

HOUSE BILL 490

M2, M4

11r0796

By: **Montgomery County Delegation**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Deer Management Permit Pilot Program**

3 **MC 15–21**

4 FOR the purpose of providing that certain provisions of law related to the sale of livestock
5 apply to certain deer; providing that the Maryland Wholesome Meat Act applies to
6 certain deer; requiring the Secretary of Agriculture, in consultation with the
7 Secretary of Natural Resources, to adopt regulations, on or before a certain date, to
8 establish requirements for the processing, inspection, labeling, and sale of wild
9 venison in the State; providing that certain provisions of law relating to inhumane
10 methods of livestock slaughter apply to certain deer; authorizing a person to import,
11 sell, offer for sale, purchase, barter, or exchange certain venison; establishing the
12 Deer Management Permit Pilot Program in Montgomery County for a certain
13 purpose; establishing that certain prohibitions against the sale of game birds and
14 mammals do not apply to the meat or carcass of certain deer; authorizing a person
15 to hunt deer outside of deer hunting season under certain circumstances in
16 Montgomery County; authorizing a person who harvests deer under a permit to sell
17 or offer for sale the meat or carcass of the deer in accordance with certain regulations;
18 requiring the Department of Natural Resources, in consultation with the
19 Department of Agriculture, to adopt certain regulations implementing the pilot
20 program; providing for the termination of this Act; defining certain terms; altering a
21 certain definition; and generally relating to the Deer Management Permit Pilot
22 Program in Montgomery County.

23 BY repealing and reenacting, with amendments,
24 Article – Agriculture
25 Section 3–301, 4–103, 4–107, and 4–123.1(a)(3)
26 Annotated Code of Maryland
27 (2016 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Agriculture
3 Section 4–123.1(a)(1) and (b)
4 Annotated Code of Maryland
5 (2016 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Natural Resources
8 Section 10–404 and 10–415
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2020 Supplement)

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

13 **Article – Agriculture**

14 3–301.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) **(1)** “Livestock” means cattle, swine, sheep, horses, asses, mules, or goats
17 notwithstanding any other provision of this article.

18 **(2)** “LIVESTOCK” INCLUDES DEER LEGALLY TAKEN BY A PERSON
19 HOLDING A DEER MANAGEMENT PERMIT IN ACCORDANCE WITH § 10–415(F) OF THE
20 NATURAL RESOURCES ARTICLE.

21 (c) “Livestock dealer” means any person who engages in the business of selling,
22 buying, exchanging, or transferring livestock at any place and at any time.

23 (d) “Livestock market” means an established location where livestock are offered
24 for sale.

25 (e) “3–D livestock” means livestock that is unable to rise even with assistance (a
26 “downer”), is debilitated, or is diseased.

27 (f) “Trucker or hauler” means a person who engages in the business of
28 transporting livestock in trucks or other conveyances to or from a farm, a livestock auction,
29 sales agency, or dealer’s premises.

30 4–103.

31 **(A)** This subtitle does not apply to any act or transaction subject to exclusive
32 regulation under the Federal Meat Inspection Act.

1 **(B) [This] EXCEPT FOR DEER LEGALLY TAKEN BY A PERSON HOLDING A**
2 **DEER MANAGEMENT PERMIT IN ACCORDANCE WITH § 10-415(F) OF THE NATURAL**
3 **RESOURCES ARTICLE, THIS subtitle does not affect game mammals or wild birds or the**
4 **slaughtering or inspection of them.**

5 4-107.

6 **(A)** In addition to rules and regulations specifically authorized by this subtitle,
7 the Secretary may adopt rules and regulations, and require reports from persons subject to
8 this subtitle to carry out the purposes and provisions of this subtitle.

9 **(B) (1) IN THIS SUBSECTION, “WILD VENISON” MEANS VENISON FROM A**
10 **DEER LEGALLY TAKEN BY A PERSON HOLDING A DEER MANAGEMENT PERMIT IN**
11 **ACCORDANCE WITH § 10-415(F) OF THE NATURAL RESOURCES ARTICLE.**

12 **(2) ON OR BEFORE JULY 1, 2022, THE SECRETARY, IN CONSULTATION**
13 **WITH THE SECRETARY OF NATURAL RESOURCES, SHALL ADOPT REGULATIONS TO**
14 **ESTABLISH REQUIREMENTS FOR THE PROCESSING, INSPECTION, LABELING, AND**
15 **SALE OF WILD VENISON IN THE STATE.**

16 4-123.1.

17 (a) (1) In this section the following words have the meanings indicated.

18 (3) (i) “Livestock” means cattle, calves, sheep, swine, horses, mules,
19 goats, or other animals that may be used in the preparation of a meat product.

20 **(II) “LIVESTOCK” INCLUDES DEER LEGALLY TAKEN BY A**
21 **PERSON HOLDING A DEER MANAGEMENT PERMIT IN ACCORDANCE WITH §**
22 **10-415(F) OF THE NATURAL RESOURCES ARTICLE.**

23 **[(ii)] (III) “Livestock” does not include poultry or other fowl.**

24 (b) It is the policy of the State to prevent inhumane methods of livestock slaughter
25 at an official establishment.

26 **Article – Natural Resources**

27 10-404.

28 (a) In this section, “officially inspected” means venison inspected and passed in
29 accordance with standards established by the:

30 (1) U.S. Department of Agriculture (USDA); or

31 (2) U.S. Food and Drug Administration (FDA).

1 (b) (1) Notwithstanding the provisions of subsections (c) through (e) of this
2 section, a person may import, sell, offer for sale, purchase, offer to purchase, barter, or
3 exchange domestically raised, officially inspected, and processed venison that the person
4 lawfully obtains, other than, **EXCEPT AS PROVIDED IN § 10-415(F) OF THIS SUBTITLE,**
5 white-tailed and sika venison.

6 (2) A person who imports, sells, or offers for sale venison shall maintain
7 records documenting the lawful origin of any venison imported or sold, including the species
8 of deer, country or state of origin, the person from whom the venison was obtained, date of
9 delivery, by whom the venison was officially inspected, and quantity of venison.

10 (3) These records shall be kept by the importer or seller at the importer's
11 or seller's place of business for a period of 1 year following delivery of the venison.

12 (4) The importer or seller shall allow the Department to inspect these
13 records at the importer's or seller's place of business at any reasonable time.

14 (5) This subsection does not exempt a person who imports, sells, or offers
15 for sale venison from applicable provisions of Title 21, Subtitles 2 and 3 of the Health –
16 General Article.

17 (c) (1) **[A] EXCEPT AS PROVIDED IN § 10-415(F) OF THIS SUBTITLE, A**
18 person may not hunt or attempt to hunt any game bird or mammal except during open
19 season.

20 (2) Except as provided in this section or as authorized under Subtitle 5 or
21 Subtitle 9 of this title, a person may not possess any game bird or mammal during any
22 closed season whether hunted in the State or in another state, territory, or country.

23 (3) A person may possess:

24 (i) A dead game bird or dead game mammal legally acquired for use
25 as food;

26 (ii) A mounted specimen of a game bird or game mammal legally
27 acquired for personal use;

28 (iii) Hair, antlers, feathers, feet, or skin of game birds or game
29 mammals legally acquired for personal use; or

30 (iv) Deer antlers that have been manufactured into an article of
31 commerce.

32 (d) A person may ship or bring into the State by express or as baggage any game
33 bird or game mammal the person legally killed in any other state, territory, or country. The
34 game bird or game mammal shall be accompanied by a copy of the hunter's license and any

1 necessary permit of the state, territory, or country in which the game bird or game mammal
2 was killed. If the state, territory, or country does not require documentation, then the game
3 bird or game mammal shall be accompanied by a statement indicating the owner of the
4 specimen, the owner's address, and the state, territory, or country of origin.

5 (e) (1) Except as provided in paragraph (2) of this subsection or §
6 10-512(a)(2)(ii) of this title, a person may not sell, offer for sale, barter, or exchange, at any
7 time within the State any game bird or game mammal taken from the wild, in the State or
8 in another state, territory, or country.

9 (2) The prohibitions of paragraph (1) of this subsection do not apply to the:

10 (i) Meat, pelt, carcass, or mounted specimen of any beaver, coyote,
11 fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or long-tailed weasel
12 legally taken by the person;

13 (ii) Hide, hair, tail, or feet, excluding a mounted specimen of deer,
14 squirrel, or rabbit legally acquired;

15 (iii) Feathers, skin, or feet, excluding a mounted specimen of upland
16 and forest game birds legally acquired;

17 (iv) Except as prohibited by federal law, feathers of wetland game
18 birds legally acquired; [or]

19 (v) **MEAT OR CARCASS OF A DEER LEGALLY TAKEN BY A**
20 **PERSON HOLDING A DEER MANAGEMENT PERMIT IN ACCORDANCE WITH §**
21 **10-415(F) OF THIS SUBTITLE; OR**

22 [(v)] (vi) Antlers of deer legally acquired in another state and
23 manufactured into an article of commerce in another state.

24 (f) Nothing in this section may be construed as allowing deer farming for the
25 purpose of selling deer meat.

26 (g) Except as authorized under Subtitle 5 or Subtitle 9 of this title, a person may
27 not purchase, offer to purchase, barter, or exchange any game bird or game mammal or any
28 part of a game bird or game mammal if the sale, offer for sale, barter, or exchange is
29 prohibited by this section.

30 10-415.

31 (a) **IN THIS SECTION, "DEER MANAGEMENT PERMIT" MEANS A PERMIT**
32 **ISSUED BY THE DEPARTMENT AUTHORIZING THE HOLDER OR AN AGENT OF THE**
33 **HOLDER TO HUNT DEER OUTSIDE OF DEER HUNTING SEASON FOR THE PURPOSE OF**
34 **PREVENTING DAMAGE TO CROPS.**

1 **(B)** There are the following 3 seasons to hunt deer:

2 (1) Deer bow hunting season;

3 (2) Deer firearms season; and

4 (3) Deer muzzle loader season.

5 **[(b)] (C)** A person who harvests a game bird or mammal shall report the harvest
6 in accordance with regulations adopted by the Department.

7 **[(c)] (D)** (1) A person with a hunting license also may purchase bonus deer
8 stamps from the Department.

9 (2) A bonus deer stamp allows a person with the hunting license to hunt 1
10 deer for each stamp purchased in any of the following hunting seasons for deer in the State:

11 (i) Deer bow hunting season;

12 (ii) Deer muzzle loader season; and

13 (iii) Deer firearms season.

14 (3) An individual who purchases a bonus antlered deer stamp but does not
15 use it during a particular season may use that stamp during any subsequent season in that
16 hunting license year.

17 (4) The fee for each bonus antlered deer stamp issued in accordance with
18 this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

19 (5) The Department may establish by regulation the type and number of
20 deer stamps issued under this subsection if necessary to control the deer harvest in various
21 areas of the State.

22 **[(d)] (E)** (1) **[In this subsection, “Deer Management Permit” means a permit**
23 **issued by the Department authorizing the holder or an agent of the holder to hunt deer**
24 **outside of deer hunting season for the purpose of preventing damage to crops.**

25 **(2)]** In Baltimore County, Charles County, Calvert County, St. Mary’s
26 County, and Harford County, an individual who hunts deer under a Deer Management
27 Permit may:

28 (i) Use a shotgun or breech loading center fired rifle approved by
29 the Department to hunt deer throughout the year, including all deer hunting seasons, in
30 the locations and under the conditions set forth in the permit; and

1 (ii) On State land in Baltimore County, Charles County, Calvert
2 County, St. Mary's County, or Harford County leased by the permit holder for the purpose
3 of cultivating crops, hunt deer on the leased land in the locations and under the conditions
4 set forth in the permit.

5 ~~[(3)]~~ (2) To protect public safety and welfare, the Department may
6 restrict the lands on which an individual may hunt deer under a Deer Management Permit.

7 ~~[(4)]~~ (3) (i) This paragraph applies only in Frederick County.

8 (ii) Subject to the conditions set forth in a Deer Management Permit,
9 a permittee may use a rifle approved by the Department to harvest deer throughout the
10 year, including all deer hunting seasons.

11 (iii) In Frederick County Zone 1, as defined in COMAR
12 08.03.03.06A.(3)(g), an agent of a permittee may use a rifle to harvest deer throughout the
13 year.

14 (iv) 1. This subparagraph applies only in Frederick County Zone
15 2, as defined in COMAR 08.03.03.06A.(3)(h).

16 2. Except as provided in subsubparagraph 3 of this
17 subparagraph, an agent of a permittee may use a rifle to harvest deer in a period beginning
18 October 1 and ending March 31.

19 3. In a deer firearms season, an agent of a permittee may
20 harvest deer only by using the weapon approved for that season.

21 (v) The Department shall adopt regulations to implement this
22 subsection.

23 (F) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

24 (2) THERE IS A DEER MANAGEMENT PERMIT PILOT PROGRAM IN
25 MONTGOMERY COUNTY.

26 (3) THE PURPOSE OF THE DEER MANAGEMENT PERMIT PILOT
27 PROGRAM IS TO DEVELOP A COMMERCIAL MARKET FOR VENISON LEGALLY TAKEN
28 BY A PERSON HOLDING A DEER MANAGEMENT PERMIT.

29 (4) A PERSON WHO HOLDS A DEER MANAGEMENT PERMIT MAY:

30 (i) HUNT DEER DURING OR OUTSIDE DEER HUNTING SEASON
31 IN MONTGOMERY COUNTY IN ACCORDANCE WITH THE PERMIT FOR THE PURPOSE
32 OF PREVENTING DAMAGE TO CROPS; AND

1 **(II) SELL OR OFFER FOR SALE IN THE STATE THE MEAT OR**
2 **CARCASS OF THE DEER IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER**
3 **PARAGRAPH (5) OF THIS SUBSECTION AND § 4-107(B) OF THE AGRICULTURE**
4 **ARTICLE.**

5 **(5) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT, IN**
6 **CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT**
7 **REGULATIONS TO IMPLEMENT THE DEER MANAGEMENT PERMIT PILOT PROGRAM**
8 **IN MONTGOMERY COUNTY.**

9 **[(e)] (G)** A person may not remove the head or hide or any part from any deer,
10 except internal organs, or cut the meat into parts until the person has obtained a
11 confirmation number for that deer from the Department. Removal of the head or the hide
12 of any deer before obtaining a confirmation number for that deer shall be prima facie
13 evidence that the deer was hunted illegally. Each separate deer taken illegally or found in
14 possession shall be considered a separate offense.

15 **[(f)] (H)** A person who possesses a game bird or mammal killed by means other
16 than hunting shall report the possession in accordance with regulations adopted by the
17 Department.

18 **[(g)] (I)** A person may not hunt a deer while the deer is taking refuge in or
19 swimming through the waters of the State.

20 **[(h)] (J)** Upon written request from a federal facility for a variance from the
21 established deer hunting season, the Department shall review the request and may:

22 (1) Approve the request;

23 (2) Deny the request; or

24 (3) Approve the request with conditions.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July
26 1, 2021. It shall remain effective for a period of 5 years and, at the end of June 30, 2026,
27 this Act, with no further action required by the General Assembly, shall be abrogated and
28 of no further force and effect.