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Agriculture

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Agriculture

Agriculture; limited entry fishery permits—accidental death

Fish and Game Code § 8103 (amended).
SB 2187 (Mello); 1988 STAT. Ch. 120

Existing law requires the Department of Fish and Game to transfer a limited entry fishery permit to a family member¹ of a permittee whose death was the result of an accident.²

With the enactment of Chapter 120, accidental death is defined³ as death resulting directly and solely from an accidental drowning,⁴ a disease brought about from an accidental injury,⁵ or an accidental injury sustained solely by external, violent, and accidental means.⁶

CEL

1. CAL. FISH & GAME CODE § 8103(b) (defining a family member to include a parent, spouse, child, or sibling).

2. *Id.* (transfer of the permit applies only for accidents occurring after January 1, 1986, and upon application by the family member). *Id.* § 8103(c) (application for the transfer of the permit must be made within one year of the death of the permittee).

3. *Id.* § 8103(e) (definition of accidental death). Previously, existing law failed to specifically define accidental death. See 1986 Cal. Stat. ch. 1248, sec. 1, at ____.

4. *Id.* § 8103(e)(3).

5. *Id.* § 8103(e)(2) (beginning within 30 days after the date of the injury).

6. *Id.* § 8103(e)(1). The injury must be visible on the surface of the body or be capable of detection by an autopsy. *Id.*

Agriculture; quarantine regulations—civil liability

Food and Agriculture Code § 5310 (new); § 5306 (amended)
AB 2886 (Chandler); 1988 STAT. Ch. 240

Sponsor: Department of Food and Agriculture

Support: Western Growers Association; California Farm Bureau Federation; Citrus Mutual; County Agricultural Commissioners; Nurseryman's Association; California Agricultural Commissioners; Agricultural Council of California

Existing law specifies that a failure to comply with any quarantine

regulation¹ is unlawful.² Chapter 240 creates a new crime by prohibiting any person to possess, propagate, plant, process, sell, or take any other action with any quarantined material that has been imported or moved in violation of the quarantine regulation.³

In addition to any other penalties prescribed,⁴ Chapter 240 creates civil liability in an amount not to exceed \$10,000 for any person violating any provision or regulation of this division.⁵ Furthermore, Chapter 240 authorizes the court to issue an injunction⁶ restricting any person from continuing any activity that violates the quarantine provisions.⁷

CEL

1. CAL. FOOD & AGRIC. CODE §5301 (quarantine is established by the Director of Food and Agriculture).

2. *Id.* § 5306(a). The first violation is an infraction which carries a fine not to exceed \$75. Any subsequent violation, within three years of any previous violation, is a misdemeanor. *Id.* § 5309.

3. *Id.* § 5306(b) (changes the focus from the person whose plant is being quarantined to a person who deals with the quarantined material).

4. *See id.* §§ 5027-5028, 5309 (penalties that may be imposed).

5. *Id.* § 5310(a). *See id.* § 5028(b) (method used to determine the amount of the fine). The Attorney General may bring this civil action upon request by the director. *Id.* § 5310(b). *Compare id.* § 5310(a) (which applies to any person violating any regulation or provision in any manner) with *id.* § 5028(a) (which only applies to persons importing an infectuous plant, or other article, which has been quarantined). *See generally id.* §§ 5001-8808 (Plant Quarantine and Pest Control).

6. CAL. FOOD & AGRIC. CODE § 5310(c) (the injunction can be preliminary, permanent, or both).

7. *Id.* Upon request of the director or commissioner, the Attorney General or county counsel respectively, must petition the superior court for an injunction. *Id.* The burden is on the person charged with the violation to show why the injunction should not be issued. *Id.* Any funds obtained will be deposited in the Department of Food and Agriculture Fund. *Id.* § 5310(d).