

House Bill 172

By: Representatives Lane of the 146th and Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, the "Game and Fish Code,"
2 so as to define a certain term; to provide for the opening and closing of the waters of the state
3 to the taking of horseshoe crabs for bait; to limit the taking of horseshoe crabs for bait to
4 persons who possess a valid personal commercial fishing license; to prohibit the taking and
5 possession of more than 25 horseshoe crabs; to provide for interstate transport of horseshoe
6 crabs; to provide for the taking and possession of horseshoe crabs for medical purposes
7 pursuant to a permit issued by the Department of Natural Resources; to provide for
8 exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 27 of the Official Code of Georgia Annotated, the "Game and Fish Code," is amended
12 by striking paragraph (63) of Code Section 27-1-2, relating to definitions relative to general
13 provisions relative to game and fish, and inserting in lieu thereof the following:

14 "(63) 'Seafood' means marine and estuarine fauna or flora used as food or of a kind suitable
15 for food and specifically includes, but is not limited to, shrimp taken for bait and horseshoe
16 crabs taken for bait."

17 style="text-align:center">**SECTION 2.**

18 Said title is further amended by inserting immediately following Code Section 27-4-171 a
19 new Code section to read as follows:

20 "27-4-172.

21 (a) All salt waters of this state are closed to the taking of horseshoe crabs for bait except
22 during those times when the salt waters or portions thereof are opened to the taking of
23 shrimp, whelk, or blue crab by trawling pursuant to Code Section 27-4-133.

1 (b) It shall be unlawful for any person to engage in the taking of horseshoe crabs to be sold
2 or used for bait or to engage in the sale of horseshoe crabs for bait unless the person
3 possesses a valid personal commercial fishing license as provided in Code Section 27-2-23.

4 (c) It shall be unlawful for any person taking horseshoe crabs pursuant to this Code section
5 to take or possess more than 25 horseshoe crabs at any one time or for there to be on board
6 the boat used for the taking more than 75 horseshoe crabs at any one time, whichever is
7 less; provided, however, that the taking or catching of horseshoe crabs incidentally during
8 legal fishing operations of other marine species shall not be a violation of this Code section
9 if the horseshoe crabs so taken in excess of the limits set forth in this Code section are
10 immediately returned to the water from which they were taken without being intentionally
11 or negligently harmed by the taker or the equipment being used.

12 (d) This Code section shall not prohibit the taking or possession of horseshoe crabs for the
13 purpose of collecting horseshoe crab blood for the production of amebocyte lysate or other
14 approved medical uses, so long as the taker and possessor have permits issued by the
15 Department of Natural Resources authorizing such taking or possession and the horseshoe
16 crabs are handled so as to minimize injury to the horseshoe crabs. Horseshoe crabs may
17 be taken and possessed pursuant to a medical takings permit without regard to the
18 possession limit set forth in subsection (c) of this Code section or whether or not the salt
19 waters from which they are taken are open or closed for the taking of horseshoe crabs for
20 bait. Horseshoe crabs taken and possessed pursuant to a medical takings permit must be
21 returned unharmed to state waters of comparable salinity and water quality as soon as is
22 feasible after collection of their blood.

23 (e) This Code section shall not prohibit the interstate import of horseshoe crabs provided
24 that a bona fide bill of lading accompanies such horseshoe crabs as proof that such
25 horseshoe crabs were not taken or transported in violation of this Code section or the laws
26 of the jurisdiction from which the horseshoe crabs originated."

27 **SECTION 3.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 4.**

31 All laws and parts of laws in conflict with this Act are repealed.