

SHELLFISH GENERAL- Definition

What was proposed?

The Department proposed to update the definition of shellfish to reflect a change made by the Maryland General Assembly in the 2024 Legislative Session (2024 Md. Laws, Chap. 114). Specifically, the proposed action removes the list of species and their shells from the definition and replaces the list with the phrase “live bivalves and bivalve shells.”

Why is this change necessary?

The regulation requires an individual to obtain a permit prior to importing shellfish. Updating the definition to mean live bivalves and bivalve shells ensures that any imported shellfish or shells, regardless of the species, are free of pathogens and will not endanger shellfish in Maryland. It also reduces confusion regarding when an import permit is required.

Who will this affect?

Anyone importing live bivalves and bivalve shells from outside of Maryland.

What is the specific regulatory action?

Amend Regulation .01 under COMAR 08.02.08 Shellfish-General.

Has this change been discussed with advisory bodies or other interested individuals?

- During the 2024 Legislative Session, hearings were held in both the Senate Education, Energy, and the Environment Committee and the House Environment and Transportation Committee. No members of the public offered comments, although the Chesapeake Bay Foundation supported the legislative change with an amendment that was incorporated into the final bill, changing the wording from “mollusks and molluscan shells” to “bivalves and bivalve shells.” The Department supported this change as it supported the main intent of the bill.
- The change was scoped with the Sport Fisheries Advisory Commission (SFAC) and Tidal Fisheries Advisory Commission (TFAC) at their meetings in October 2025.
- The change was scoped with the general public from October 20, 2025, through November 4, 2025.

Regulatory Process

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal procedures as concepts move forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these

comments and develops an appropriate management strategy. The ideas for this proposal were scoped from October 20, 2025, through November 4, 2025.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules are being promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal was printed by the Division of State Documents in the Maryland Register on January 23, 2026.
- A 30 day public comment period began on the day of publication. The comment period ends February 23, 2026.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

When would this be effective?

The Department projects that this change could be effective in the spring of 2026. However, the exact date cannot be determined at this time.