Annotated Code of Maryland

(1997 Replacement Volume and 2000 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–11A–02

Annotated Code of Maryland

(1997 Replacement Volume and 2000 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–01.

(I) "TRANSGENIC" MEANS AN ORGANISM INTO WHICH GENETIC MATERIAL FROM ANOTHER ORGANISM HAS BEEN EXPERIMENTALLY TRANSFERRED, SO THAT THE HOST ACQUIRES THE GENETIC TRAITS OF THE TRANSFERRED GENES.

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 Advisory Committee, established by § 10–1302 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.

(3) THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE RAISING OF A TRANSGENIC SPECIES OR A GENETICALLY ALTERED SPECIES, UNLESS:

(I) THE PERMIT LIMITS THE AQUACULTURE OPERATION TO WATERS OF THE STATE THAT DO NOT FLOW INTO ANY OTHER BODY OF WATER; AND

(II) THE AQUACULTURE OPERATION IS CONSTRUCTED IN A MANNER THAT ASSURES THAT TRANSGENIC OR GENETICALLY ALTERED STOCKS ARE PRECLUDED FROM ENTERING ANY OTHER WATERS OR CONTAMINATING THE NONTRANSGENIC OTHER AQUATIC SPECIES OF THE STATE.