
By: Senator Colburn

Introduced and read first time: February 1, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Agriculture - Disparagement of Perishable Food Products - Cause of Action

3 FOR the purpose of creating a cause of action by a producer or association representing
4 producers of perishable agricultural food products against a person who disparages
5 the perishable agricultural food products; providing for treble damages in certain
6 circumstances; defining certain terms; providing for the application of this Act; and
7 generally relating to a cause of action for the disparagement of perishable
8 agricultural food products.

9 BY adding to

10 Article - Agriculture
11 Section 10-1501 to be under the new subtitle "Subtitle 15. Disparagement of
12 Perishable Agricultural Food Products"
13 Annotated Code of Maryland
14 (1985 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article - Courts and Judicial Proceedings
17 Section 5-101
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1995 Supplement)

20 Preamble

21 WHEREAS, The General Assembly determines that the production of agricultural
22 food products constitutes an important and significant portion of the State economy and
23 that it is imperative to protect the vitality of the agricultural economy for the citizens of
24 Maryland by providing a cause of action for agricultural producers to recover damages for
25 the disparagement of perishable agricultural products; now, therefore,

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

2

1 **Article - Agriculture**

2 SUBTITLE 15. DISPARAGEMENT OF PERISHABLE AGRICULTURAL FOOD PRODUCTS.

3 10-1501.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "DISPARAGEMENT" MEANS THE WILLFUL OR MALICIOUS
7 DISSEMINATION TO THE PUBLIC IN ANY MANNER OF ANY INFORMATION THAT A
8 PERISHABLE AGRICULTURAL FOOD PRODUCT IS NOT SAFE FOR HUMAN
9 CONSUMPTION IF:

10 (I) THE INFORMATION IS NOT BASED ON RELIABLE, SCIENTIFIC
11 FACTS OR DATA; AND

12 (II) THE PERSON DISSEMINATING THE INFORMATION KNOWS OR
13 SHOULD HAVE KNOWN THE INFORMATION TO BE FALSE.

14 (3) "PERISHABLE AGRICULTURAL FOOD PRODUCT" MEANS ANY
15 AGRICULTURAL OR AQUACULTURAL FOOD PRODUCT OR COMMODITY GROWN OR
16 PRODUCED WITHIN THE STATE THAT IS SOLD OR DISTRIBUTED IN A FORM THAT
17 WILL PERISH OR DECAY WITHIN A REASONABLE PERIOD OF TIME.

18 (B) (1) A PRODUCER OR AN ASSOCIATION REPRESENTING PRODUCERS OF
19 PERISHABLE AGRICULTURAL FOOD PRODUCTS THAT SUFFERS DAMAGES AS A
20 RESULT OF A PERSON'S DISPARAGEMENT OF THE AGRICULTURAL FOOD PRODUCT
21 MAY MAINTAIN AN ACTION AGAINST THAT PERSON FOR COMPENSATORY DAMAGES
22 AND FOR ANY OTHER RELIEF A COURT OF COMPETENT JURISDICTION DEEMS
23 APPROPRIATE, INCLUDING BUT NOT LIMITED TO PUNITIVE DAMAGES.

24 (2) IN ADDITION TO THE DAMAGES SET FORTH IN PARAGRAPH (1) OF
25 THIS SUBSECTION, A PERSON WHO DISPARAGES A PERISHABLE AGRICULTURAL
26 FOOD PRODUCT WITH THE INTENT TO HARM THE PRODUCER OR ASSOCIATION IS
27 LIABLE FOR TREBLE DAMAGES.

28 **Article - Courts and Judicial Proceedings**

29 5-101.

30 A civil action at law shall be filed within three years from the date it accrues unless
31 another provision of the Code provides a different period of time within which an action
32 shall be commenced.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
34 only prospectively and may not be applied or interpreted to have any effect on or
35 application to any causes of action for disparagement of perishable agricultural food
36 products that arise before the effective date of this Act.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1996.