohibited.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2507 of Title 30 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2507. Sale of certain fish, reptiles and amphibians
9 prohibited.

10 (a) General rule.--No person shall purchase, sell, barter,
11 trade or offer for sale any species of fish taken from waters
12 wholly within this Commonwealth or illegally taken from waters
13 outside this Commonwealth and received in interstate commerce
14 except those species of fish which the commission determines may
15 be sold or offered for sale. No person shall purchase, sell,
16 barter, trade or offer for sale any species of reptiles or
17 amphibians taken from lands or waters wholly within this
18 Commonwealth or illegally taken from lands or waters outside

1 this Commonwealth and received in interstate commerce except
2 those species of reptiles and amphibians which the commission
3 determines may be sold or offered for sale.

4 (a.1) Additional rule.--No person shall purchase or sell
5 within this Commonwealth an American Alligator (alligator
6 mississippiensis). The provisions of this subsection shall not
7 apply to:

8 (1) A public zoological garden receiving government
9 grants or appropriations.

10 (2) A private zoological park or garden that is open to
11 the public and accredited by the American Association of
12 Zoological Parks and Aquariums.

13 (b) Reports of sales of fish.--A person engaged in catching
14 fish for market or whose business may involve the sale of fish
15 shall, on demand of the executive director, furnish at the close
16 of each calendar year a duplicate report of his sales of fish
17 and the gross amount of money realized. The contents of the
18 report shall be used by the commission entirely for statistical
19 purposes and are not public records. Individual reports shall
20 not be made public without the written consent of the owner.

21 (c) Exceptions.--This section does not prohibit the sale,
22 purchase, offer for sale, trade or barter of any fish propagated
23 by or from a propagator or dealer of live aquatic animals
24 registered under 3 Pa.C.S. Ch. 42 (relating to aquacultural
25 development), provided that such fish are a species approved for
26 propagation in Pennsylvania and are lawfully propagated or
27 acquired by means other than fishing from the waters of this
28 Commonwealth in accordance with the requirements of applicable
29 laws and regulations. This section does not prohibit the sale,
30 purchase, offer for sale, trade or barter of any fish by or from

1 the holder of a commercial fishing license issued under Chapter
2 29 (relating to special licenses and permits), provided that
3 such fish are lawfully caught or taken in accordance with the
4 requirements of applicable laws and regulations. This section
5 does not prohibit the sale of mounted fish.

6 (d) Penalty for sale of fish, reptiles or amphibians.--

7 (1) Any person who violates subsection (a) by
8 purchasing, selling, bartering, trading or offering for sale
9 any species of fish, reptiles or amphibians with a market
10 value or sale price in excess of \$5,000 commits a misdemeanor
11 of the second degree. Any violation of subsection (a) where
12 the market value or sale price is greater than \$250 but less
13 than \$5,000 is a misdemeanor of the third degree. Any
14 violation of subsection (a) where the market value or sale
15 price is less than \$250 is a summary offense of the first
16 degree.

17 (2) Any person who violates subsection (a.1) shall be
18 fined not less than \$500 and not more than \$1,000 in a civil
19 action.

20 (e) Applicability.--This section shall not apply to hobby
21 breeders as defined in 3 Pa.C.S. Ch. 42. This section shall not
22 apply to the purely retail sale or offer for sale of fish by pet
23 shops or dealers regularly engaged in retail transactions,
24 provided that such fish are not taken from lands or waters
25 within this Commonwealth or illegally taken from lands or waters
26 outside this Commonwealth.

27 Section 2. This act shall take effect in 60 days.