RULE AND REGULATION PERTAINING TO
THE PROHIBITION ON THE SALE OF STRIPED BASS

[R21-31-FISH]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

June 1987 (E)

As Amended:
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March 1988
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January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
INTRODUCTION

These Rules and Regulations Pertaining to the Prohibition on Sale of Striped Bass (R21-31-FISH) are promulgated pursuant to the authority contained in section 21-31-20 of the General Laws of Rhode Island, as amended, and are established for the purpose of controlling the sale of striped bass landed in Rhode Island for the protection of the health, safety and welfare of the public.

Pursuant to section 42-35-3(c) of the General Laws, the following issues were considered in arriving at the regulation: (1) alternative approach; (2) duplication or overlap with other state regulations; and (3) significant economic impact which would be placed on small business as defined in Chapter 42-35 of the General Laws. No alternative approach, duplication or overlap was identified. The health safety and welfare of the public precludes the economic impact which may result from this regulation.

These rules and regulations shall supercede any previous rules and regulations regarding the sale of striped bass, promulgated by the Department of Health and filed with the Secretary of State.
Section 1.0 Definitions

Wherever used in this rule and regulation, the following terms shall be construed as follows:

1.1 "Act" refers to Chapter 21-31 entitled, "Rhode Island Food, Drugs and Cosmetics Act" of the General Laws of Rhode Island, 1956, as amended.

1.2 "Director" means the Director of the Rhode Island Department of Health.

1.3 "Person" includes individual, partnership, corporation and association.

Section 2.0 PROHIBITION ON SALE OF STRIPED BASS

2.1 The sale of striped bass between 26 and 37 inches in length (not inclusive) within the State of Rhode Island is prohibited.

2.1.1 The prohibition on sale includes the handling and consignment or any other method of selling of such striped bass landed in Rhode Island by any person in Rhode Island to areas other than Rhode Island.

Section 3.0 SEVERABILITY

3.1 If any provisions of this rule and regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rule which may be given effect, and to this end the provisions of the rule and regulation is declared severable.