

2014 -- S 2628

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LC004715
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO FISH AND WILDLIFE - HUNTING AND HUNTING SAFETY - NONTOXIC
AMMUNITION

Introduced By: Senators Miller, and Goldin

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The legislature hereby finds and declares as follows:

2 (1) Rhode Island's wildlife species represent the state's rich natural resources and
3 environmental health and beauty.

4 (2) Rhode Island's wildlife species play an important role in the state's environmental
5 health.

6 (3) Fifty years of research have shown that the presence of lead in the environment poses
7 an ongoing threat to the health of the general public and the viability of the state's wildlife
8 species, including federally listed threatened and endangered species.

9 (4) The United States Environmental Protection Agency defines lead as toxic to both
10 humans and animals, and lead can affect almost every organ and system in the human body,
11 including the heart, bones, intestines, kidneys, and reproductive and nervous systems. It interferes
12 with the development of the nervous system and is therefore particularly toxic to children,
13 causing potentially permanent learning and behavior disorders.

14 (5) Lead is a potent neurotoxin, for which no safe exposure level exists for humans. The
15 use of lead has been outlawed in and removed from paint, gasoline, children's toys, and many
16 other items to protect human health and wildlife.

17 (6) Routes of human and wildlife exposure to lead include contaminated air, water, soil,
18 and food. Lead ammunition in felled wildlife is often consumed by other animals and passed

1 along the food chain. Dairy and beef cattle have developed lead poisoning after feeding in areas
2 where spent lead ammunition has accumulated. Spent lead ammunition can also be mingled into
3 crops, vegetation, and waterways.

4 (7) Efforts to limit wildlife exposure to lead ammunition have been successful. The
5 United States Fish and Wildlife Service banned the use of lead shot for waterfowl hunting
6 decades ago, and both hunting and waterfowl have thrived since. However, because these
7 restrictions only apply in certain areas or to the hunting of particular species, many species of
8 wildlife remain threatened by the use of lead ammunition and more protections are needed. These
9 successes have shown us how to extend protection from lead poisoning to other wildlife.

10 (8) A variety of nontoxic ammunition is readily available. Studies have shown that
11 nontoxic ammunition performs as well as, or better than, lead-based ammunition.

12 (9) Given the deleterious impacts of lead ammunition, a requirement for use of nontoxic
13 ammunition should be implemented as soon as practicable in Rhode Island. If the requirement for
14 use of nontoxic ammunition can be incrementally implemented sooner than a nonlead
15 requirement can be fully implemented, such incremental protections should be implemented by
16 the department of environmental management on a rolling basis as practicable.

17 SECTION 2. Chapter 20-13 of the General Laws entitled "Hunting and Hunting Safety"
18 is hereby amended by adding thereto the following section:

19 **20-13-18. Nontoxic ammunition required.** -- (a) Except as provided in subsections (e)
20 and (g) of this section, and as soon as can be practicably implemented by the department of
21 environmental management pursuant to subsection (d) of this section, nontoxic ammunition, as
22 certified by the department, shall be required when taking all wildlife, including game mammals,
23 game birds, nongame birds, and nongame mammals, with any firearm.

24 (b) (1) The department of environmental management shall maintain, by regulation, a
25 public process to certify ammunition as nontoxic ammunition, and shall define, by regulation,
26 nontoxic ammunition as including only ammunition in which there is no lead content, excluding
27 the presence of trace elements of lead. The department of environmental management shall
28 establish and annually update a list of certified ammunition.

29 (2) The list of certified ammunition shall include, but not be limited to, any federally
30 approved nontoxic shotgun ammunition.

31 (c) (1) To the extent that funding is available, the department of environmental
32 management shall establish a process that will provide hunters with nontoxic ammunition at no or
33 reduced charge. The process shall provide that the offer for nontoxic ammunition at no or reduced
34 charge may be redeemed through a coupon sent to a permit holder with the appropriate permit

1 tag. If available funding is not sufficient to provide nontoxic ammunition at no charge, the
2 department of environmental management shall set the value of the reduced charge coupon at the
3 maximum value possible through available funding, up to the average cost within this state for
4 nontoxic ammunition, as determined by the department of environmental management.

5 (2) The nontoxic ammunition coupon program described in subdivision (1) of this
6 subsection shall be implemented only to the extent that there is sufficient funding within the
7 department.

8 (d) The department of environmental management shall promulgate regulations phasing
9 in the requirements of this section by July 1, 2015. The requirements of this section shall be fully
10 implemented statewide by no later than July 1, 2017. If any of the requirements of this section can
11 be implemented practicably, in whole or in part, in advance of July 1, 2017, the department of
12 environmental management shall implement those requirements. The department of
13 environmental management shall not reduce or eliminate any existing regulatory restrictions on
14 the use of lead ammunition until the additional requirements for use of nontoxic ammunition as
15 required by this section are implemented.

16 (e) In the event that no nontoxic ammunition is commercially available for a specific and
17 lawful hunting purpose due to the operation of the federal prohibitions relating to armor piercing
18 ammunition in Chapter 44 of Title 18 of the United States Code, the requirement for use of
19 nontoxic ammunition shall be suspended for that specific hunting purpose until such time as any
20 nontoxic ammunition becomes commercially available, at which point the suspension of the
21 nontoxic requirement shall automatically expire. For the purposes of this paragraph,
22 "commercially available" means offered for sale in the consumer marketplace.

23 (f) A person who violates any provision of this section shall be fined five hundred dollars
24 (\$500). A second or subsequent offense shall be punishable by a fine of not less than one
25 thousand dollars (\$1,000) or more than five thousand dollars (\$5,000).

26 (g) This section does not apply to government officials or their agents when carrying out
27 a statutory duty required by law.

28 SECTION 3. If any provision of this act, or the application thereof to any person or
29 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
30 affect other provisions or applications of this act that can be given effect without the invalid or
31 unconstitutional provision or application, and to this end the provisions of this act are severable.

32 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FISH AND WILDLIFE - HUNTING AND HUNTING SAFETY - NONTOXIC
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- 1 This act would require the use of nontoxic ammunition for hunting purposes whenever
- 2 such ammunition is available.
- 3 This act would take effect upon passage with an implementation date of July 1, 2017.

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