

CF SB 323

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**By: Delegates Stup, Harkins, Stull, Elliott, Hecht, and Snodgrass**

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Operations - "Right to Farm"**

3 FOR the purpose of expanding provisions of law exempting certain agricultural  
4 operations from certain civil actions; authorizing a landowner who produces  
5 agricultural commodities to engage in direct commercial sale of the commodities  
6 upon property owned and operated by the landowner; and generally relating to the  
7 protection of certain agricultural activities from civil actions or legal prohibitions.

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

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

15 **Article - Courts and Judicial Proceedings**

16 5-308.

17 (a) In this section, "AGRICULTURAL operation" means [a farm] AN operation  
18 for the:

- 19 (1) Cultivation OR TILLAGE of land;
- 20 (2) Production, HARVESTING, OR PROCESSING of agricultural crops;
- 21 (3) Raising of poultry;
- 22 (4) Production of eggs;
- 23 (5) Production of milk AND DAIRY PRODUCTS;
- 24 (6) Production of fruit, VEGETABLES, or other horticultural crops;
- 25 (7) Production of livestock, including pasturage; [and]
- 26 (8) Production of bees and their products[.];
- 27 (9) PRODUCTION OF COMPOST;

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1 (10) PRODUCTION OF AQUATIC PLANTS OR ANIMALS;

2 (11) PRODUCTION OF TIMBER OR FOREST PRODUCTS;

3 (12) USE OF EQUIPMENT AND MACHINERY DESIGNED AND USED FOR  
4 AGRICULTURAL OPERATIONS;

5 (13) DIRECT COMMERCIAL SALE OF AGRICULTURAL COMMODITIES  
6 UPON PROPERTY OWNED AND OPERATED BY A LANDOWNER WHO PRODUCES THE  
7 COMMODITIES; AND

8 (14) PERFORMANCE OF ANY COMMERCIAL AGRICULTURAL PROCEDURE  
9 RELATED TO AGRICULTURAL OPERATIONS, INCLUDING:

10 (I) PREPARATION FOR MARKET OF AGRICULTURAL  
11 COMMODITIES;

12 (II) PREPARATION FOR PROCESSING;

13 (III) DELIVERY TO STORAGE;

14 (IV) DELIVERY TO MARKET OF AGRICULTURAL COMMODITIES;  
15 AND

16 (V) DELIVERY TO A CARRIER FOR TRANSPORTATION TO MARKET  
17 OF AGRICULTURAL COMMODITIES.

18 (b) This section does not apply to:

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

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

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

24 (c) If an agricultural operation, including any change in the operation, has been  
25 under way for a period of 1 year or more and if the operation or the change did not  
26 constitute a nuisance from the date the operation began or the date the change in the  
27 operation began:

28 (1) It may not be or become a public or private nuisance; and

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

32 (D) THE DIRECT COMMERCIAL SALE OF AGRICULTURAL COMMODITIES  
33 UPON PROPERTY OWNED AND OPERATED BY A LANDOWNER WHO PRODUCES  
34 THESE COMMODITIES MAY NOT BE DEEMED TO VIOLATE ANY:

35 (1) COUNTY ORDINANCE;

36 (2) PUBLIC NUISANCE PROHIBITION; OR

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1 (3) ZONING PROVISION.

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