

# SENATE BILL 489

L1, E4

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CF HB 586

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By: **Senator Hershey**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 17, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Queen Anne’s County – Public Safety – Buildings Used for Agritourism**

3 FOR the purpose of adding Queen Anne’s County to the list of counties that exempt  
4 agricultural buildings used for agritourism from certain building performance  
5 standards; exempting a building used for agritourism in Queen Anne’s County from  
6 a certain permit requirement under certain circumstances; and generally relating to  
7 buildings used for agritourism in Queen Anne’s County.

8 BY repealing and reenacting, with amendments,  
9 Article – Public Safety  
10 Section 12–508  
11 Annotated Code of Maryland  
12 (2018 Replacement Volume and 2021 Supplement)

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

15 **Article – Public Safety**

16 12–508.

17 (a) (1) In this section, “agricultural building” means a structure designed and  
18 constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural  
19 products.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2)    “Agricultural building” does not include a place of human residence.

2           (b)    This section applies only to:

3                (1)    Allegany County, Anne Arundel County, Baltimore County, Calvert  
4 County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick  
5 County, Garrett County, Harford County, Howard County, Kent County, Montgomery  
6 County, Prince George’s County, **QUEEN ANNE’S COUNTY**, St. Mary’s County, Somerset  
7 County, and Talbot County; or

8                (2)    a county where the local legislative body has approved the application  
9 of this section to the county.

10           (c)    The Standards do not apply to the construction, alteration, or modification of  
11 an agricultural building for which agritourism is an intended subordinate use.

12           (d)    Except as provided in subsection (e) and (f) of this section, an existing  
13 agricultural building used for agritourism is not considered a change of occupancy that  
14 requires a building permit if the subordinate use of agritourism:

15                (1)    is in accordance with limitations set forth in regulations adopted by the  
16 Department;

17                (2)    occupies only levels of the building on which a ground level exit is  
18 located; and

19                (3)    does not require more than 50 people to occupy an individual building  
20 at any one time.

21           (e)    In Allegany County, Anne Arundel County, Baltimore County, Calvert  
22 County, Carroll County, Cecil County, Garrett County, Howard County, Kent County,  
23 Prince George’s County, **QUEEN ANNE’S COUNTY**, and St. Mary’s County, an existing  
24 agricultural building used for agritourism is not considered a change of occupancy that  
25 requires a building permit if:

26                (1)    the subordinate use of agritourism does not require more than 200  
27 people to occupy an individual building at any one time; and

28                (2)    the total width of means of egress meets or exceeds the International  
29 Building Code standard that applies to egress components other than stairways in a  
30 building without a sprinkler system.

31           (f)    (1)    In Montgomery County, an existing agricultural building used for  
32 agritourism is not considered a change of occupancy that requires a building permit as  
33 provided in this subsection.

1           (2) Except as provided in paragraph (3) of this subsection, if the  
2 subordinate use of agritourism does not require more than 50 people to occupy an individual  
3 building at any one time, then that use must be:

4           (i) in accordance with limitations established by the Department;  
5 and

6           (ii) limited to levels of the building on which a ground level exit is  
7 located.

8           (3) If the subordinate use of agritourism requires more than 50 people but  
9 fewer than 100 people to occupy an individual building at any one time, then that use must  
10 be:

11           (i) in accordance with the requirements in paragraph (2) of this  
12 subsection; and

13           (ii) the total width and number of means of egress must meet or  
14 exceed the International Building Code standard that applies to egress components other  
15 than stairways in a building without a sprinkler system.

16           (g) An agricultural building used for agritourism:

17           (1) shall be structurally sound and in good repair; but

18           (2) need not comply with:

19           (i) requirements for bathrooms, sprinkler systems, and elevators set  
20 forth in the Standards; or

21           (ii) any other requirements of the Standards or other building codes  
22 as set forth in regulations adopted by the Department.

23           (h) The Department shall adopt regulations to implement this section.

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 ~~October~~ June 1, 2022.