

2015 -- H 5669

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LC001343
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

AN ACT RELATING TO FISH AND WILDLIFE -- HUNTING--LEAD SHOT PROHIBITION

Introduced By: Representatives Handy, Ajello, Palangio, and Lombardi

Date Introduced: February 26, 2015

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 20-13 of the General Laws entitled "Hunting and Hunting Safety"
2 is hereby amended by adding thereto the following section:

3 **20-13-18. Lead shot prohibition.** – (a) The general assembly hereby finds and declares
4 as follows:

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

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

9 (3) Fifty (50) years of research have shown that the presence of lead in the environment
10 poses an ongoing threat to the health of the general public and the viability of the state's wildlife
11 species.

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

17 (5) Lead is a potent neurotoxin, for which no safe exposure level exists for humans. The
18 use of lead has been outlawed in and removed from the majority of paint, gasoline, children's
19 toys, and many other items where consumers are exposed to protect human health and wildlife.

1 (6) Routes of human and wildlife exposure to lead include contaminated air, water, soil,
2 and food. Lead ammunition in felled wildlife is often consumed by other animal and passed along
3 the food chain. Dairy and beef cattle have developed lead poisoning after feeding in areas where
4 spent lead ammunition has accumulated. Spent lead ammunition can also be mingled into crops,
5 vegetation, and waterways.

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

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

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

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

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

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

30 (3) The director shall promulgate regulations phasing in the requirements of this section
31 by July 1, 2016. The requirements of this section shall be fully implemented statewide by no later
32 than July 1, 2020. If any of the requirements of this section can be implemented practicably, in
33 whole or in part, in advance of July 1, 2020, the director shall implement those requirements. The
34 director shall not reduce or eliminate any existing regulatory restrictions on the use of lead

1 ammunition until the additional requirements for use of nontoxic ammunition as required by this
2 section are implemented.

3 (4) In the event that no nontoxic ammunition is commercially available for a specific and
4 lawful hunting purpose due to the operation of the federal prohibitions relating to armor piercing
5 ammunition in Chapter 44 of Title 18 of the United States Code, the requirement for use of
6 nontoxic ammunition shall be suspended for that specific hunting purpose until such time as any
7 nontoxic ammunition becomes commercially available, at which point the suspension of the
8 nontoxic requirement shall automatically expire. For the purposes of this section "commercially
9 available" means offered for sale in a given location, including, but not limited to, online or over-
10 the-counter in a retail store.

11 (5) A person who is convicted of a violation of any provision of this section shall be
12 guilty of a misdemeanor and fined five hundred dollars (\$500). A second or subsequent offense
13 shall be punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five
14 thousand dollars (\$5,000).

15 (6) This section does not apply to government officials or their agents when carrying out
16 a statutory duty required by law.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

AN ACT RELATING TO FISH AND WILDLIFE -- HUNTING--LEAD SHOT PROHIBITION

- 1 This act would create a general prohibition on the use of lead shot for hunting.
- 2 This act would take effect upon passage.

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