
By: **Delegates Morhaim, Hubbard, and Cryor**
Introduced and read first time: January 22, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Aquaculture Operations - Transgenic Marine Animals**

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

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

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

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

20 **Article - Natural Resources**

21 4-11A-01.

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

25 4-11A-02.

26 (a) (1) The Department shall promulgate by regulation requirements that
27 are necessary to ensure that aquaculture operations do not adversely impact wild

1 stocks of fish, including measures for identifying fish as products of an aquaculture
2 operation. In developing these regulations, the Department shall consult with the
3 Aquaculture Advisory Committee, established by § 10-1302 of the Agriculture Article,
4 and incorporate in the regulations public notice provisions in accordance with §
5 4-11A-06 of this subtitle.

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

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

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

13 (3) THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE RAISING OF A
14 TRANSGENIC SPECIES, UNLESS:

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

17 (II) THE AQUACULTURE OPERATION IS CONSTRUCTED IN A
18 MANNER THAT ASSURES THAT TRANSGENIC STOCKS ARE PRECLUDED FROM
19 ENTERING ANY OTHER WATERS OR CONTAMINATING THE NONTRANSGENIC SPECIES
20 OF THE STATE.

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

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

27 (d) Except as otherwise provided by law or by regulations adopted by the
28 Department, all provisions of this title and regulations adopted under this title
29 applicable to the taking, possession, sale, and transport of finfish do not apply to
30 finfish that are in or from aquaculture operations in nontidal ponds, lakes, or
31 impoundments.

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