

SHELLFISH GENERAL- Definition

What is being considered?

The Department needs to update the definition of “shellfish” in the Shellfish - General chapter of regulation to reflect a change made by the Maryland General Assembly in the 2024 Legislative Session. Specifically, the Department would remove the list of shellfish and shellfish parts for which an importation permit is required and replace the list with the phrase “live bivalves and bivalve shells.”

Why is this change necessary?

Updating the requirement to obtain a permit prior to importing live bivalves and bivalve shells will allow the Department to ensure that any imported bivalves or bivalve shells are free of pathogens and will not endanger shellfish in Maryland. It will also reflect the change made by the Maryland General Assembly in 2024 under [Senate Bill 303](#) and reduce confusion regarding when an import permit is required.

Who will this affect?

Anyone importing live bivalves and bivalve shells from outside Maryland.

Specific Regulatory Action

Modify the definition of shellfish in the Code of Maryland Regulations (COMAR) [08.02.08.01](#).

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. The Department will follow our normal [procedures](#) if this concept moves forward.

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

- When the Maryland General Assembly made this change legislatively, 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, either written or oral, 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.
- Scoped with the Sport Fisheries Advisory Commission (SFAC) and Tidal Fisheries Advisory Commission (TFAC) at their meetings in October 2025.