



Legislation Text

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Int. No. 482

By Council Members Maisel, Chin, Mendez and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of products advertised or labeled as bluefin tuna.

Be it enacted by the Council as follows:

Section 1. Section 20-698 of the administrative code of the city of New York, as added by local law number 55 for the year 2004, is amended to read as follows:

§ 20-698 Definitions. Whenever used in this subchapter: a. "Endangered or threatened species" [shall mean] means any fish or wildlife family, genus, species, subspecies or population that is designated by or pursuant to New York law as endangered or threatened.

b. "Fish or wildlife" [shall mean] means any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

c. "Population" [shall mean] means a group of fish or wildlife of the same species or subspecies inhabiting a defined geographical area.

d. "Rhinoceros" means any species of the family Rhinocerotidae.

e. "Tiger" means any subspecies of the species Panthera tigris.

f. "Bluefin tuna" means any species of the subgenus Thunnus (Thunnus), except Thunnus obesus (bigeye tuna) and Thunnus alauunga (albacore tuna).

§2. Section 20-699 of the city of New York, as added by local law number 55 for the year 2004, is

amended to read as follows:

§ 20-699 Prohibition. a. Except with a federal or state permit or license or under any exception under federal or state law, it shall be unlawful to buy or sell, offer or attempt to buy or sell, or cause any person to buy or sell:

(1) any product, item, or substance described in an offer for sale, labeled, or advertised as derived from any endangered or threatened species, or described in an offer for sale, labeled, or advertised as containing any substance derived from any endangered or threatened species; or

(2) any product, item, or substance that is intended for human consumption or application and is described in an offer for sale, labeled, or advertised as derived from any [species of] rhinoceros, [or] tiger, or bluefin tuna, or described in an offer for sale, labeled, or advertised as containing any substance derived from any [species of] rhinoceros, [or] tiger, or bluefin tuna; or

(3) any species described in an offer for sale, labeled, or advertised as any endangered or threatened species.

b. It shall be unlawful to include false or misleading information in any offer for sale, label, or advertisement for any endangered or threatened species or any product, item, or substance derived from or containing any substance derived from any endangered or threatened species. For the purposes of this subchapter, any omission of or failure to state a material fact shall be considered inclusion of false or misleading information.

c. The prohibitions of this subchapter shall apply to any offer for sale, label or advertisement that refers to any endangered or threatened species or species identified in subdivision a of this section by its common name in any language or by its scientific name.

§3. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of consumer affairs shall take all actions necessary to implement this local law, including the

promulgation of rules, on or before the dates upon which the provisions of this local law shall take effect.

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