

HOUSE BILL 1400

M2

6lr1884
CF SB 166

By: **Delegates Jacobs, Adams, Arentz, Baker, Beauchamp, Boyce, Buckel, Ciliberti, Ghrist, Hornberger, Howard, Hutchinson, McComas, T. Morgan, Reilly, Schmidt, and Wivell**

Introduced and read first time: February 13, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the suspension or revocation of a shellfish aquaculture
5 harvester permit or shellfish aquaculture harvester registration card for certain
6 violations; prohibiting a person whose registration or permit card has been
7 suspended or revoked in accordance with this Act from engaging or working in any
8 aquaculture activity during the suspension or revocation; and generally relating to
9 shellfish aquaculture.

10 BY adding to

11 Article – Natural Resources
12 Section 4–1212
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

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

17 **Article – Natural Resources**

18 **4–1212.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "REGISTRATION CARD" MEANS A SHELLFISH AQUACULTURE**
2 **HARVESTER REGISTRATION CARD ISSUED BY THE DEPARTMENT.**

3 **(B) (1) IN ADDITION TO ANY OTHER PENALTY OR FINE PROVIDED IN THIS**
4 **TITLE, A PERSON WHO HOLDS A SHELLFISH AQUACULTURE HARVESTER PERMIT OR**
5 **SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD AND RECEIVES A**
6 **CITATION FOR AN OFFENSE LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION**
7 **MAY, IN ACCORDANCE WITH THIS SECTION, HAVE THE PERMIT OR REGISTRATION**
8 **CARD:**

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

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

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

16 **(I) TAKING OYSTERS LOCATED MORE THAN 200 FEET WITHIN A**
17 **CLOSED OR PROHIBITED AREA;**

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

20 **(III) TAKING OYSTERS OUTSIDE OF A TIME RESTRICTION FOR**
21 **THE HARVEST OF OYSTERS BY MORE THAN 1 HOUR;**

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

24 **(V) TAKING OYSTERS FOR COMMERCIAL PURPOSES FROM A**
25 **NATURAL OYSTER BAR OR THE PUBLIC SHELLFISH FISHERY AREA WITHOUT A VALID**
26 **AUTHORIZATION TO CATCH OYSTERS UNDER § 4-701 OF THIS TITLE.**

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

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

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

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

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