
THIRD READING

Bill No: AB 3162
Author: Bennett (D) and Friedman (D), et al.
Amended: 8/19/24 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 11-0, 6/11/24
AYES: Min, Seyarto, Allen, Dahle, Eggman, Grove, Hurtado, Laird, Limón,
Padilla, Stern

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/15/24
AYES: Caballero, Jones, Ashby, Becker, Bradford, Seyarto, Wahab

ASSEMBLY FLOOR: 51-10, 4/22/24 - See last page for vote

SUBJECT: Octopus: aquaculture: prohibition

SOURCE: Animal Legal Defense Fund
Social Compassion in Legislation

DIGEST: This bill makes it unlawful to engage in the aquaculture of octopus, and to sell, possess or transport octopus resulting from or produced by aquaculture, as provided.

Senate Floor Amendments of 8/19/24 were technical amendments to language to facilitate enforcement.

ANALYSIS:

Existing law:

- 1) Establishes the California Department of Fish and Wildlife (CDFW) and the California Fish and Game Commission (Commission) in the California Natural Resources Agency.

In general, the Commission sets regulations that CDFW implements and enforces. CDFW also provides data and expertise to inform the Commission's decision-making process.

- 2) "Aquaculture" is defined as a form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes. (Fish and Game Code (FGC) § 17)
- 3) Finds and declares, under the California Aquaculture Development Act, that it is in the interest of the people of the state that the practice of aquaculture be encouraged in order to augment food supplies, expand employment, promote economic activity, increase native fish stocks, enhance commercial and recreational fishing, and protect and better use the land and water resources of the state. (Public Resources Code § 826)
- 4) Authorizes the Commission to prohibit the placement of specific species of aquatic plants or animals in designated waters of the state. (FGC § 15202)
- 5) Prohibits any person to possess, sell, offer for sale, trade or distribute a shark fin, or detached tail of an elasmobranch, as provided. (FGC § 2021)
- 6) Prohibits any person to possess, sell, offer for sale, possess with intent to sell, or import with intent to sell ivory or rhinoceros horn, as provided. (FGC § 2022)
- 7) Prohibits the take, possession, or landing of octopuses, among other animals, for the purposes of the marine aquaria pet trade, without a valid permit. (FGC § 8597)
- 8) Prohibits a person from force feeding a bird for the purpose of enlarging the bird's liver beyond normal size, or hire another person to do so; and prohibits a product sold in the state to be a result of that practice. (Health and Safety Code §§ 25981, 25982)

This bill makes it unlawful to engage in the aquaculture of octopus, and to sell, possess or transport octopus resulting from or produced by aquaculture, as provided. Specifically, this bill:

- 1) Provides that it is unlawful to engage in the aquaculture of any species of octopus for the purpose of human consumption.

- 2) Prohibits a business owner or operator from selling, possessing, or transporting any species of octopus that is the result or product of aquaculture.
- 3) Makes multiple relevant legislative findings and declarations, and provides that no reimbursement is required for a local mandate, as specified.

Background

Human consumption of octopus is popular: wild octopus landings have increased by at least a factor of three globally in the last 50 years. However, there do not appear to be any commercial-scale octopus aquaculture operations producing octopus for human consumption. This bill does not affect the permitted take of wild octopus in state waters.

[Additional information can be found in the Senate Natural Resources and Water Committee's bill analysis.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Unknown, potentially significant ongoing costs (Fish and Game Preservation Fund [FGPF]) for the Department of Fish and Wildlife to enforce the prohibitions in this bill. DFW notes that currently wild octopuses are sold commercially, and if there is a situation where farmed octopus (non-California origin) is also present in a restaurant or grocery store, it is unlikely Department law enforcement would be able to tell the difference.
- Unknown cost pressure (General Fund) to prosecute and adjudicate any charges brought against defendants for a violation of the prohibitions in this bill, which would be considered a misdemeanor under Fish and Game Code (FGC) § 12000. Most FGC misdemeanors may be punished by up to six months in jail or a fine, or both. Successful prosecutions could result in the collection of fines and unknown potential civil penalty revenues. DFW's portion of any fines would be deposited into the FGPF, unless otherwise specified.

SUPPORT: (Verified 8/13/24)

Animal Legal Defense Fund (co-source)

Social Compassion in Legislation (co-source)

A Passion for Paws Akita Rescue

Acción Océanos

Action for Protection of Animals

Africa

Action for Dolphins

AEL Advocacy

Africa Network for Animal Welfare
USA
African Marine Mammal
Conservation Organization
Alexandria Turtle and Wildlife
Rescue
Alianima
Anima International
Anima Naturalis
ANIMAL
Animal Advocacy Africa
Animal Advocacy International
Animal Coalition Group, Inc.
Animal Empathy Philippines
Animal Equality
Animal Friends Croatia
Animal Interfaith Alliance
Animal Justice Canada
Animal Kingdom Foundation
Animal Law Italia
Animal Nepal
Animal Policy International
Animal Rights Center Japan
Animal Rights Initiative
Animal Society e.V.
Animal Solutions
Animal Welfare Advocates
Association the Gambia
Animal Welfare and Environment
Network for Tanzania
Animal Welfare Concern
Animal Welfare Institute
Animal Wellness Action
Animals Aotearoa
Animals Australia
Animals Don't Speak Human
Animals Now
Apon Welfare
Aquatic Life Institute
ARAF-PLATEAU DOGON
ARBA
Arusha Society for the Protection of
Animals
Aware
Barks of Love Animal Rescue
BC SPCA
betterTogether Forever
Buddy's Angels Rescue Foundation
Catholic Concern for Animals
Catmosphere Laguna Foundation
Center for a Humane Economy
CleanEarth4Kids.org
Compassion in World Farming
Congo Basin Conservation Society
CBCS-Network
Coalition of African Animal Welfare
Organizations
Compassion in World Farming
Conservative Animal Welfare
Foundation
Crustacean compassion
Cultivate Empathy for All
Democrats for the Protection of
Animals
Depana
Deutscher Tierschutzbund
Dharma Voices for Animals
Dieren Bescherming
Djurens Rätt
Dyrenes Alliance
Education for African Animals
Welfare
Ekō
Environmental and Animal Society of
Taiwan (EAST)
Environmental Defense Center
Essere Animali
Estonian Union for the Protection of
Animals (MTÜ Eestimaa
Loomakaitse Liit)

Ethical Farming Ireland
FAADA
Farm Sanctuary
Farmállatvédelem
Feedback Global
Fish Welfare Initiative
FoodsbyJude
Fórum Animal
F.R.E.E.
Friends of Phillip
Fundacion defense y derecho animal
Fundación Veg
Future for Fish
German Shepherd Rescue of Orange
County
Ghana Animal Welfare Society
Greater Los Angeles Animal Spay
Neuter Collaborative
Green REV Institute
Gurrs and Purrs Rescue
Hanaeleh
Humane Africa Trust
Humánný pokrok
Humboldt Humane
In Defense of Animals
Institute of Animal Law Asia
Invisible Animals (Neidimi Zhivotni)
Kesar & Cardi LLC
Kindred Spirits Care Farm
Kitwe Animal Welfare Association
Kurdistan Organization for Animal
Rights Protection
L214
Lady Freethinker
Latino Alliance for Animal Care
Foundation
Lilongwe Society for Protection and
Care of Animals
Luv 4 all:Uganda
Love leo rescue
Mercy For Animals
Meru Animal Welfare Organization
Motherlode Feral Cat Alliance
National Council of SPCAs
Nepal Animal Welfare and Research
Center
New Roots Institute
Northwest Animal Rights Network
Nurture Imvelo Trust
NY4Whales
Oikeutta eläimille
OIPA – International Organization for
Animal Protection
One Health and Development
Initiative
ONG Santa Animale Afrique (SAA)
Only Sunshine Sanctuary
Outta the Cage
Pasado Safe Haven
PAZ
People Advocating for Animal
Welfare – Contra Costa
People for the Ethical Treatment of
Animals (PETA)
Planet For All
Plataforma ALTO
Poison Free Malibu
PreetiRang Sanctuary
Project Minnie
Protección Animal Ecuador (PAE)
Proyecto ALA
RENTAS
Rwanda Animal Welfare
Organization (RAWO)
Sacramento Vegan Society
SAFCEI
SAFE
Samayu
Saving Imperial Rescue
Sea First

Seastemik	The Humane League
Sentience	The Humane Society of the United States
Sentient Media	The Last Cage
Shellfish Network	Tikobane Trust
Shelter Transport Animal Rescue Team (START Rescue)	TippedEars
Shrimp Welfare Project	Todos Somos Animales
Sibanye Animal Welfare and Conservancy Trust	Tourists Against Trophy Hunting
Sinergia Animal	Uganda vegan Society
Somali Animal Welfare Society (SAWS)	UnchainedTV
Sông Thuân Chay	University of Guilan
SPCA Montreal	Utunzi Animal Welfare Organization
SPCA New Zealand	Vegan Planet Africa
SPCA Selangor	Vege Zajednica
Take Me Home	Vissenbescherming
Tanzania Animal Welfare Society (TAWESO)	Voices for Animals
Tanzania Animals Protection Organization	Voters for Animals Rights
Terra Advocati	We Animals
The Animal Law Foundation	Welfare Footprint Project (Center for Welfare Metrics)
The Animal Rescue Mission	Welfarm
The Canine Condition Foundation	West Africa Centre for the Protection of Animal Welfare (WACPAW)
The Dark Hobby	Westside German Shepherd Rescue
The Humane Global Network	Women United for Animal Welfare
	World Animal Protection
	WTS

OPPOSITION: (Verified 8/13/24)

California Department of Finance

ARGUMENTS IN SUPPORT: According to the author, “Octopuses are primarily solitary creatures that are not suited for large scale breeding. They have demonstrated an aptitude for learning and their acute intelligence is becoming well recorded among the scientific community. Outside the U.S., there is a growing trend of recognizing the sentience of this eight-legged cephalopod and the inappropriateness of captive breeding and harvesting. Currently there are no known large-scale octopus breeding and harvesting programs in California. Now is the appropriate time to make it clear that California does not support this activity. AB 3162 provides that clarity.”

ARGUMENTS IN OPPOSITION: According to the Department of Finance, it is opposed to the bill because “enforcement activities against farmed octopus, which is indistinguishable from wild-caught octopus, create unknown and potentially significant cost pressure to the General Fund at a time when the state faces a \$46.8 billion shortfall for the 2024-25 fiscal year.”

ASSEMBLY FLOOR: 51-10, 4/22/24

AYES: Addis, Aguiar-Curry, Alanis, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Wendy Carrillo, Connolly, Essayli, Mike Fong, Friedman, Garcia, Gipson, Grayson, Haney, Irwin, Jackson, Jones-Sawyer, Kalra, Maienschein, McCarty, McKinnor, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Luz Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Waldron, Ward, Weber, Wilson, Wood, Zbur, Robert Rivas

NOES: Davies, Dixon, Flora, Vince Fong, Gallagher, Jim Patterson, Joe Patterson, Sanchez, Ta, Wallis

NO VOTE RECORDED: Alvarez, Bains, Bonta, Juan Carrillo, Cervantes, Chen, Megan Dahle, Gabriel, Hart, Holden, Hoover, Lackey, Lee, Low, Lowenthal, Mathis, Muratsuchi, Reyes, Wicks

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