

SENATE BILL 748

M2, M4

5lr2523

By: **Senators Middleton, Mathias, and Montgomery**

Introduced and read first time: February 13, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Deer Hunting – Crop Damage Permit – Wild Venison**

3 FOR the purpose of providing that certain provisions of law related to the sale of livestock
4 apply to certain deer; providing that the Maryland Wholesome Meat Act applies to
5 certain deer; requiring the Secretary of Agriculture to adopt regulations, on or before
6 a certain date, to establish requirements for the processing, inspection, labeling, and
7 sale of wild venison in the State; providing that certain provisions of law relating to
8 inhumane methods of livestock slaughter apply to certain deer; authorizing a person
9 to import, sell, offer for sale, purchase, barter, or exchange certain venison;
10 authorizing a person to hunt deer outside deer hunting season under certain
11 circumstances; providing that certain prohibitions do not apply to the meat or
12 carcass of certain deer; authorizing a person who holds a crop damage permit to hunt
13 deer under certain circumstances and sell or offer for sale the meat or carcass of the
14 deer in accordance with certain regulations; requiring the Department of Natural
15 Resources to adopt certain regulations; defining certain terms; and generally
16 relating to deer hunting.

17 BY repealing and reenacting, with amendments,
18 Article – Agriculture
19 Section 3–301, 4–103, 4–107, and 4–123.1(a)(3)
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Agriculture
24 Section 4–123.1(a)(1) and (b)
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2014 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–404 and 10–415
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2014 Supplement)

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

6 **Article – Agriculture**

7 3–301.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) **(1)** “Livestock” means cattle, swine, sheep, horses, asses, mules, or goats
10 notwithstanding any other provision of this article.

11 **(2) “LIVESTOCK” INCLUDES DEER LEGALLY TAKEN BY A PERSON**
12 **HOLDING A CROP DAMAGE PERMIT IN ACCORDANCE WITH § 10–415 OF THE**
13 **NATURAL RESOURCES ARTICLE.**

14 (c) “Livestock dealer” means any person who engages in the business of selling,
15 buying, exchanging, or transferring livestock at any place and at any time.

16 (d) “Livestock market” means an established location where livestock are offered
17 for sale.

18 (e) “3–D livestock” means livestock that is unable to rise even with assistance (a
19 “downer”), is debilitated, or is diseased.

20 (f) “Trucker or hauler” means a person who engages in the business of
21 transporting livestock in trucks or other conveyances to or from a farm, a livestock auction,
22 sales agency, or dealer’s premises.

23 4–103.

24 **(A)** This subtitle does not apply to any act or transaction subject to exclusive
25 regulation under the Federal Meat Inspection Act.

26 **(B) [This] EXCEPT FOR DEER LEGALLY TAKEN BY A PERSON HOLDING A**
27 **CROP DAMAGE PERMIT IN ACCORDANCE WITH § 10–415 OF THE NATURAL**
28 **RESOURCES ARTICLE, THIS** subtitle does not affect game mammals or wild birds or the
29 slaughtering or inspection of them.

30 4–107.

1 of deer, country or state of origin, the person from whom the venison was obtained, date of
2 delivery, by whom the venison was officially inspected, and quantity of venison.

3 (3) These records shall be kept by the importer or seller at the importer's
4 or seller's place of business for a period of 1 year following delivery of the venison.

5 (4) The importer or seller shall allow the Department to inspect these
6 records at the importer's or seller's place of business at any reasonable time.

7 (5) This subsection does not exempt a person who imports, sells, or offers
8 for sale venison from applicable provisions of Title 21, Subtitles 2 and 3 of the Health –
9 General Article.

10 (c) (1) **[A] EXCEPT AS PROVIDED IN § 10-415(E) OF THIS SUBTITLE, A**
11 person may not hunt or attempt to hunt any game bird or mammal except during open
12 season.

13 (2) Except as provided in this section or as authorized under Subtitle 5 or
14 Subtitle 9 of this title, a person may not possess any game bird or mammal during any
15 closed season whether hunted in the State or in another state, territory, or country.

16 (3) A person may possess:

17 (i) A dead game bird or dead game mammal legally acquired for use
18 as food;

19 (ii) A mounted specimen of a game bird or game mammal legally
20 acquired for personal use;

21 (iii) Hair, antlers, feathers, feet, or skin of game birds or game
22 mammals legally acquired for personal use; or

23 (iv) Deer antlers that have been manufactured into an article of
24 commerce.

25 (d) A person may ship or bring into the State by express or as baggage any game
26 bird or game mammal the person legally killed in any other state, territory, or country. The
27 game bird or game mammal shall be accompanied by a copy of the hunter's license and any
28 necessary permit of the state, territory, or country in which the game bird or game mammal
29 was killed. If the state, territory, or country does not require documentation, then the game
30 bird or game mammal shall be accompanied by a statement indicating the owner of the
31 specimen, the owner's address, and the state, territory, or country of origin.

32 (e) (1) Except as provided in paragraph (2) of this subsection or §
33 10-512(a)(2)(ii) of this title, a person may not sell, offer for sale, barter, or exchange, at any
34 time within the State any game bird or game mammal taken from the wild, in the State or
35 in another state, territory, or country.

1 (2) The prohibitions of paragraph (1) of this subsection do not apply to the:

2 (i) Meat, pelt, carcass, or mounted specimen of any beaver, coyote,
3 fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or long-tailed weasel
4 legally taken by the person;

5 (ii) Hide, hair, tail, or feet, excluding a mounted specimen of deer,
6 squirrel, or rabbit legally acquired;

7 (iii) Feathers, skin, or feet, excluding a mounted specimen of upland
8 and forest game birds legally acquired;

9 (iv) Except as prohibited by federal law, feathers of wetland game
10 birds legally acquired; [or]

11 **(V) MEAT OR CARCASS OF A DEER LEGALLY TAKEN BY A**
12 **PERSON HOLDING A CROP DAMAGE PERMIT IN ACCORDANCE WITH § 10-415(E) OF**
13 **THIS SUBTITLE; OR**

14 ~~[(v)]~~ **(VI)** Antlers of deer legally acquired in another state and
15 manufactured into an article of commerce in another state.

16 (f) Nothing in this section may be construed as allowing deer farming for the
17 purpose of selling deer meat.

18 (g) Except as authorized under Subtitle 5 or Subtitle 9 of this title, a person may
19 not purchase, offer to purchase, barter, or exchange any game bird or game mammal or any
20 part of a game bird or game mammal if the sale, offer for sale, barter, or exchange is
21 prohibited by this section.

22 10-415.

23 (a) (1) There are the following 3 seasons to hunt deer:

24 (i) Deer bow hunting season;

25 (ii) Deer firearms season; and

26 (iii) Deer muzzle loader season.

27 (2) Notwithstanding any other provision of law, a person may hunt deer
28 with a shotgun approved by the Department from January through March in Charles
29 County and St. Mary's County.

1 (b) (1) Every person killing a deer shall report with the deer to a designated
2 checking station within 24 hours after killing the deer.

3 (2) Notwithstanding any requirement of law, if the designated checking
4 stations are closed in the county where a person kills a deer, a Natural Resources police
5 officer shall authorize the person to report with the deer to a designated checking station
6 in another county.

7 (c) (1) A person with a hunting license also may purchase bonus deer stamps
8 from the Department.

9 (2) A bonus deer stamp allows a person with the hunting license to hunt 1
10 deer for each stamp purchased in any of the following hunting seasons for deer in the State:

11 (i) Deer bow hunting season;

12 (ii) Deer muzzle loader season; and

13 (iii) Deer firearms season.

14 (3) An individual who purchases a bonus antlered deer stamp but does not
15 use it during a particular season may use that stamp during any subsequent season in that
16 hunting license year.

17 (4) The fee for each bonus antlered deer stamp issued in accordance with
18 this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

19 (5) The Department may establish by regulation the type and number of
20 deer stamps issued under this subsection if necessary to control the deer harvest in various
21 areas of the State.

22 (d) (1) In this subsection, "Deer Management Permit" means a permit issued
23 by the Department authorizing the holder to hunt deer outside of deer hunting season for
24 the purpose of preventing damage to crops.

25 (2) In Charles County and St. Mary's County, an individual who holds a
26 Deer Management Permit may:

27 (i) Use a shotgun approved by the Department to hunt deer
28 throughout deer season in the locations and under the conditions set forth in the permit;
29 and

30 (ii) Hunt deer on State agricultural crop land located in Charles
31 County and St. Mary's County to the same extent as the person is authorized under the
32 Deer Management Permit to hunt on private land in Charles County and St. Mary's
33 County.

1 (3) The Department may not require an individual who holds a Deer
2 Management Permit in Charles County or St. Mary's County to apply for renewal more
3 than once every 3 years.

4 (4) The Department may not authorize an individual in Charles County or
5 St. Mary's County to hunt deer on Sundays under a Deer Management Permit.

6 (5) To protect public safety and welfare, the Department may:

7 (i) Terminate the deer hunting season established under subsection
8 (a)(2) of this section; and

9 (ii) Restrict the lands on which an individual may hunt deer.

10 **(E) (1) IN THIS SUBSECTION, "CROP DAMAGE PERMIT" MEANS A PERMIT**
11 **ISSUED BY THE DEPARTMENT AUTHORIZING THE HOLDER TO HUNT DEER DURING**
12 **OR OUTSIDE DEER HUNTING SEASON FOR THE PURPOSE OF PREVENTING DAMAGE**
13 **TO CROPS.**

14 **(2) A PERSON WHO HOLDS A CROP DAMAGE PERMIT MAY:**

15 **(I) HUNT DEER DURING OR OUTSIDE DEER HUNTING SEASON**
16 **FOR THE PURPOSE OF PREVENTING DAMAGE TO CROPS; AND**

17 **(II) SELL OR OFFER FOR SALE IN THE STATE THE MEAT OR**
18 **CARCASS OF THE DEER IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER**
19 **PARAGRAPH (3) OF THIS SUBSECTION AND § 4-107(B) OF THE AGRICULTURE**
20 **ARTICLE.**

21 **(3) ON OR BEFORE OCTOBER 1, 2016, THE DEPARTMENT SHALL**
22 **ADOPT REGULATIONS TO IMPLEMENT THE CROP DAMAGE PERMIT.**

23 **[(e)] (F)** A person may not remove the head or hide or any part from any deer,
24 except internal organs, or cut the meat into parts until the deer has been checked by the
25 Department or 1 of the Department's agents at a designated checking station. Removal of
26 the head or the hide of any deer not checked at a designated checking station shall be prima
27 facie evidence that the deer was hunted illegally. Each separate deer or part of any deer
28 taken illegally or found in possession shall be considered a separate offense.

29 **[(f)] (G)** Any person who, while operating a motor vehicle on any highway in the
30 State, accidentally strikes and kills a deer on the highway may have the deer if the person
31 produces visible evidence of collision with the deer to any Natural Resources police officer,
32 State law enforcement officer, or other designated representative of the Secretary. The
33 provisions of this subsection shall be applicable to deer killed by collision with a motor

1 vehicle at any time whether during the open season for killing deer or during the legally
2 closed season.

3 ~~[(g)]~~ **(H)** A person may not hunt a deer while the deer is taking refuge in or
4 swimming through the waters of the State.

5 ~~[(h)]~~ **(I)** Abrogated.

6 ~~[(i)]~~ **(J)** Upon written request from a federal facility for a variance from the
7 established deer hunting season, the Department shall review the request and may:

8 (1) Approve the request;

9 (2) Deny the request; or

10 (3) Approve the request with conditions.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2015.