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SENATE BILL NO. 521

Offered January 22, 1996

A *BILL to amend and reenact §§ 3.1-73.6 and 29.1-417 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 3.1-73.9, 3.1-73.10, and 29.1-103.1, relating to regulation of aquaculture; penalty.*

Patron—Hanger

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-73.6 and 29.1-417 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 3.1-73.9, 3.1-73.10, and 29.1-103.1 as follows:

CHAPTER 9.1.

AQUACULTURE DEVELOPMENT ACT.

§ 3.1-73.6. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Aquaculture" means the propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

"Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

"Aquatic organism" means any species or hybrid of aquatic animal or plant, including, but not limited to, "fish," "fishes," "shellfish," "marine fish," and "organisms" as those terms are defined by § 28.2-100.

"Board" means the Board of Agriculture and Consumer Services.

"Commissioner" means the Commissioner of Agriculture and Consumer Services.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Freshwater aquaculture" means the production and sale of commercially raised freshwater fish and freshwater crustacea.

§ 3.1-73.9. Board to promulgate regulations.

The Board shall promulgate regulations governing the operation of freshwater aquaculture facilities.

The regulations shall:

1. Require that any person desiring to operate a freshwater aquaculture facility obtain a license from the Department;

2. Impose an annual license fee in an amount sufficient to cover the costs of regulating the operation of freshwater aquaculture facilities;

3. Prescribe standards under which fish raised in freshwater aquaculture facilities shall be bred, transported, possessed, bought and sold;

4. Prohibit the release into the waters of the Commonwealth of fish raised in freshwater aquaculture facilities and species of fish which are not native to the Commonwealth;

5. Include any provisions necessary to prevent the spread of fish diseases;

6. Provide that any person violating the regulations shall be guilty of a Class 3 misdemeanor;

7. Provide that the Department may deny, suspend or revoke a license if the applicant for a license or a licensee violates the regulations; and

8. Include such other provisions the Board deems necessary.

§ 3.1-73.10. License required to operate aquaculture facilities.

After the effective date of the regulations promulgated pursuant to § 3.1-73.9, no person shall operate a freshwater aquaculture facility without first obtaining a license from the Department.

§ 29.1-103.1. Board may not regulate aquaculture.

Notwithstanding any other provision of law, the Board shall not regulate freshwater aquaculture as it is defined in § 3.1-73.6.

§ 29.1-417. Capturing, holding, propagating, and disposing of wildlife for authorized purposes.

The fee for a permit to capture, hold, propagate, and dispose of wildlife for purposes authorized by the Board, shall be an amount sufficient to defray the costs of processing the permit and administering the permitted activity. However, in no instance shall the fees established by the Board exceed the following:

1. For deer farming, \$350;

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SB521

60 2. For wolf-hybrid kennels, \$100;

61 3. For endangered species, scientific collection and wildlife holder, \$20; and

62 4. For all other such permits, \$50.

63 The permit shall also authorize the permittee to artificially raise trout or catfish for sale from a
64 privately owned facility where the permittee allows public fishing from its facilities. If this fee has been
65 paid, no license shall be required to fish from such a facility.

66 2. That the provisions amending § 29.1-417 and enacting § 29.1-103.1 of this act shall become
67 effective upon the effective date of the regulations promulgated pursuant to § 3.1-73.9.