

HOUSE BILL 1108

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SB 226/97 - JPR

1998 Regular Session
8lr2472
CF 8lr2382

By: **Delegates Baldwin, W. Baker, McClenahan, Brinkley, Slade, Greenip, Owings, O'Donnell, Wood, Linton, Hutchins, Stocksdales, Stull, Elliott, Mossburg, DeCarlo, Opara, B. Hughes, Proctor, Klima, Conway, V. Mitchell, Kittleman, Miller, Beck, M. Burns, La Vay, D. Hughes, Ports, Stup, Eckardt, Jacobs, Rzepkowski, Harkins, Edwards, McKee, and Rudolph**

Introduced and read first time: February 13, 1998
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 operations and activities
4 which are subject to protection against certain private actions under certain
5 circumstances; repealing a requirement that an agricultural operation or any
6 change in the operation be under way for a certain time period in order to be
7 protected; and generally relating to 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 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 5-403
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

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

20 **Article - Agriculture**

21 10-501.

22 (b) "Farm product" means any agricultural, horticultural, vegetable, or fruit
23 product of the soil, whether raw, canned, frozen, dried, pickled, or otherwise

1 processed; livestock, meats, marine food products, poultry, eggs, dairy products; wool,
2 hides, feathers, nuts, honey; and every product of farm, forest, orchard, garden, or
3 water.

4

Article - Courts and Judicial Proceedings

5 5-403.

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

8 [(1) Cultivation of land;

9 (2) Production of agricultural crops;

10 (3) Raising of poultry;

11 (4) Production of eggs;

12 (5) Production of milk;

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

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

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

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

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

22 (b) This section [does not apply to:

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

25 (2) A] MAY NOT BE CONSTRUED TO PROHIBIT A federal, State, or local
26 agency [when] FROM enforcing air, water quality, or other environmental standards
27 under federal, State, or local law[; or

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

29 (c) If an agricultural operation, including any change in the operation, [has
30 been under way for a period of 1 year or more and if the operation or the change did
31 not constitute a nuisance from the date the operation began or the date the change in
32 the operation began] CONFORMS TO FEDERAL, STATE, AND LOCAL HEALTH AND
33 ZONING REQUIREMENTS AND IS NOT CONDUCTED IN A NEGLIGENT MANNER:

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 1998.