

**HOUSE BILL 353**  
**EMERGENCY BILL**

Unofficial Copy  
M3

2002 Regular Session  
2lr1372

---

By: **Delegates Schisler, Oaks, W. Baker, Eckardt, Cane, Walkup, Crouse, and DeCarlo**

Introduced and read first time: January 25, 2002

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2                           **Oysters - Nonnative Species - Research for Possible Cultivation in Maryland**  
3                           **Waters**

4 FOR the purpose of requiring the Department of Natural Resources to study the  
5     potentiality and feasibility of cultivating the species of oyster *Crassostrea*  
6     *ariakensis* in Maryland waters; authorizing, with prior approval of the  
7     Department, certain research and experimentation in Maryland waters with  
8     certain oysters; requiring the Department to ensure that certain research with  
9     certain oysters does not result in de facto introduction of a nonnative species;  
10    requiring the Department to report to the Governor and certain legislative  
11    committees of the General Assembly by certain dates; making this Act an  
12    emergency measure; and generally relating to live, nonnative oyster species.

13 BY adding to  
14     Article - Natural Resources  
15     Section 4-1019.3  
16     Annotated Code of Maryland  
17     (2000 Replacement Volume and 2001 Supplement)

18 BY repealing and reenacting, with amendments,  
19     Article - Natural Resources  
20     Section 4-11A-02(a)(2)  
21     Annotated Code of Maryland  
22     (2000 Replacement Volume and 2001 Supplement)

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

**Article - Natural Resources**

2 4-1019.3.

3 (A) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL, IN  
4 COOPERATION WITH BOTH PRIVATE AND PUBLIC MARYLAND RESEARCH  
5 INSTITUTIONS WITH EXPERTISE IN THE FIELD, STUDY THE POTENTIALITY AND  
6 FEASIBILITY OF CULTIVATING THE SPECIES OF OYSTER CRASSOSTREA ARIAKENSIS  
7 IN MARYLAND WATERS.

8 (2) THE STUDY REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION  
9 SHALL INCLUDE AN ANALYSIS OF THE ECOLOGICAL BENEFITS AND RISKS  
10 ASSOCIATED WITH THE INTRODUCTION OF REPRODUCTIVELY CAPABLE NONNATIVE  
11 OYSTER SPECIES IN MARYLAND WATERS.

12 (B) WITH PRIOR APPROVAL OF THE DEPARTMENT, A PERSON MAY ENGAGE IN  
13 RESEARCH AND EXPERIMENTATION IN MARYLAND WATERS WITH LIVE, NONNATIVE  
14 OYSTERS.

15 (C) THE DEPARTMENT SHALL ENSURE THAT ANY RESEARCH IT APPROVES  
16 INVOLVING LIVE, NONNATIVE OYSTERS IN MARYLAND WATERS WILL NOT RESULT IN  
17 THE DE FACTO INTRODUCTION OF A NONNATIVE SPECIES.

18 4-11A-02.

19 (a) (2) [The] EXCEPT AS SPECIFICALLY AUTHORIZED IN § 4-1019.3 OF THIS  
20 ARTICLE, THE Department may not issue a permit for the raising of nonnative  
21 species, including hybrids of striped bass, or nonnative stocks unless:

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) On or before December 1, 2003, the Department of Natural Resources shall  
29 submit an interim report to the Governor, the House Environmental Matters  
30 Committee and the Senate Education, Health, and Environmental Affairs Committee  
31 concerning the status of on-going research and interim findings in accordance with §  
32 2-1246 of the State Government Article.

33 (b) On or before December 1, 2004, the Department of Natural Resources shall  
34 submit a final report to the Governor, the House Environmental Matters Committee  
35 and the Senate Education, Health, and Environmental Affairs Committee concerning  
36 the potentiality and feasibility of cultivating the species of oyster Crassostrea  
37 ariakensis in Maryland waters in accordance with § 2-1246 of the State Government  
38 Article.

1       SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety,  
3 has been passed by a yea and nay vote supported by three-fifths of all the members  
4 elected to each of the two Houses of the General Assembly, and shall take effect from  
5 the date it is enacted.