

SENATE BILL 862

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7lr1849

By: **Senators Conway, Bates, Benson, Currie, Edwards, Ferguson, Hershey, Hough, Jennings, Klausmeier, Mathias, McFadden, Middleton, Miller, Muse, Nathan–Pulliam, Norman, Peters, Ready, Reilly, Robinson, Salling, Waugh, and Young**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Hydraulic Fracturing – Moratorium and Referenda**

3 FOR the purpose of requiring the Department of the Environment to conduct a certain
4 study on or before a certain date in accordance with certain requirements; requiring
5 the Department to propose certain regulations that incorporate certain standards on
6 or before a certain date; prohibiting the Department from issuing a permit for the
7 hydraulic fracturing of a well for the exploration or production of natural gas in the
8 State until a certain date and under certain circumstances; prohibiting a person from
9 engaging in hydraulic fracturing in a local jurisdiction unless the local jurisdiction
10 has submitted to a referendum of the voters of the local jurisdiction a certain
11 question and a majority of the voters have voted in a certain manner; providing that
12 nothing in this Act shall prohibit a county or municipality from enacting a certain
13 ban or moratorium; providing that nothing in this Act shall prohibit a county or
14 municipality from enacting a certain local law, regulation, rule, or ordinance related
15 to hydraulic fracturing that is more stringent than State law or regulation; and
16 generally relating to hydraulic fracturing.

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 14–107.1
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2016 Supplement)

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

24 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14–107.1.

2 (a) (1) In this section, “hydraulic fracturing” means a drilling technique that
3 expands existing fractures or creates new fractures in rock by injecting fluids, often a
4 mixture of water and chemicals, sand, or other substances, and often under pressure, into
5 or underneath the surface of the rock for purposes that include well drilling for the
6 exploration or production of natural gas.

7 (2) “Hydraulic fracturing” includes:

8 (i) Fracking;

9 (ii) Hydrofracking; and

10 (iii) Hydrofracturing.

11 (b) On or before October 1, 2016, the Department shall adopt regulations to
12 provide for the hydraulic fracturing of a well for the exploration or production of natural
13 gas in the State.

14 (c) Regulations adopted by the Department in accordance with subsection (b) of
15 this section may not become effective until October 1, 2017.

16 **(D) ON OR BEFORE JULY 1, 2018, THE DEPARTMENT SHALL CONDUCT A**
17 **STUDY THAT:**

18 **(1) IDENTIFIES ANY STATE REGULATION THAT IS LESS PROTECTIVE**
19 **OF THE PUBLIC HEALTH, SAFETY, NATURAL RESOURCES, AND THE ENVIRONMENT**
20 **THAN THE BEST PRACTICES IDENTIFIED BY THE MARCELLUS SHALE SAFE**
21 **DRILLING INITIATIVE ADVISORY COMMISSION; AND**

22 **(2) EXAMINES THE FINDINGS OF ANY STUDY CONDUCTED BY THE U.S.**
23 **ENVIRONMENTAL PROTECTION AGENCY OR ANY STATE TO ENSURE THAT STATE**
24 **REGULATIONS ARE CONSISTENT WITH THE MOST PROTECTIVE STANDARDS FOR**
25 **HYDRAULIC FRACTURING WITH RESPECT TO PUBLIC HEALTH, SAFETY, NATURAL**
26 **RESOURCES, AND THE ENVIRONMENT.**

27 **(E) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL PROPOSE**
28 **NEW REGULATIONS THAT INCORPORATE THE MOST PROTECTIVE STANDARDS**
29 **IDENTIFIED IN THE STUDY REQUIRED IN SUBSECTION (D) OF THIS SECTION.**

30 **[(d)] (F) [The] SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE**
31 **Department may not issue a permit for the hydraulic fracturing of a well for the exploration**
32 **or production of natural gas in the State until October 1, [2017] 2019.**

1 **(G) (1) AT THE 2018 GUBERNATORIAL ELECTION, EACH LOCAL**
2 **JURISDICTION IN THE STATE SHALL SUBMIT TO A REFERENDUM OF THE VOTERS OF**
3 **THE LOCAL JURISDICTION THE QUESTION OF WHETHER TO AUTHORIZE HYDRAULIC**
4 **FRACTURING IN THE LOCAL JURISDICTION.**

5 **(2) THE REFERENDUM BALLOT SHALL INCLUDE THE WORDS**
6 **“FOR...HYDRAULIC FRACTURING” AND “AGAINST...HYDRAULIC FRACTURING”.**

7 **(3) IF A MAJORITY OF THE VOTES CAST ARE “FOR...HYDRAULIC**
8 **FRACTURING”, THE LOCAL JURISDICTION MAY AUTHORIZE HYDRAULIC**
9 **FRACTURING IN THE LOCAL JURISDICTION.**

10 **(4) IF A MAJORITY OF THE VOTES CAST ARE “AGAINST...HYDRAULIC**
11 **FRACTURING”, THE LOCAL JURISDICTION MAY NOT AUTHORIZE HYDRAULIC**
12 **FRACTURING UNTIL A MAJORITY OF THE VOTES CAST ARE “FOR...HYDRAULIC**
13 **FRACTURING” IN A SUBSEQUENT REFERENDUM.**

14 **(H) NOTHING IN THIS SECTION SHALL PROHIBIT A COUNTY OR**
15 **MUNICIPALITY FROM ENACTING:**

16 **(1) A BAN OR MORATORIUM ON HYDRAULIC FRACTURING ON**
17 **PROPERTY WITHIN THE COUNTY OR MUNICIPALITY; AND**

18 **(2) A LOCAL LAW, REGULATION, RULE, OR ORDINANCE RELATED TO**
19 **HYDRAULIC FRACTURING THAT IS MORE STRINGENT THAN STATE LAW OR**
20 **REGULATION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2017.