

## Section 4-11A-02

## Annotated Code of Maryland

(2005 Replacement Volume and 2005 Supplement)

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

**Article - Natural Resources**

## 4-11A-02.

(a) (1) The Department shall promulgate by regulation requirements that are necessary to ensure that aquaculture operations do not adversely impact wild stocks of fish, including measures for identifying fish as products of an aquaculture operation. In developing these regulations, the Department shall consult with the Aquaculture Coordinating Council, established by § 10-1303 of the Agriculture Article, and incorporate in the regulations public notice provisions in accordance with § 4-11A-06 of this subtitle.

(2) The Department may not issue a permit for the raising of nonnative species, including hybrids of striped bass, or nonnative stocks unless:

(i) The permit limits the aquaculture operation to nontidal ponds, lakes, or impoundments; and

(ii) The aquaculture operation is constructed in a manner that assures that nonnative stocks are precluded from entering the tidal waters or contaminating the native species of the State.

(b) A person may not engage in aquaculture unless the person has obtained a permit from the Department. The permit shall be conditioned upon the person complying with the regulations promulgated under subsection (a) of this section.

(c) A permittee under this section shall allow the Department to inspect at reasonable hours any facilities, equipment, or fish involved in the permittee's aquaculture operations.

(d) Except as otherwise provided by law or by regulations adopted by the Department, all provisions of this title and regulations adopted under this title applicable to the taking, possession, sale, and transport of finfish do not apply to finfish that are in or from aquaculture operations in nontidal ponds, lakes, or impoundments.

~~(e) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS OTHERWISE ENTITLED TO A PERMIT TO ENGAGE IN AQUACULTURE OPERATIONS MAY ESTABLISH OYSTER SEED AREAS IN ANY WATERS OF THE STATE PROVIDED THAT THE OYSTER SEED HAS ACCEPTABLE LEVELS OF POISONOUS OR DELETERIOUS SUBSTANCES AS SPECIFIED IN THE GUIDANCE DOCUMENTS OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL SHELLFISH SANITATION PROGRAM ENTITLED, "CHAPTER II. GROWING AREAS, ACTION LEVELS, TOLERANCES AND GUIDANCE LEVELS FOR POISONOUS OR DELETERIOUS SUBSTANCES IN SEAFOOD".~~