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By: The President (Administration) and Senators Craig, Derr, Hafer, Colburn, Dyson, Stoltzfus, Amoss, Middleton, Munson, Haines, and Ferguson

Introduced and read first time: January 17, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 1997

CHAPTER ____

1 AN ACT concerning

2 **Maryland Right to Farm Law**

3 FOR the purpose of expanding the types of agricultural operations and activities which
4 are subject to protection against certain private actions under certain circumstances;
5 repealing a requirement that an agricultural operation or any change in the
6 operation be under way for a certain time period in order to be protected; and
7 generally relating to ~~farm~~ agricultural operations.

8 BY repealing and reenacting, without amendments,
9 Article - Agriculture
10 Section 10-501(b)
11 Annotated Code of Maryland
12 (1985 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 5-308
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Agriculture**

2 10-501.

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

7 **Article - Courts and Judicial Proceedings**

8 5-308.

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

11 [(1) Cultivation of land;

12 (2) Production of agricultural crops;

13 (3) Raising of poultry;

14 (4) Production of eggs;

15 (5) Production of milk;

16 (6) Production of fruit or other horticultural crops;

17 (7) Production of livestock, including pasturage; and

18 (8) Production of bees and their products.]

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

21 (2) ANY COMMERCIAL ACTIVITY CONDUCTED IN CONJUNCTION WITH
22 THE CULTIVATION, RAISING, HARVESTING, OR PRODUCTION OF A FARM PRODUCT,
23 INCLUDING THE PREPARATION FOR MARKET, PROCESSING, TRANSPORTATION, OR
24 SALE OF A FARM PRODUCT.

25 (b) This section ~~does not apply to:~~

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

28 ~~(2) A MAY NOT BE CONSTRUED TO PROHIBIT A federal, State, or local~~
29 ~~agency when FROM enforcing air, water quality, or other environmental standards under~~
30 ~~federal, State, or local law; ~~or~~~~

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

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

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1 TO FEDERAL, STATE, AND LOCAL HEALTH AND ZONING REQUIREMENTS AND IS NOT
2 CONDUCTED IN A NEGLIGENT MANNER:

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

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

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