
By: Senators Colburn and Stoltzfus

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 1997

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; defining certain terms; providing for the
6 construction and application of this Act; and generally relating to a cause of action
7 for the disparagement of perishable agricultural food products.

8 BY adding to

9 Article - Agriculture
10 Section 10-1501 to be under the new subtitle "Subtitle 15. Disparagement of
11 Perishable Agricultural Food Products"
12 Annotated Code of Maryland
13 (1985 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Courts and Judicial Proceedings
16 Section 5-101
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1996 Supplement)

19 Preamble

20 WHEREAS, The General Assembly determines that the production of agricultural
21 food products constitutes an important and significant portion of the State economy and
22 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) 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 DAMAGES AND FOR ANY
26 OTHER RELIEF A COURT OF COMPETENT JURISDICTION CONSIDERS APPROPRIATE.

27 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PERSON WHO
28 HAS PERSONAL KNOWLEDGE THAT A PERISHABLE AGRICULTURAL FOOD PRODUCT
29 HAS NOT BEEN PROPERLY HANDLED FROM WARNING THE PUBLIC NOT TO
30 CONSUME IT.

31 **Article - Courts and Judicial Proceedings**

32 5-101.

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

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
37 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, 1997.