

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 983 (Senator Lewis Young)
Education, Energy, and the Environment

Hunting - Lead and Lead-Based Ammunition - Phase-Out

This bill requires the Department of Natural Resources (DNR) to (1) establish a process to phase out and, by December 31, 2026, prohibit, the use of lead-based ammunition for hunting; (2) establish a process to certify ammunition as “nonlead ammunition”; and (3) adopt regulations to carry out these requirements. The process to phase out lead or lead-based ammunition must prioritize deer hunting. “Nonlead ammunition” includes (1) ammunition in which there is no lead content, except trace amounts of lead and (2) any federally approved nontoxic shotgun ammunition. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: Potential decrease in special fund revenues beginning in FY 2027 – and federal fund revenues beginning in FY 2028 – to the extent that the ban on lead-based ammunition reduces the number of hunting licenses and stamps sold by DNR, as discussed below. DNR can likely establish the process to phase out the use of lead-based ammunition – as well as the certification process for nonlead ammunition – using existing budgeted resources, as discussed below.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Use of Lead Ammunition – Action at the Federal Level and in Other States

In June 2023, the U.S. Fish and Wildlife Service (USFWS) proposed a rule to phase out the use of lead ammunition and tackle at several national wildlife refuges (NWRs) by 2026,

including Blackwater NWR, Chincoteague NWR, Eastern Neck NWR, and the Patuxent Research Refuge in Maryland.

A federal ban on the use of lead shot for hunting waterfowl was phased in starting with the 1987-1988 hunting season; the ban became nationwide in 1991.

In California, nonlead ammunition is required for taking any wildlife with a firearm.

Hunting in Maryland – Generally

With certain exceptions, a person must have a Maryland resident or nonresident hunting license to hunt or attempt to hunt all legal game birds and mammals during the appropriate season in the State. In general, a person must obtain a certificate of competency in firearms and hunter safety before obtaining a hunting license by successfully completing the Maryland hunter education course. Additionally, a person must obtain written permission from a landowner (or the landowner's agent) before hunting on the landowner's property.

In addition to a hunting license, a stamp is required for a hunter to use certain types of equipment or hunt certain kinds of game. The stamp allows DNR to more closely manage the equipment used or game hunted under the stamp.

More information on hunting licenses and stamps can be found in the following report published by the Department of Legislative Services in December 2023: [Maryland Fishing and Hunting Licenses, Permits, and Stamps](#).

Department of Natural Resources Regulation of Means or Weapons for Hunting

Except as specified, DNR must prescribe by regulation the means or weapons for hunting designated wildlife and establish any restrictions relating to weapons used to hunt designated wildlife, including the amount and size of ammunition for designated game birds or mammals. Current law does not address the lead content of ammunition.

State Fiscal Effect: DNR can likely establish a process to phase out lead-based ammunition, as well as a process to certify ammunition as nonlead ammunition, using existing budgeted resources. This assumes that the certification process established by DNR is relatively simple (*i.e.*, providing an approved list of ammunition that manufacturers identify as nonlead ammunition).

The extent to which the bill's changes may affect the overall level of hunting in the State is unknown and depends largely on the extent to which nonlead ammunition is available for purchase. DNR advises that to date, the availability of nonlead ammunition has been mixed.

To the extent the ban on lead-based ammunition results in fewer hunters purchasing hunting licenses and stamps in the State, special fund revenues to the Wildlife Management and Protection Fund decrease beginning in fiscal 2027. In addition, DNR advises that federal funding is awarded at a 1:3 ratio; for every \$1 that DNR's Wildlife and Heritage Service (WHS) receives in fees and spends on eligible conservation-related work, WHS receives \$3 in federal grant funding through the Federal Aid in Wildlife Restoration Act. DNR applies for the federal grant funding at the end of each fiscal year, so any decrease in fee revenues from the sale of hunting licenses and stamps beginning in fiscal 2027 results in a decrease in federal fund revenues beginning in fiscal 2028.

This analysis does not address any potential effect the bill may have on special fund or federal fund revenues during the phase-out period (prior to the ban being fully implemented).

Small Business Effect: Any small businesses that sell lead-based ammunition to hunters in Maryland may be affected by the ban on lead-based ammunition depending on the availability and price of nonlead ammunition. However, because the bill phases out the use of lead-based ammunition, it is assumed that any affected small businesses are able to sell existing stock before the ban takes effect.

In addition, to the extent that banning lead-based ammunition results in a decrease in overall hunting in the State, the bill may have a meaningful economic impact on certain types of businesses in the State. USFWS reports that, in 2011, the average hunter in Maryland spent \$49 per hunting day on trip-related expenditures. In 2011, the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation estimated that hunters in Maryland spend more than \$260 million annually on food, lodging, equipment, and transportation.

In addition to businesses directly affected by hunting, to the extent the bill results in an increase in the deer population throughout the State, the bill may also affect several other types of businesses, such as farms (due to an increase in crop damage) and businesses that own or repair vehicles (due to an increase in deer-vehicle collisions).

Additional Information

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

Designated Cross File: HB 1473 (Delegate Stewart) - Rules and Executive Nominations.

Information Source(s): Department of Natural Resources; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Department of Legislative Services

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km/lgc

Analysis by: Michael D. Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510