

# SENATE BILL 351

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By: **Senators Gallion, Bailey, Carozza, Cassilly, Hester, and Jennings**

Introduced and read first time: January 23, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Farmers Markets – Advertising, Labeling, and Enforcement**  
3 **(Farmers Market Integrity Act)**

4 FOR the purpose of prohibiting a person from using the term “farmers market” to describe  
5 certain venues; prohibiting a person from selling farm and food products at a farmers  
6 market unless certain conditions are met; authorizing a certain person to impose  
7 more stringent requirements than the provisions of this Act; establishing the  
8 Farmers Market Review Panel; providing for the composition, chair, and staffing of  
9 the Panel; prohibiting a member of the Panel from receiving certain compensation,  
10 but authorizing the reimbursement of certain expenses; requiring the Panel to  
11 review a certain appeal within a certain number of days after the Panel receives  
12 notice of the appeal; requiring the Panel to make a decision on the appeal within a  
13 certain number of days after its review of the appeal; authorizing the Department of  
14 Agriculture to request proof of the origin of certain farm and food products to ensure  
15 compliance with this Act; establishing that failure to provide certain documentation  
16 or proof is prima facie evidence of a violation of this Act; establishing a penalty for a  
17 violation of this Act; authorizing a person to appeal a fine issued under this Act; and  
18 generally relating to farmers markets.

19 BY adding to

20 Article – Agriculture

21 Section 10–2101 through 10–2104 to be under the new subtitle “Subtitle 21. Farmers  
22 Markets”

23 Annotated Code of Maryland

24 (2016 Replacement Volume and 2019 Supplement)

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

27 **Article – Agriculture**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## SUBTITLE 21. FARMERS MARKETS.

## 10-2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FARM AND FOOD PRODUCTS" MEANS ANY AGRICULTURAL, HORTICULTURAL, FOREST, OR OTHER PRODUCT OF THE SOIL OR WATER, INCLUDING:

(1) FRUITS;

(2) VEGETABLES;

(3) EGGS;

(4) DAIRY PRODUCTS;

(5) MEAT AND MEAT PRODUCTS;

(6) POULTRY AND POULTRY PRODUCTS;

(7) FISH AND FISH PRODUCTS;

(8) GRAIN AND GRAIN PRODUCTS;

(9) HONEY;

(10) NUTS;

(11) MAPLE PRODUCTS;

(12) APPLE CIDER;

(13) FRUIT JUICE;

(14) MALT LIQUOR;

(15) WINE;

(16) ORNAMENTAL OR VEGETABLE PLANTS;

1           **(17) NURSERY PRODUCTS;**

2           **(18) FIBER AND FIBER PRODUCTS;**

3           **(19) FIREWOOD; AND**

4           **(20) CHRISTMAS TREES.**

5           **(C) "FARMERS MARKET" MEANS A BUILDING, STRUCTURE, OR PLACE USED**  
6 **BY TWO OR MORE PEOPLE FOR THE DIRECT SALE OF FARM AND FOOD PRODUCTS TO**  
7 **CONSUMERS.**

8           **(D) "PANEL" MEANS THE FARMERS MARKET REVIEW PANEL.**

9 **10-2102.**

10           **(A) A PERSON MAY NOT USE THE TERM "FARMERS MARKET" TO DESCRIBE**  
11 **A MARKET OR OTHER SALES LOCATION THAT DOES NOT MEET THE DEFINITION OF**  
12 **FARMERS MARKET UNDER THIS SUBTITLE.**

13           **(B) A PERSON MAY NOT SELL FARM AND FOOD PRODUCTS AT A FARMERS**  
14 **MARKET UNLESS:**

15                   **(1) AT LEAST 75% OF THE PRODUCTS OFFERED BY THE PERSON WERE**  
16 **GROWN OR PROCESSED BY THE PERSON OR UNDER THE SUPERVISION OF THE**  
17 **PERSON; OR**

18                   **(2) THE FARM AND FOOD PRODUCT IS:**

19                           **(I) PURCHASED DIRECTLY FROM ANOTHER FARMER WHO**  
20 **GREW AND PROCESSED THE FARM AND FOOD PRODUCT; AND**

21                           **(II) INDIVIDUALLY LABELED OR OTHERWISE IDENTIFIED WITH**  
22 **THE NAME AND LOCATION OF THE FARM AT WHICH THE FARM PRODUCT WAS GROWN**  
23 **AND PROCESSED.**

24           **(C) A PERSON OPERATING OR COORDINATING A FARMERS MARKET MAY**  
25 **IMPOSE MORE STRINGENT REQUIREMENTS THAN THE PROVISIONS OF THIS**  
26 **SECTION.**

27 **10-2103.**

28           **(A) THERE IS A FARMERS MARKET REVIEW PANEL.**

1           **(B) THE PANEL CONSISTS OF THE FOLLOWING MEMBERS:**

2                   **(1) THREE STAFF MEMBERS OF THE DEPARTMENT, SELECTED BY**  
3 **THE SECRETARY;**

4                   **(2) ONE FARMER, SELECTED BY THE MARYLAND FARMERS MARKET**  
5 **ASSOCIATION; AND**

6                   **(3) ONE INDIVIDUAL WHO COMMUNICATES WITH THE COMMUNITY ON**  
7 **BEHALF OF THE FARM COMMUNITY, SELECTED BY THE MARYLAND FARMERS**  
8 **MARKET ASSOCIATION.**

9           **(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE PANEL.**

10           **(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE PANEL.**

11           **(E) A MEMBER OF THE PANEL:**

12                   **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE PANEL;**  
13 **BUT**

14                   **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
15 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

16           **(F) (1) THE PANEL SHALL REVIEW AN APPEAL MADE UNDER § 10-2105**  
17 **OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE PANEL RECEIVES NOTICE OF THE**  
18 **APPEAL.**

19                   **(2) THE PANEL SHALL MAKE A DECISION ON THE APPEAL WITHIN 30**  
20 **DAYS AFTER ITS REVIEW OF THE APPEAL.**

21 **10-2104.**

22           **(A) (1) THE DEPARTMENT MAY REQUEST PROOF OF THE ORIGIN OF A**  
23 **FARM AND FOOD PRODUCT BEING SOLD AT A FARMERS MARKET TO ENSURE THE**  
24 **FARM AND FOOD PRODUCT MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

25                   **(2) FAILURE TO PROVIDE WRITTEN DOCUMENTATION OR OTHER**  
26 **REASONABLE PROOF OF THE ORIGIN OF A FARM AND FOOD PRODUCT IS PRIMA**  
27 **FACIE EVIDENCE THAT A PERSON IS IN VIOLATION OF THIS SUBTITLE.**

28           **(B) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A**

1 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT LESS THAN \$100  
2 AND NOT EXCEEDING \$200 FOR EACH VIOLATION.

3 (C) A PERSON MAY APPEAL A FINE ISSUED UNDER THIS SUBTITLE TO THE  
4 PANEL.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2020.