

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5651. Shark Fin Prohibition.

(a) It shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute shark fins in the CNMI. Restaurants in possession of shark fins which are prepared for consumption upon the enactment of this article, may sell or offer for sale such shark fins for a period of 90 days after the enactment of this article.

(b) Notwithstanding subsection (a), any person with a valid license or permit issued by the Department of Lands and Natural Resources to conduct research and who possesses shark fins shall not be subject to the penalties in this article.

(c) Notwithstanding subsection (a), a person in possession of a shark for subsistence purposes, (non-commercial) only shall not be subject to the penalties in this article.

(d) For the purpose of this article, “shark fin” means the raw or dried fin or tail of a shark.

Source: PL 17-27 § 2(101)(a)-(c), (j) (effective January 27, 2011), modified.

Commission Comment: The Commission changed all occurrences of “this Act” to “this article” pursuant to the authority granted by 1 CMC § 3806(d). PL 17-27 (effective January 27, 2011) included the following:

Section 1. Findings. The Commonwealth Legislature finds that sharks are one of the top predators in the marine food chain and play an important role in our ocean’s ecosystem. Sharks have characteristics that make them more vulnerable to overfishing than most fish, and data from state, federal, and international agencies show a decline in the shark populations worldwide. Unlike other fish species, most sharks do not reach sexual maturity until seven to twelve years of age and then only give birth to a small litter of young. Thus, sharks, cannot rebuild their populations quickly once they are overfished.

The practice of shark finning, where a shark is caught, the fin is cut off, and the shark is returned to the water, causes tens of millions of sharks to die a slow death each year, some sharks starve to death, others are slowly eaten by other fish, and some drown because most sharks need to keep moving to force water through their gills for oxygen. Sharks are an essential element of the ocean’s ecosystem, and by reducing the demand for shark fins, the Commonwealth can help ensure that sharks will not become extinct.

The Legislature also finds that the taking of sharks for subsistence purposes is a longstanding tradition. Moreover, the Legislature recognizes that incidental catching of sharks can be unavoidable. This Act is intended to address the harvesting of sharks for commercial purposes only.