



February 3, 2026

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 181

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in OPPOSITION TO SB 181.

The Bill:

This Bill amends MD Code, Natural Resources, § 10.408, to provide in new subsection (e) that1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2029, THE DEPARTMENT SHALL REQUIRE THE USE OF NONLEAD AMMUNITION FOR THE HUNTING OF ALL GAME SPECIES.
(2) THE DEPARTMENT SHALL AUTHORIZE THE USE OF LEAD AMMUNITION FOR MUZZLELOADERS, HANDGUNS, RIFLES, AND SHOTGUNS IF NONLEAD AMMUNITION IS NOT COMMERCIALY AVAILABLE FOR THE SPECIFIC WEAPON. .

Discussion:

This Bill is justified as a means of reducing lead in the environment. But the total elimination of lead ammunition used in hunting game is vast overkill. The federal ban on the use of lead shot for hunting waterfowl is very limited. It was phased-in starting with the 1987-88 hunting season. The ban became nationwide in 1991. **Nontoxic shot regulations apply only to waterfowl, defined as the family Anatidae (ducks, geese, [including brant], and swans) and coots.** Nontoxic shot is federally defined as any shot type that does not cause sickness and death **when ingested by**

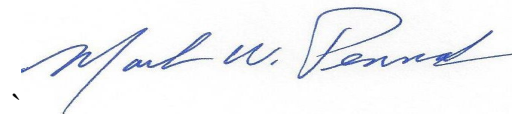
migratory birds. <https://www.fws.gov/story/2022-04/nontoxic-shot-regulations-hunting-waterfowl-and-coots-us>. As is apparent, that ban was imposed by federal law because these particular migratory waterfowl “**ingest**” the lead shot that was previously used to hunt these migratory birds. Nothing in this Bill would alter these federal requirements.

That purpose cannot be rationally applied to any other game species. Deer, for example, do not eat bullets. Nor do turkeys or upland game or other species of migratory birds. Unlike lead shot, the amount of lead introduced into the environment by hunters shooting bullets at game is microscopically small. See *Martinez v. Amazon.com Services LLC*, 491 Md. 38, 61 (2025) (applying the “*de minimis* rule” to Maryland’s wage laws). In contrast, the effect on hunters will be significant.

Non-lead ammunition for hunting rifles is also both hard to find and typically much more expensive than traditional hunting ammunition that uses lead cores covered by gliding metal, such as copper alloys. That expense is not limited to ammunition used in hunting. Different bullets have different ballistics. Thus, hunters sight in their firearms and practice with the same ammunition they will use while hunting. Doing so promotes accuracy and the humane harvesting of game. Imposing this Bill’s requirements on all hunting in Maryland will make hunting more expensive and make Maryland less desirable for out-of-State hunters to no point. That result conflicts with efforts of the Department of Natural Resources to promote hunting in Maryland. https://dnr.maryland.gov/wildlife/pages/hunt_trap/mentored-hunt-program.aspx. The Bill will further harm the economies of rural parts of Maryland that rely on hunting.

For all the foregoing reasons, we urge an unfavorable report on this Bill.

Sincerely,



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