

Chapter 304

**(House Bill 1400)**

AN ACT concerning

**Shellfish Aquaculture – Penalties – Suspension or Revocation of Permit or Registration Card**

FOR the purpose of authorizing the suspension or revocation of a shellfish aquaculture harvester permit or shellfish aquaculture harvester registration card for certain violations; prohibiting a person whose ~~registration or permit~~ permit or registration card has been suspended or revoked in accordance with this Act from engaging or working in any aquaculture activity during the suspension or revocation; authorizing a certain leaseholder and the Department of Natural Resources to complete within certain time periods a process to remove gear or transfer a shellfish aquaculture lease in a certain manner; and generally relating to shellfish aquaculture.

BY adding to

Article – Natural Resources  
Section 4–1212  
Annotated Code of Maryland  
(2023 Replacement Volume and 2025 Supplement)

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

**Article – Natural Resources**

**4–1212.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “PERMIT” MEANS A SHELLFISH AQUACULTURE HARVESTER PERMIT ISSUED BY THE DEPARTMENT.**

**(3) “REGISTRATION CARD” MEANS A SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD ISSUED BY THE DEPARTMENT.**

**(B) (1) IN ADDITION TO ANY OTHER PENALTY OR FINE PROVIDED IN THIS TITLE, A PERSON WHO HOLDS A SHELLFISH AQUACULTURE HARVESTER PERMIT OR SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD AND RECEIVES A CITATION FOR AN OFFENSE LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION**

MAY, IN ACCORDANCE WITH THIS SECTION, HAVE THE PERMIT OR REGISTRATION CARD:

(I) FOR A FIRST VIOLATION, SUSPENDED FOR UP TO 5 YEARS;  
AND

(II) FOR A SECOND OR SUBSEQUENT VIOLATION, REVOKED.

(2) THE FOLLOWING OFFENSES, COMMITTED IN VIOLATION OF THIS TITLE OR OF ANY REGULATION ADOPTED UNDER THIS TITLE, ARE GROUNDS FOR SUSPENSION OR REVOCATION OF A PERMIT OR REGISTRATION CARD UNDER THIS SECTION:

(I) TAKING OYSTERS ~~LOCATED~~ FROM A CLOSED OR PROHIBITED AREA MORE THAN 200 FEET ~~WITHIN A CLOSED OR PROHIBITED AREA~~ OUTSIDE A SHELLFISH AQUACULTURE LEASE;

(II) ~~TAKING OYSTERS WITH GEAR THAT IS PROHIBITED IN THAT AREA WHILE MORE THAN 200 FEET WITHIN THE PROHIBITED AREA;~~

~~(III) TAKING DELIVERING OYSTERS ~~OUTSIDE OF A TIME RESTRICTION FOR THE HARVEST OF OYSTERS BY~~ TO A DEALER MORE THAN 1 HOUR AFTER THE TIME REQUIRED BY THE MARYLAND DEPARTMENT OF HEALTH'S VIBRIO PARAHAEMOLYTICUS CONTROL PLAN AS SET FORTH IN COMAR 10.15.07.06;~~

~~(IV) (III) TAKING OYSTERS FROM A LEASED AREA BY A PERSON OTHER THAN THE LEASEHOLDER OR THE LEASEHOLDER'S DESIGNEE; AND~~

~~(V) (IV) TAKING OYSTERS FOR COMMERCIAL PURPOSES FROM A NATURAL OYSTER BAR OR ~~THE~~ A PUBLIC SHELLFISH FISHERY AREA WITHOUT A VALID AUTHORIZATION TO CATCH OYSTERS UNDER § 4-701 OF THIS TITLE; AND~~

(V) UNLAWFULLY TAKING OYSTERS FOR COMMERCIAL PURPOSES FROM A NATURAL OYSTER BAR OR A PUBLIC SHELLFISH FISHERY AREA AND PLANTING THOSE OYSTERS ON A SHELLFISH AQUACULTURE LEASE.

(C) (1) BEFORE THE SUSPENSION OR REVOCATION OF A PERMIT OR REGISTRATION CARD UNDER THIS SECTION, THE DEPARTMENT SHALL HOLD A HEARING ON THE MATTER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) AFTER A HEARING IS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF THE PRESIDING OFFICER FINDS OR CONCLUDES THAT THE PERSON KNOWINGLY HAS COMMITTED AN OFFENSE LISTED UNDER SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT SHALL SUSPEND OR REVOKE THE PERSON'S PERMIT OR REGISTRATION CARD IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION.

(D) A PERSON WHO IS AGGRIEVED BY THE FINAL DECISION OF THE DEPARTMENT MAY OBTAIN JUDICIAL REVIEW OF THE DECISION IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(E) A PERSON WHOSE ~~REGISTRATION OR PERMIT~~ PERMIT OR REGISTRATION CARD HAS BEEN SUSPENDED OR REVOKED IN ACCORDANCE WITH THIS SECTION MAY NOT ENGAGE OR WORK IN ANY AQUACULTURE ACTIVITY DURING THE SUSPENSION OR REVOCATION WHETHER OR NOT THE WORK REQUIRES THE USE OF ANOTHER ~~LICENSE~~ PERMIT OR REGISTRATION CARD.

(F) (1) (I) THIS SUBSECTION APPLIES ONLY TO A PERSON WHO IS THE SOLE HOLDER OF A SHELLFISH AQUACULTURE LEASE UNDER SUBTITLE 11A OF THIS TITLE AND WHOSE PERMIT OR REGISTRATION CARD HAS BEEN SUSPENDED OR REVOKED UNDER THIS SECTION.

(II) WITHIN 90 DAYS AFTER THE CONCLUSION OF AN ADMINISTRATIVE PROCEEDING UNDER § 4-11A-10 OF THIS TITLE THAT RESULTS IN THE TERMINATION OF A LEASE, A PERSON MAY PROVIDE TO THE DEPARTMENT A PLAN TO REMOVE ANY GEAR OR OTHER EQUIPMENT FROM THE LEASED AREA OR TRANSFER THE LEASE TO ANOTHER PERSON.

(III) WITHIN 60 DAYS AFTER RECEIPT OF THE PLAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL REVIEW THE PLAN AND NOTIFY THE PERSON WHETHER THE PLAN IS COMPLETE OR REQUIRES REVISIONS.

(IV) WITHIN 30 DAYS AFTER THE DEPARTMENT'S NOTIFICATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE PERSON SHALL SUBMIT ANY REQUIRED PLAN REVISIONS AND A LEASE TRANSFER APPLICATION TO THE DEPARTMENT.

(V) WITHIN 90 DAYS AFTER RECEIPT OF THE PERSON'S COMPLETED LEASE TRANSFER APPLICATION, THE DEPARTMENT SHALL APPROVE THE LEASE TRANSFER.

**(2) THE DEPARTMENT MAY NOT TERMINATE A PERSON'S LEASE BEFORE THE CONCLUSION OF THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(3) A PERSON'S FAILURE TO COMPLETE THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY RESULT IN THE FORFEITURE OF ANY GEAR AND EQUIPMENT ON THE LEASED AREA TO THE STATE FOR DESTRUCTION OR DISPOSITION AS THE DEPARTMENT MAY DEEM APPROPRIATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

**Approved by the Governor, April 28, 2026.**