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**By: Senator Colburn**

Introduced and read first time: February 1, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 1996

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CHAPTER \_\_\_\_

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

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1 Maryland by providing a cause of action for agricultural producers to recover damages for  
2 the disparagement of perishable agricultural products; now, therefore,

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

5 **Article - Agriculture**

6 SUBTITLE 15. DISPARAGEMENT OF PERISHABLE AGRICULTURAL FOOD PRODUCTS.

7 10-1501.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

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

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

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

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

22 (B) ~~(4)~~ A PRODUCER OR AN ASSOCIATION REPRESENTING PRODUCERS OF  
23 PERISHABLE AGRICULTURAL FOOD PRODUCTS THAT SUFFERS DAMAGES AS A  
24 RESULT OF A PERSON'S DISPARAGEMENT OF THE AGRICULTURAL FOOD PRODUCT  
25 MAY MAINTAIN AN ACTION AGAINST THAT PERSON FOR ~~COMPENSATORY~~ DAMAGES  
26 AND FOR ANY OTHER RELIEF A COURT OF COMPETENT JURISDICTION ~~DEEMS~~  
27 CONSIDERS APPROPRIATE, ~~INCLUDING BUT NOT LIMITED TO PUNITIVE DAMAGES.~~

28 ~~(2) IN ADDITION TO THE DAMAGES SET FORTH IN PARAGRAPH (1) OF~~  
29 ~~THIS SUBSECTION, A PERSON WHO DISPARAGES A PERISHABLE AGRICULTURAL~~  
30 ~~FOOD PRODUCT WITH THE INTENT TO HARM THE PRODUCER OR ASSOCIATION IS~~  
31 ~~LIABLE FOR TREBLE DAMAGES.~~

32 **Article - Courts and Judicial Proceedings**

33 5-101.

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

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
38 only prospectively and may not be applied or interpreted to have any effect on or

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1 application to any causes of action for disparagement of perishable agricultural food  
2 products that arise before the effective date of this Act.

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