

SENATE BILL 798

M2

11r2995
CF HB 594

By: **Senator Gallion**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Prohibition on Sale of Wildlife – Local Venison Donation**
3 **Programs – Application**

4 FOR the purpose of establishing that the prohibition against selling, offering for sale,
5 bartering, or exchanging a game bird or game mammal taken from the wild does not
6 apply to certain venison that is donated to certain local venison donation programs
7 for processing and distribution to certain nonprofit entities; making certain
8 conforming changes; and generally relating to the application of the prohibition
9 against selling, offering for sale, bartering, or exchanging a game bird or game
10 mammal taken from the wild.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–634
14 Annotated Code of Maryland
15 (2020 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 10–404(e)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Natural Resources
23 Section 10–404(g)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

5–634.

(a) In this section, “person” has the meaning stated in § 21–322 of the Health – General Article.

(b) The limitation on liability provided for in subsection (c) of this section does not apply to any person who:

(1) Donates food to a nonprofit corporation, organization, or association that sells or offers for sale any donated food;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association that sells or offers for sale any donated food; or

(3) Serves donated food distributed by a nonprofit corporation, organization, or association that sells or offers for sale any donated food.

(c) Unless the act or omission amounts to gross negligence or willful and wanton misconduct, a person is not civilly liable for any act or omission that affects the nature, age, condition, or packaging of the donated food if the person in good faith:

(1) Donates food for use or distribution by a nonprofit corporation, organization, or association;

(2) Prepares donated food for use or distribution by a nonprofit corporation, organization, or association;

(3) Serves donated food distributed by a nonprofit corporation, organization, or association; or

(4) Dispenses donated food distributed by a nonprofit corporation, organization, or association.

Article – Natural Resources

10–404.

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

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

1 (i) **[Meat] THE MEAT**, pelt, carcass, or mounted specimen of any
2 beaver, coyote, fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or
3 long-tailed weasel legally taken by the person;

4 (ii) **[Hide] THE HIDE**, hair, tail, or feet, excluding a mounted
5 specimen of deer, squirrel, or rabbit legally acquired;

6 (iii) **[Feathers] THE FEATHERS**, skin, or feet, excluding a mounted
7 specimen of upland and forest game birds legally acquired;

8 (iv) Except as prohibited by federal law, **THE** feathers of wetland
9 game birds legally acquired; **[or]**

10 (v) **[Antlers] THE ANTLERS** of deer legally acquired in another
11 state and manufactured into an article of commerce in another state; **OR**

12 **(VI) VENISON FROM A LAWFULLY HARVESTED WHITE-TAILED**
13 **DEER THAT IS DONATED TO A VENISON DONATION PROGRAM, ADMINISTERED BY**
14 **THE COUNTY IN WHICH THE DEER WAS HARVESTED, FOR PROCESSING AND**
15 **DISTRIBUTION TO A FOOD PANTRY OR FOOD BANK THAT IS EXEMPT FROM TAXATION**
16 **UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2021.