

AMENDED IN ASSEMBLY APRIL 4, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3162

Introduced by Assembly Members Bennett and Friedman
(Principal coauthor: Assembly Member Kalra)

February 16, 2024

An act to add Section 15007.5 to the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 3162, as amended, Bennett. Octopus: aquaculture: sale: prohibition.

Existing law provides for the regulation and development of aquaculture and requires the owner of each aquaculture facility to register with the Department of Fish and Wildlife. Existing law makes it unlawful to spawn, incubate, or cultivate any transgenic species of finfish belonging to the family Salmonidae anywhere in this state, except as specified. A violation of the Fish and Game Code is a crime.

This bill would prohibit a person from engaging in ~~an aquaculture activity in the state that involves the propagation, cultivation, maintenance, or harvest~~ *the aquaculture, as defined*, of any species of octopus for the purpose of human consumption. The bill would prohibit a business owner or operator from knowingly engaging in the sale in the state of *any species of octopus* that is the result of ~~an aquaculture activity that involves the propagation, cultivation, maintenance, or harvest of any species of octopus~~. The bill would define “aquaculture activity” as including the use of ~~land-based recirculating aquaculture systems~~; *aquaculture*. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Octopuses are highly intelligent, curious, problem-solving
4 animals. They are conscious, sentient beings that exhibit cognitive
5 and behavioral complexity, and are capable of experiencing pain,
6 stress, and fear, as well as pleasure, equanimity, and social bonds.

7 (b) Octopuses have long-term memory and are capable of
8 retaining information and recognizing individual people. The
9 octopus carries out extensive foraging trips and uses landmarks to
10 navigate the course.

11 (c) Octopuses have a well-developed nervous system, large
12 brains relative to their body size, and a high level of
13 problem-solving ability. They are known for their ability to learn,
14 use tools, and exhibit behaviors that suggest a level of
15 consciousness. Octopuses also display flexibility in their responses
16 to different situations, which is indicative of cognitive complexity.

17 (d) In a November 2021 London School of Economics analysis
18 of over 300 studies, researchers found that because of the asocial,
19 solitary nature of these creatures, they can become aggressive
20 toward each other when kept in confinement.

21 (e) Octopuses are carnivores, requiring aquatic animal protein
22 in their diets. Thus, farming them will further deplete fish stocks.
23 An octopus' feed conversion ratio is approximately 3 to 1, so the
24 weight of feed to sustain an octopus is around three times its
25 weight. Nitrogen and phosphorus waste would be a product of
26 ~~octopus~~ octopuses raised in confinement.

27 SEC. 2. Section 15007.5 is added to the Fish and Game Code,
28 to read:

29 15007.5. (a) A person shall not engage in ~~an aquaculture~~
30 ~~activity in the state that involves the propagation, cultivation,~~

1 ~~maintenance, or harvest of the aquaculture of~~ any species of
2 octopus for the purpose of human consumption.

3 (b) A business owner or operator shall not knowingly engage
4 in the sale in the state of *any species of octopus* that is the result
5 of an aquaculture activity that involves the propagation, cultivation,
6 ~~maintenance, or harvest of any species of octopus.~~ *aquaculture.*

7 (c) For purposes of this section, ~~“aquaculture activity”~~
8 *“aquaculture” means the form of agriculture devoted to the*
9 *propagation, cultivation, maintenance, and harvesting of any*
10 *species of octopus, which includes, but is not limited to, the use*
11 *of land-based recirculating aquaculture systems.*

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

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23 **REVISIONS:**

24 **Heading—Line 2.**

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