
By: ~~Delegates Morhaim, Hubbard, and Cryor~~ Cryor, and Guns

Introduced and read first time: January 22, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2001

CHAPTER 54

1 AN ACT concerning

2 **Aquaculture Operations - Transgenic ~~Marine Animals~~ and Genetically**
3 **Altered Species**

4 FOR the purpose of prohibiting the Department of Natural Resources from issuing a
5 permit for the raising of certain transgenic species or genetically altered species
6 except under certain circumstances; defining a certain term; providing for the
7 termination of this Act; and generally relating to the raising of certain
8 transgenic species and genetically altered species in aquaculture operations.

9 BY adding to
10 Article - Natural Resources
11 Section 4-11A-01(i)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 4-11A-02
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2000 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Natural Resources

2 4-11A-01.

3 (I) "TRANSGENIC" MEANS AN ORGANISM INTO WHICH GENETIC MATERIAL
4 FROM ANOTHER ORGANISM HAS BEEN EXPERIMENTALLY TRANSFERRED, SO THAT
5 THE HOST ACQUIRES THE GENETIC TRAITS OF THE TRANSFERRED GENES.

6 4-11A-02.

7 (a) (1) The Department shall promulgate by regulation requirements that
8 are necessary to ensure that aquaculture operations do not adversely impact wild
9 stocks of fish, including measures for identifying fish as products of an aquaculture
10 operation. In developing these regulations, the Department shall consult with the
11 Aquaculture Advisory Committee, established by § 10-1302 of the Agriculture Article,
12 and incorporate in the regulations public notice provisions in accordance with §
13 4-11A-06 of this subtitle.

14 (2) The Department may not issue a permit for the raising of nonnative
15 species, including hybrids of striped bass, or nonnative stocks unless:

16 (i) The permit limits the aquaculture operation to nontidal ponds,
17 lakes, or impoundments; and

18 (ii) The aquaculture operation is constructed in a manner that
19 assures that nonnative stocks are precluded from entering the tidal waters or
20 contaminating the native species of the State.

21 (3) THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE RAISING OF A
22 TRANSGENIC SPECIES OR A GENETICALLY ALTERED SPECIES, UNLESS:

23 (I) THE PERMIT LIMITS THE AQUACULTURE OPERATION TO
24 WATERS OF THE STATE THAT DO NOT FLOW INTO ANY OTHER BODY OF WATER; AND

25 (II) THE AQUACULTURE OPERATION IS CONSTRUCTED IN A
26 MANNER THAT ASSURES THAT TRANSGENIC OR GENETICALLY ALTERED STOCKS ARE
27 PRECLUDED FROM ENTERING ANY OTHER WATERS OR CONTAMINATING ~~THE~~
28 NONTRANSGENIC OTHER AQUATIC SPECIES OF THE STATE.

29 (b) A person may not engage in aquaculture unless the person has obtained a
30 permit from the Department. The permit shall be conditioned upon the person
31 complying with the regulations promulgated under subsection (a) of this section.

32 (c) A permittee under this section shall allow the Department to inspect at
33 reasonable hours any facilities, equipment, or fish involved in the permittee's
34 aquaculture operations.

35 (d) Except as otherwise provided by law or by regulations adopted by the
36 Department, all provisions of this title and regulations adopted under this title
37 applicable to the taking, possession, sale, and transport of finfish do not apply to

1 finfish that are in or from aquaculture operations in nontidal ponds, lakes, or
2 impoundments.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001. It shall remain effective for a period of 5 years and, at the end of
5 September 30, 2006, with no further action required by the General Assembly, this
6 Act shall be abrogated and of no further force and effect.