

SENATE BILL 166

M2

(PRE-FILED)

6lr1052
CF HB 1400

By: **Senator Bailey**

Requested: October 1, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2026

CHAPTER _____

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~~ permit or registration
7 card has been suspended or revoked in accordance with this Act from engaging or
8 working in any aquaculture activity during the suspension or revocation; authorizing
9 a certain leaseholder and the Department of Natural Resources to complete within
10 certain time periods a process to remove gear or transfer a shellfish aquaculture
11 lease in a certain manner; and generally relating to shellfish aquaculture.

12 BY adding to
13 Article – Natural Resources
14 Section 4–1212
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2025 Supplement)

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

19 **Article – Natural Resources**

20 **4–1212.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (2) "PERMIT" MEANS A SHELLFISH AQUACULTURE HARVESTER
4 PERMIT ISSUED BY THE DEPARTMENT.

5 (3) "REGISTRATION CARD" MEANS A SHELLFISH AQUACULTURE
6 HARVESTER REGISTRATION CARD ISSUED BY THE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.