

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 90

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Agriculture)

Education, Health, and Environmental Affairs

Environmental Matters

Secretary of Agriculture - Farm Quarantine

This departmental bill authorizes the Secretary of Agriculture to establish a farm quarantine and issue appropriate orders to control or restrict the use of farmland, crops, livestock, poultry, or a farm product existing on a farm that has been exposed to or contaminated by a radiological or chemical toxic material or agent or is infected or infested with a disease or pest. The bill also establishes quarantine notice requirements; provisions to allow landowners, tenants, or animal owners to request an alteration of a quarantine or order; additional powers of the Secretary; and enforcement provisions.

Fiscal Summary

**State Effect:** The bill is not expected to affect State costs of preparedness activities associated with contamination or other threats. The Maryland Department of Agriculture (MDA) advises that any estimate of the fiscal effect of the enhanced authority provided under the bill on future response costs or otherwise would be speculative; however, MDA anticipates that the bill’s authority will only be used infrequently. The civil penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** Local governments are not expected to be significantly impacted.

**Small Business Effect:** MDA has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

## Analysis

**Bill Summary:** The bill establishes requirements applicable to the establishment of a quarantine or issuance of an order and establishes various related powers of the Secretary of Agriculture, including the authority to call upon law enforcement for information or assistance, seek an injunction against violations of the bill's provisions or a valid order or farm quarantine, and apply for and execute a search warrant. The bill also prohibits a person from resisting the application of a quarantine or order or concealing that a farm has been exposed to or contaminated by any radiological or chemical agent or toxic material or has been infected or infested with any disease or pest. The bill authorizes a quarantine or order to provide for civil penalties of up to \$10,000 for each violation.

Nothing in the bill may be construed to limit any authority of the Secretary of the Environment under an existing provision of the Environment Article that authorizes the Secretary to issue a specified order whenever the Secretary finds that a radiological emergency exists.

**Current Law:** The Secretary of Agriculture has general supervision, direction, and control of the provisions of the Agriculture Article of the Annotated Code and generally of all matters in any way affecting or relating to the fostering, protection, and development of the agricultural interests of the State. The Secretary is given various powers throughout the Agriculture Article to protect the agricultural interests of the State, including the specific power to establish quarantines and take various other actions to address contagious and infectious diseases and dangerously injurious plant pests.

The Secretary of Agriculture is authorized to call upon any sheriff, deputy sheriff, and any law enforcement officer of any county, for information and assistance to carry out and enforce the provisions of the Agriculture Article and departmental rules and regulations. The Secretary is also specifically authorized, under provisions addressing contagious or infectious diseases, to order State or local law enforcement to provide information or assistance in the execution or enforcement of any order of the department.

Whenever the Secretary of the Environment finds that a radiological emergency exists, the Secretary may issue an order stating that the emergency exists and requiring any action found to be necessary to meet the emergency. Such orders issued are effective immediately.

**Background:** In accordance with the State Emergency Operations Plan, MDA currently completes all hazard preparedness and response activities with other federal, State, and local agencies and the agricultural industry but advises that clear statutory authority is needed to adequately prepare for, respond to, and recover from chemical and radiological emergencies affecting farmland and agricultural products on farms. For example, MDA

indicates that drills and exercises with a fixed nuclear site accident scenario have demonstrated that a rapid control of the movement of potentially contaminated agricultural products is needed but that the authority for this control is not clear. MDA also indicates it must address incidents that involve the possible misuse of agricultural chemicals and must be able to respond to acts of chemical or radiological agro-terrorism should they occur.

MDA advises the bill will expand the department's existing authority relative to animals and plants to include threats other than biological agents and will provide new authority to prevent the spread of biological, chemical, and radiological agents that may contaminate farmland, crops, and farm products.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Maryland Department of the Environment; Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Police; Washington, Kent, Garrett, and Calvert counties; Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2010  
mlm/lgc Revised - Senate Third Reader - March 29, 2010

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Agriculture – Farm Quarantine

BILL NUMBER: SB 90

PREPARED BY: Maryland Department of Agriculture

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.