

1 **ENROLLED**

2 **Senate Bill No. 403**

3 (BY SENATORS LAIRD, BARNES, EDGELL, FACEMIRE, PREZIOSO, SNYDER, UNGER,
4 MILLER AND BEACH)

5 _____
6 [Passed March 7, 2014; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §20-2-64 of the Code of West Virginia,
11 1931, as amended, relating to regulating the importation and
12 possession of certain injurious aquatic species.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §20-2-64 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 2. WILDLIFE RESOURCES.**

17 **§20-2-64. Regulating release of fish, water animal and other**
18 **aquatic organisms; stocking permit.**

19 (a) It is unlawful for any person to release any fish, water
20 animal or other aquatic organism, alive or dead, or any part, nest
21 or egg thereof into the waters of this state except as authorized
22 by a stocking permit issued by the director: *Provided*, That nothing

1 in this subsection shall be construed as restricting the release of
2 fish, water animal or other aquatic organism into the waters of
3 this state from which they were taken by lawful methods: *Provided,*
4 *however,* That nothing in this subsection shall be construed as
5 restricting the release of native or established species of fish in
6 privately owned ponds.

7 (b) A stocking permit is not required for the stocking of
8 trout in waters of the state provided that the trout originate from
9 a source within the state or meet the disease-free certification
10 requirements for imported salmondiae set forth in section thirteen
11 of this article.

12 (c) A stocking permit is not required for the stocking of
13 black bass provided that the Division of Natural Resources is
14 notified prior to stocking and is provided a disease-free
15 certification.

16 (d) It is unlawful for any person to possess, sell, offer for
17 sale, import, bring or cause to be brought or imported into this
18 state or release into the waters of this state, in a live state,
19 any bighead carp (*Hypophthalmichthys nobilis*), silver carp
20 (*Hypophthalmichthys molitrix*), black carp (*Mylopharyngodon piceus*),
21 largescale silver carp (*Hypophthalmichthys harmandi*), diploid white
22 amur (*Ctenopharyngodon idella*) or snakehead (*Channa spp.*), gametes
23 or eggs of the same, or any hybrids of these species. The director

1 may not issue a stocking permit to any person for the species and
2 their hybrids listed in this subsection, but may issue written
3 authorization for the importation or possession of these species or
4 their hybrids into this state if the importation or possession does
5 not violate any federal law and if the use is limited to scientific
6 research.