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HB 39/94 - ENV

1996 Regular Session
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CF 6r1722

By: Delegates Harkins and Fry

Introduced and read first time: January 26, 1996
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 1996

CHAPTER _____

1 AN ACT concerning

2 **Prohibition Against Hunting, Importing, and Selling Game - Exception**

3 FOR the purpose of authorizing an exception to a certain prohibition against hunting,
4 importing, and selling game birds or game mammals where a person imports,
5 possesses, sells, offers for sale, purchases, offers to purchase, barter, or exchanges
6 ~~imported~~, domestically raised, officially inspected, processed, and lawfully obtained
7 venison, other than white-tailed and sika venison; specifying recordkeeping
8 requirements for the importation and sale of certain venison; providing for the
9 construction of this Act; defining a certain term; and generally relating to certain
10 exceptions from a certain prohibition against hunting, importing, and selling game
11 birds or game mammals.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 10-404
15 Annotated Code of Maryland
16 (1990 Replacement Volume and 1995 Supplement)

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

19 **Article - Natural Resources**

20 10-404.

21 (A) IN THIS SECTION, "OFFICIALLY INSPECTED" MEANS VENISON INSPECTED
22 AND PASSED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE:

23 (1) U.S. DEPARTMENT OF AGRICULTURE (USDA); OR

1 (2) U.S. FOOD AND DRUG ADMINISTRATION (FDA).

2 ~~(A)~~ (B) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS ~~(B)~~ (C)
 3 THROUGH ~~(D)~~ (E) OF THIS SECTION, A PERSON MAY IMPORT, SELL, OFFER FOR SALE,
 4 PURCHASE, OFFER TO PURCHASE, BARTER, OR EXCHANGE ~~IMPORTED~~,
 5 DOMESTICALLY RAISED, OFFICIALLY INSPECTED, AND PROCESSED VENISON THAT
 6 THE PERSON LAWFULLY OBTAINS, OTHER THAN WHITE-TAILED AND SIKA VENISON.

7 (2) A PERSON WHO IMPORTS, SELLS, OR OFFERS FOR SALE VENISON
 8 SHALL MAINTAIN RECORDS DOCUMENTING THE LAWFUL ORIGIN OF ANY VENISON
 9 IMPORTED OR SOLD, INCLUDING THE SPECIES OF DEER, COUNTRY OR STATE OF
 10 ORIGIN, THE PERSON FROM WHOM THE VENISON WAS OBTAINED, DATE OF
 11 DELIVERY, BY WHOM THE VENISON WAS OFFICIALLY INSPECTED, AND QUANTITY
 12 OF VENISON.

13 (3) THESE RECORDS SHALL BE KEPT BY THE IMPORTER OR SELLER AT
 14 THE IMPORTER'S OR SELLER'S PLACE OF BUSINESS FOR A PERIOD OF 1 YEAR
 15 FOLLOWING DELIVERY OF THE VENISON.

16 (4) THE IMPORTER OR SELLER SHALL ALLOW THE DEPARTMENT TO
 17 INSPECT THESE RECORDS AT THE IMPORTER'S OR SELLER'S PLACE OF BUSINESS AT
 18 ANY REASONABLE TIME.

19 (5) THIS SUBSECTION DOES NOT EXEMPT A PERSON WHO IMPORTS,
 20 SELLS, OR OFFERS FOR SALE VENISON FROM APPLICABLE PROVISIONS OF TITLE 21,
 21 SUBTITLES 2 AND 3 OF THE HEALTH - GENERAL ARTICLE.

22 ~~[(a)]~~ ~~(B)~~ (C) A person may not hunt or attempt to hunt any game bird or mammal
 23 except during open season, or possess any game bird or mammal during any closed season
 24 whether hunted in the State or in another state, territory, or country. However, a person
 25 may possess any dead game bird or dead game mammal for 5 days and dead deer for 30
 26 days after the season closes for use as food. Also, a licensed hunter may obtain a permit
 27 from the Department during open season or within 5 days after open season closes to
 28 possess any frozen game bird or mammal for a period not exceeding 180 days.

29 ~~[(b)]~~ ~~(C)~~ (D) A person may ship or bring into the State by expressor as baggage
 30 any game bird or mammal the person legally killed in any other state, territory, or
 31 country, if the person accompanies the game bird or mammal and presents a hunter's
 32 license or permit of the other state, territory, or country where the game bird or mammal
 33 was killed if the document is required by the other state, territory, or country. However,
 34 game birds and mammals or any part of them brought into the State may not be sold or
 35 offered for sale.

36 ~~[(c)]~~ ~~(D)~~ (E) Except as provided in § 10-512(a)(2)(ii) of this title, a person may
 37 not sell, offer for sale, purchase, offer to purchase, barter, or exchange, at any time within
 38 the State any game bird or game mammal taken from the wild, except the meat, pelt or
 39 carcass of any coyote, muskrat, raccoon, mink, otter, nutria, opossum, beaver, fox,
 40 long-tail weasel, fisher, or skunk, whether caught in the State or in another state,
 41 territory, or country.

42 (F) NOTHING IN THIS SECTION MAY BE CONSTRUED AS ALLOWING DEER
 43 FARMING FOR THE PURPOSE OF SELLING DEER MEAT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.