

HOUSE BILL 1370

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SB 34/97 - JPR

1998 Regular Session  
8lr2714

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By: **Delegate Morgan**

Introduced and read first time: March 2, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

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  
4 representing producers of perishable agricultural food products against a person  
5 who disparages the perishable agricultural food products; defining certain  
6 terms; providing for the application of this Act; and generally relating to a cause  
7 of action 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 1997 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 1997 Supplement)

19 **Preamble**

20 WHEREAS, The General Assembly determines that the production of  
21 agricultural food products constitutes an important and significant portion of the  
22 State economy and that it is imperative to protect the vitality of the agricultural  
23 economy for the citizens of Maryland by providing a cause of action for agricultural  
24 producers to recover damages for the disparagement of perishable agricultural  
25 products; now, therefore,

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

1

**Article - Agriculture**

2

## SUBTITLE 15. DISPARAGEMENT OF PERISHABLE AGRICULTURAL FOOD PRODUCTS.

3 10-1501.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (2) "DISPARAGEMENT" MEANS THE WILLFUL OR MALICIOUS  
7 DISSEMINATION TO THE PUBLIC IN ANY MANNER OF ANY INFORMATION THAT A  
8 PERISHABLE AGRICULTURAL FOOD PRODUCT IS NOT SAFE FOR HUMAN  
9 CONSUMPTION IF:

10 (I) THE INFORMATION IS NOT BASED ON RELIABLE, SCIENTIFIC  
11 FACTS OR DATA; AND

12 (II) THE PERSON DISSEMINATING THE INFORMATION KNOWS OR  
13 SHOULD HAVE KNOWN THE INFORMATION TO BE FALSE.

14 (3) "PERISHABLE AGRICULTURAL FOOD PRODUCT" MEANS ANY  
15 AGRICULTURAL OR AQUACULTURAL FOOD PRODUCT OR COMMODITY GROWN OR  
16 PRODUCED WITHIN THE STATE THAT IS SOLD OR DISTRIBUTED IN A FORM THAT  
17 WILL PERISH OR DECAY WITHIN A REASONABLE PERIOD OF TIME.

18 (B) A PRODUCER OR AN ASSOCIATION REPRESENTING PRODUCERS OF  
19 PERISHABLE AGRICULTURAL FOOD PRODUCTS THAT SUFFERS DAMAGES AS A  
20 RESULT OF A PERSON'S DISPARAGEMENT OF THE AGRICULTURAL FOOD PRODUCT  
21 MAY MAINTAIN AN ACTION AGAINST THAT PERSON FOR DAMAGES AND FOR ANY  
22 OTHER RELIEF A COURT OF COMPETENT JURISDICTION CONSIDERS APPROPRIATE.

23 **Article - Courts and Judicial Proceedings**

24 5-101.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
29 construed only prospectively and may not be applied or interpreted to have any effect  
30 on or application to any causes of action for disparagement of perishable agricultural  
31 food products that arise before the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 1998.