

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 303

(Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - Natural
Resources)

Education, Energy, and the Environment

Environment and Transportation

Aquaculture - Definition of Shellfish - Alteration

This departmental bill modifies the definition of “shellfish” as it relates to an existing prohibition against importing or possessing within the State shellfish taken from waters outside the waters of the State for planting in the waters of the State without the approval of the Department of Natural Resources (DNR). Under the bill, “shellfish” includes “live bivalves and bivalve shells” rather than “live oysters, seed oysters, oyster shells, live hard-shell clams, live soft-shell clams, and clam shells.” **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Under aquaculture provisions of the Natural Resources Article, a person may not import or possess within the State shellfish taken from waters outside the waters of the State for planting in the waters of the State without the approval of DNR. With respect to that prohibition, the word “shellfish” includes live oysters, seed oysters, oyster shells, live hard-shell clams, live soft-shell clams, and clam shells.

Background: DNR indicates that the broader definition of “shellfish” under the bill will ensure that the department can require fish health protocols for additional species, like scallops, that may be brought into the State for planting in waters of the State. DNR advises that without expanding the definition, the State remains vulnerable to imported shellfish with possible diseases that could be brought in and planted by leaseholders.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2024
rh/lgc Third Reader - March 18, 2024
Revised - Amendment(s) - March 18, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Aquaculture - Definition of Shellfish - Alteration

BILL NUMBER: SB 303

PREPARED BY: Sarah Widman

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The bill expands the definition of shellfish. This will not result in any meaningful economic impacts to small businesses at this time.