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HB 39/94 - ENV

1996 Regular Session  
6r1722  
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**By: Senator Stoltzfus**

Introduced and read first time: January 22, 1996  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: February 26, 1996

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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 ~~deer meat~~ venison, other than white-tailed and sika ~~deer meat~~ venison; specifying  
8 record keeping requirements for the importation and sale of certain ~~deer meat~~  
9 venison; defining a certain term; and generally relating to certain exceptions from a  
10 certain prohibition against hunting, importing, and selling game birds or game  
11 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);

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1                    (2) U.S. FISH AND WILDLIFE SERVICE; OR

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

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

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

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

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

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

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

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

39                    [(c)] ~~(D)~~ (E) Except as provided in § 10-512(a)(2)(ii) of this title, a person may  
 40 not sell, offer for sale, purchase, offer to purchase, barter, or exchange, at any time within  
 41 the State any game bird or game mammal taken from the wild, except the meat, pelt or  
 42 carcass of any coyote, muskrat, raccoon, mink, otter, nutria, opossum, beaver, fox,

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1 long-tail weasel, fisher, or skunk, whether caught in the State or in another state,  
2 territory, or country.

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