
By: The Speaker (Administration)

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Right to Farm Law**

3 FOR the purpose of expanding the types of agricultural activities which are subject to
4 protection against certain private actions under certain circumstances; and generally
5 relating to farm operations.

6 BY repealing and reenacting, without amendments,
7 Article - Agriculture
8 Section 10-501(b)
9 Annotated Code of Maryland
10 (1985 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 5-308
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1996 Supplement)

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

18 **Article - Agriculture**

19 10-501.

20 (b) "Farm product" means any agricultural, horticultural, vegetable, or fruit
21 product of the soil, whether raw, canned, frozen, dried, pickled, or otherwise processed;
22 livestock, meats, marine food products, poultry, eggs, dairy products; wool, hides,
23 feathers, nuts, honey; and every product of farm, forest, orchard, garden, or water.

24 **Article - Courts and Judicial Proceedings**

25 5-308.

26 (a) In this section, "AGRICULTURAL operation" means [a farm] AN operation
27 ON A FARM for the:

28 [(1) Cultivation of land;

2

- 1 (2) Production of agricultural crops;
- 2 (3) Raising of poultry;
- 3 (4) Production of eggs;
- 4 (5) Production of milk;
- 5 (6) Production of fruit or other horticultural crops;
- 6 (7) Production of livestock, including pasturage; and
- 7 (8) Production of bees and their products.]

8 (1) CULTIVATION, RAISING, HARVESTING, OR PRODUCTION OF ANY
9 FARM PRODUCT AS DEFINED IN § 10-501(B) OF THE AGRICULTURE ARTICLE; OR

10 (2) ANY COMMERCIAL ACTIVITY CONDUCTED IN CONJUNCTION WITH
11 THE CULTIVATION, RAISING, HARVESTING, OR PRODUCTION OF A FARM PRODUCT,
12 INCLUDING THE PREPARATION FOR MARKET, PROCESSING, TRANSPORTATION, OR
13 SALE OF A FARM PRODUCT.

14 (b) This section does not apply to:

15 (1) An agricultural operation that does not conform to federal, State, or
16 local health or zoning requirements;

17 (2) A federal, State, or local agency when enforcing air, water quality, or
18 other environmental standards under federal, State, or local law; or

19 (3) An agricultural operation that is conducted in a negligent manner.

20 (c) If an agricultural operation, including any change in the operation, [has been
21 under way for a period of 1 year or more and if the operation or the change did not
22 constitute a nuisance from the date the operation began or the date the change in the
23 operation began] DOES NOT VIOLATE SUBSECTION (B) OF THIS SECTION:

24 (1) [It] THE OPERATION may not be or become a public or private
25 nuisance; and

26 (2) A private action may not be sustained on the grounds that the operation
27 interferes or has interfered with the use or enjoyment of other property, whether public
28 or private.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1997.