

## CONCURRENCE IN SENATE AMENDMENTS

AB 2109 (Bennett and Bloom)

As Amended August 10, 2022

Majority vote

**SUMMARY**

Makes it unlawful to use any shark bait, shark lure, or shark chum to attract any white shark (*Carcharodon carcharias*), with exceptions.

**Senate Amendments**

- 1) Prohibit the placement of any shark bait, shark lure, or shark chum into the water for the purpose of viewing any shark when a white shark is visible or known to be present.
- 2) Specifies that the prohibitions in this bill do not apply to the incidental take of white sharks by commercial fishing operations using set gill nets, drift gill nets, or roundhaul nets.
- 3) Make technical and clarifying changes.

**COMMENTS**

Wildlife tourism – including commercial shark cage-diving – is one of the fastest growing sectors of the tourism industry and has the potential to modify the natural environment, individual fitness, behavior, and survival of the species it targets. Supporters of this bill argue that using attractants in areas where sharks are visible or known to be present can not only impact the sharks but also increase the likelihood of a shark incident occurring.

Under existing white shark protections, it is unclear if attracting white sharks for the purpose of entertainment is prohibited. Since it is already illegal to catch, pursue, hunt, capture, or kill a white shark, the prohibitions created under this bill would primarily apply to businesses that provide experiences with sharks, such as shark watching boat trips or cage diving. The prohibitions would also apply to those legally fishing for other shark species within one nautical mile of a shoreline, pier, or jetty, as baiting, luring or chumming for other shark species would need to cease if white sharks were observed or known to be present.

Cage diving businesses and white shark tours can continue in state waters should this bill become law. It is estimated that there are less than 10 of these business operations in California. It is unknown if any currently use attractants. Those businesses that operate in the Greater Farallones National Marine Sanctuary are already prevented by sanctuary regulations from the use of bait or chum to attract sharks. Any state-based businesses that operate in Mexican waters would not be bound by state law.

**According to the Author**

"People who attend our beaches should feel safe entering the water. When companies use bait or decoys to lure sharks, they are putting everyone and the shark at enormous risk. The use of attractants, which are feeding cues for white sharks, may increase their reactivity to other things in the water, such as swimmers and surfers. This bill ensures the safety of everyone, including our marine life."

**Arguments in Support**

Those in support argue that prohibiting the use of attractants for white shark viewing will protect both white sharks and the public, while keeping this important natural ocean predator wild.

**Arguments in Opposition**

None on file.

**FISCAL COMMENTS**

This bill was referred out of the Senate Appropriations Committee without a hearing pursuant to Senate Rule 28.8 because this bill does not result in significant state costs, require an appropriation of state funds, nor cause a significant reduction in state revenues.

**VOTES:****ASM WATER, PARKS, AND WILDLIFE: 10-0-5**

**YES:** Bauer-Kahan, Bennett, Friedman, Cristina Garcia, Kalra, Muratsuchi, Blanca Rubio, Salas, Villapudua, Ward

**ABS, ABST OR NV:** Megan Dahle, Bigelow, Levine, Nguyen, Smith

**ASM APPROPRIATIONS: 11-4-1**

**YES:** Holden, Bryan, Calderon, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

**NO:** Bigelow, Megan Dahle, Davies, Fong

**ABS, ABST OR NV:** Carrillo

**ASSEMBLY FLOOR: 58-6-14**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bloom, Boerner Horvath, Mia Bonta, Calderon, Carrillo, Cervantes, Choi, Cooley, Cooper, Cunningham, Daly, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wilson, Rendon

**NO:** Bigelow, Megan Dahle, Davies, Fong, Gallagher, Smith

**ABS, ABST OR NV:** Berman, Bryan, Chen, Flora, Gray, Haney, Kiley, Nguyen, Patterson, Robert Rivas, Seyarto, Valladares, Wicks, Wood

**SENATE FLOOR: 34-2-4**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**NO:** Dahle, Nielsen

**ABS, ABST OR NV:** Bates, Borgeas, Grove, Melendez

**UPDATED**

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