



Wes Moore, Governor  
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February 3, 2026

**BILL NUMBER: SENATE BILL 166**

**SHORT TITLE: SHELLFISH AQUACULTURE - PENALTIES - SUSPENSION OR REVOCATION OF PERMIT OR REGISTRATION CARD**

**DEPARTMENT'S POSITION: SUPPORT WITH AMENDMENTS**

**EXPLANATION OF DEPARTMENT'S POSITION**

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Senate Bill 166 creates a system by which the Department may pursue a five-year suspension of an individual's Shellfish Aquaculture Harvester Permit or Shellfish Aquaculture Harvester Registration Card for a first offense and a revocation of a permit or registration card for a second offense for certain enumerated violations.

At face value, this is a similar system as designed in Natural Resources Article, §4-1210, Annotated Code of Maryland, which applies to violations in the wild oyster fishery. The Department appreciates the effort to hold bad actors in the shellfish industry accountable in a way similar to bad actors in the wild oyster fishery. However, to address concerns regarding the approach taken in this bill, we are proposing amendments.

The first concern is that the list of violations, while similar to the list of violations in Natural Resources Article, §4-1210, Annotated Code of Maryland, is not tailored specifically to the types of serious violations potentially seen in the aquaculture industry. The original list penalizes an aquaculture harvester who is not additionally licensed to harvest wild oysters more significantly than an aquaculture harvester who is additionally licensed to harvest wild oysters. The proposed amendments remove the gear violation, since gear violations are not a significant concern in the aquaculture setting, modify the time-related violation to be specific to serious public health violations, and add a scenario where an individual who is licensed to harvest wild oysters illegally plants wild oysters on their lease, to ensure equal treatment between those licensed and those not licensed to harvest wild oysters.

The second concern is that the language in Section E of the bill, while mirroring the language of Natural Resources Article, §4-1210, Annotated Code of Maryland, does not reflect the very different natures of the aquaculture industry and the wild oyster fishery. In the wild oyster fishery, harvesters are required to sell to Department of Natural Resources-licensed and Department of Health-certified dealers, or be licensed and certified themselves and sell directly to the public under those licenses/certifications. In reality, most harvesters sell their oysters directly to a dealer who is waiting for them at the dock. When someone is prohibited from engaging in the wild oyster fishery as a result of the penalty in Natural Resources Article, §4-1210, Annotated Code of Maryland, that sale which is the culmination of harvest is the primary action from which they are prohibited. In the aquaculture context, because the oysters they are selling are not wild oysters, there are situations where they do not need a dealer's license from the Department of Natural Resources to sell

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their own product. The primary example of this would be an aquaculture business selling their product directly to consumers. Additionally, the business may also engage in sales of oysters which will be produced in the future (i.e., entering a sales contract with a restaurant group at a trade show). Because the language in Section E refers to the “use of a license” and the only Department “license” which is used by an aquaculture operation is the Tidal Fish Dealer License, the proposed language is potentially overbroad and would essentially eliminate the individual from the operations of the aquaculture business entirely, including from aspects of the business that have nothing to do with on-water violations. The proposed amendment would prevent penalized individuals from all on-water work, whether or not that work required the use of a permit or registration card, thereby ensuring that individuals who committed significant on-water violations are removed from the water. The ultimate effect of the amendment would be that those individuals could remain part of the business end of the operation, which is of significant concern when dealing with leases where only one individual owns and operates the entire business. Without this provision, sole proprietors would likely lose their entire investment in their business. By applying the penalty to aquaculture activities on the lease, it makes the penalty more consistent with Natural Resources Article, §4-1210, Annotated Code of Maryland, where an individual harvester could still participate in other aspects of their business that were not related to oystering under an authorization such as crabbing or finfishing.

### **BACKGROUND INFORMATION**

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The way that the Department licenses aquaculture operators is not identical to how the Department licenses its commercial harvesters. The amendments listed above create more parity for the penalties that exist between those who have a Shellfish Aquaculture Harvester Permit and those who have a Shellfish Aquaculture Harvester Registration Card, while also taking into consideration the legal differences that exist between these two industries.

### **BILL EXPLANATION**

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Senate Bill 166 creates additional penalties for shellfish aquaculture violations.