

Chapter 250

(House Bill 429)

AN ACT concerning

On-Farm Organics ~~and Wasted Food Reduction and Diversion~~ and Recycling Grant Programs Program – Established

FOR the purpose of establishing the On-Farm Organics Diversion and Recycling Grant Program in the Department of Agriculture to award grants to eligible entities to develop and implement on-farm organics recycling and compost use, wasted food prevention, and food rescue; ~~establishing the Wasted Food Reduction and Diversion Grant Program and the County Wasted Food Reduction Block Grant Program in the Department of the Environment to award grants and fund certain projects for infrastructure, programs, and education that reduce, rescue, and divert wasted food in the State and certain counties; and generally relating to wasted food reduction and diversion~~ on-farm organics recycling and compost use, wasted food prevention, and food rescue in the State.

BY adding to
Article – Agriculture
Section 2-109
Annotated Code of Maryland
(2016 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2-401(a)(1) and (3) and 2-2001(a), (f), and (g)
Annotated Code of Maryland
(2016 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 1-701(a)(1), (7), and (8)
Annotated Code of Maryland
(2013 Replacement Volume and 2025 Supplement)

~~BY adding to
Article – Environment
Section 9-1725.1 and 9-1725.2
Annotated Code of Maryland
(2014 Replacement Volume and 2025 Supplement)~~

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

Article – Agriculture

2–109.

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

(2) “GRANT PROGRAM” MEANS THE ON–FARM ORGANICS DIVERSION AND RECYCLING GRANT PROGRAM.

(3) “URBAN AGRICULTURAL PRODUCER” HAS THE MEANING STATED IN § 2–2001 OF THIS TITLE.

(4) “URBAN FARMER” HAS THE MEANING STATED IN § 2–401 OF THIS TITLE.

(B) BEGINNING JULY 1, 2028, THERE IS AN ON–FARM ORGANICS DIVERSION AND RECYCLING GRANT PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE GRANT PROGRAM IS TO AWARD GRANTS ANNUALLY FOR DEVELOPING AND IMPLEMENTING ON–FARM ORGANICS RECYCLING AND COMPOST USE, WASTED FOOD PREVENTION, AND FOOD RESCUE.

(D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL:

(1) ADMINISTER THE GRANT PROGRAM; AND

(2) IDENTIFY AND APPLY FOR FUNDING FOR THE GRANT PROGRAM.

(E) THE FOLLOWING PERSONS ARE ELIGIBLE FOR A GRANT UNDER THE GRANT PROGRAM:

(1) A FARMER, AN URBAN FARMER, OR AN URBAN AGRICULTURAL PRODUCER;

(2) A SOIL CONSERVATION DISTRICT;

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE;

(4) A NONPROFIT ORGANIZATION;

(5) A BUSINESS IN THE STATE THAT IS IN:

(I) GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

(II) PARTNERSHIP WITH A FARMER, AN URBAN FARMER, OR AN URBAN AGRICULTURAL PRODUCER; AND

(6) A CONSORTIUM OF ANY ENTITIES UNDER THIS SUBSECTION.

(F) A PROJECT IS ELIGIBLE FOR A GRANT UNDER THE GRANT PROGRAM IF THE PROJECT DEVELOPS, MAINTAINS, OR EXPANDS INFRASTRUCTURE, COLLECTION PROGRAMS, EDUCATION, OR TECHNICAL ASSISTANCE IN THE STATE THAT:

(1) REDUCES THE AMOUNT OF WASTED FOOD GENERATED;

(2) RESCUES EDIBLE FOOD FOR PURPOSES OF REDISTRIBUTION;

(3) RECOVERS WASTED FOOD AS ANIMAL FEED IF THE FEED IS REGISTERED AND TREATED IN ACCORDANCE WITH REGULATIONS IMPLEMENTED BY THE DEPARTMENT;

(4) COMPOSTS OR RECYCLES FOOD RESIDUALS THAT ARE SEPARATED FROM PACKAGING PRIOR TO COLLECTION, INCLUDING AT-HOME, COMMUNITY, AND ON-FARM COMPOSTING;

(5) PROVIDES LABOR AND WAGES IN SUPPORT OF WASTED FOOD PREVENTION, FOOD RESCUE, AND ON-FARM ORGANICS RECYCLING AND COMPOST USE;

(6) PROVIDES BEST MANAGEMENT PRACTICE TRAINING IN RELEVANT FIELDS BY A REPUTABLE TRAINING PROGRAM;

(7) STUDIES THE IMPACTS OF COMPOST APPLICATION ON ON-FARM NUTRIENT AND WATER QUALITY MANAGEMENT; OR

(8) ASSISTS IN THE PAYMENT OF APPLICABLE PERMIT APPLICATION COSTS.

(G) IN AWARDING GRANTS UNDER THE GRANT PROGRAM, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL PRIORITIZE PROJECTS:

(1) FOR WHICH THE APPLICANT CLEARLY DESCRIBES HOW THE PROJECT WILL:

(I) PROVIDE DIRECT, MEANINGFUL, AND ASSURED BENEFITS TO THE COMMUNITY; AND

(II) ADDRESS IMPORTANT COMMUNITY NEEDS;

(2) THAT PREVENT, RESCUE, AND DIVERT WASTED FOOD WITHIN A LOCAL COMMUNITY;

(3) THAT PLAN TO PRODUCE COMPOST THAT MEETS THE CLASSIFICATION OF “GENERAL USE” UNDER COMAR 15.18.04.05;

(4) THAT PLAN TO PRODUCE MINIMALLY CONTAMINATED COMPOST THROUGH:

(I) PROCESSING ORGANIC MATERIALS THAT ARE SEPARATED FROM PACKAGING PRIOR TO COLLECTION;

(II) NOT USING DEPACKAGERS; AND

(III) MEETING THE U.S. COMPOSTING COUNCIL’S SEAL OF TESTING ASSURANCE;

(5) THAT SERVE AN OVERBURDENED OR UNDERSERVED COMMUNITY AS DEFINED IN § 1-701 OF THE ENVIRONMENT ARTICLE;

(6) THAT MINIMIZE NEGATIVE IMPACTS TO THE LOCAL COMMUNITY; AND

(7) THAT MAXIMIZE BENEFITS TO THE LOCAL COMMUNITY, INCLUDING:

(I) THE CREATION OF JOBS;

(II) INCREASING JOB TRAINING; AND

(III) INCREASING HIRING AND LEADERSHIP DEVELOPMENT PRACTICES THAT ARE INCLUSIVE AND PROVIDE A LIVING WAGE.

~~(H) AN ELIGIBLE PERSON THAT RECEIVES A GRANT UNDER THE GRANT PROGRAM MAY NOT RECEIVE A GRANT UNDER THE WASTED FOOD REDUCTION AND DIVERSION GRANT PROGRAM UNDER § 9-1725.1 OF THE ENVIRONMENT ARTICLE IN THE SAME CALENDAR YEAR.~~

(H) FOR FISCAL YEAR 2028 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$250,000 TO THE GRANT PROGRAM.

(I) ON OR BEFORE DECEMBER 31, 2028, AND EACH DECEMBER 31 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER AND TYPES OF GRANTS AWARDED;

(2) THE IMPACT OF THE GRANTS ON THE CREATION OF JOBS AND OTHER BENEFITS TO THE STATE;

(3) THE IMPACT ON FOOD WASTE PREVENTED, RESCUED, AND DIVERTED FROM DISPOSAL; AND

(4) THE IMPACT ON FARMERS, URBAN FARMERS, AND URBAN AGRICULTURAL PRODUCERS IN THE STATE.

2-401.

(a) (1) In this section the following words have the meanings indicated.

(3) “Urban farmer” means an individual who farms in an urban area.

2-2001.

(a) In this subtitle the following words have the meanings indicated.

(f) “Urban agricultural producer” means any person that annually sells, or normally would have sold, \$1,000 or more of farm products in an urban area.

(g) “Urban area” means an area of the State that is:

(1) Delineated as an urban area by the U.S. Census Bureau; or

(2) Within the boundaries of a municipal corporation.

Article – Environment

1-701.

(a) (1) In this section the following words have the meanings indicated.

(7) “Overburdened community” means any census tract for which three or more of the following environmental health indicators are above the 75th percentile statewide:

- (i) Particulate matter (PM) 2.5;
- (ii) Ozone;
- (iii) National Air Toxics Assessment (NATA) diesel PM;
- (iv) NATA cancer risk;
- (v) NATA respiratory hazard index;
- (vi) Traffic proximity;
- (vii) Lead paint indicator;
- (viii) National Priorities List Superfund site proximity;
- (ix) Risk Management Plan facility proximity;
- (x) Hazardous waste proximity;
- (xi) Wastewater discharge indicator;
- (xii) Proximity to a Concentrated Animal Feeding Operation (CAFO);
- (xiii) Percent of the population lacking broadband coverage;
- (xiv) Asthma emergency room discharges;
- (xv) Myocardial infarction discharges;
- (xvi) Low–birth–weight infants;
- (xvii) Proximity to emitting power plants;
- (xviii) Proximity to a Toxic Release Inventory (TRI) facility;
- (xix) Proximity to a brownfields site;
- (xx) Proximity to mining operations; and
- (xxi) Proximity to a hazardous waste landfill.

(8) “Underserved community” means any census tract in which, according to the most recent U.S. Census Bureau Survey:

- (i) At least 25% of the residents qualify as low-income;
- (ii) At least 50% of the residents identify as nonwhite; or
- (iii) At least 15% of the residents have limited English proficiency.

~~9-1725.1.~~

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

~~(2) “GRANT PROGRAM” MEANS THE WASTED FOOD REDUCTION AND DIVERSION GRANT PROGRAM.~~

~~(3) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF THIS ARTICLE.~~

~~(4) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF THIS ARTICLE.~~

~~(5) “URBAN AGRICULTURAL PRODUCER” HAS THE MEANING STATED IN § 2-2001 OF THE AGRICULTURE ARTICLE.~~

~~(6) “URBAN FARMER” HAS THE MEANING STATED IN § 2-401 OF THE AGRICULTURE ARTICLE.~~

~~(B) BEGINNING JULY 1, 2028, THERE IS A WASTED FOOD REDUCTION AND DIVERSION GRANT PROGRAM IN THE DEPARTMENT.~~

~~(C) THE PURPOSE OF THE GRANT PROGRAM IS TO AWARD GRANTS ANNUALLY FOR INFRASTRUCTURE, PROGRAMS, AND EDUCATION THAT REDUCE, RESCUE, AND DIVERT WASTED FOOD IN THE STATE.~~

~~(D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL:~~

~~(1) ADMINISTER THE GRANT PROGRAM; AND~~

~~(2) IDENTIFY AND APPLY FOR FUNDING FOR THE GRANT PROGRAM.~~

~~(E) THE FOLLOWING PERSONS ARE ELIGIBLE FOR A GRANT UNDER THE GRANT PROGRAM:~~

- ~~(1) A UNIT OF STATE OR LOCAL GOVERNMENT;~~
- ~~(2) A LOCAL EDUCATION AGENCY;~~
- ~~(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE;~~
- ~~(4) A NONPROFIT ORGANIZATION;~~
- ~~(5) A FARMER, AN URBAN FARMER, OR AN URBAN AGRICULTURAL PRODUCER;~~
- ~~(6) A BUSINESS IN THE STATE THAT IS IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND~~
- ~~(7) A CONSORTIUM OF ANY ENTITIES UNDER THIS SUBSECTION.~~

~~(F) A PROJECT IS ELIGIBLE FOR A GRANT UNDER THE GRANT PROGRAM IF THE PROJECT DEVELOPS, MAINTAINS, OR EXPANDS INFRASTRUCTURE, COLLECTION PROGRAMS, EDUCATION, OR TECHNICAL ASSISTANCE IN THE STATE THAT:~~

- ~~(1) REDUCES THE AMOUNT OF WASTED FOOD GENERATED;~~
- ~~(2) RESCUES EDIBLE FOOD FOR PURPOSES OF REDISTRIBUTION;~~
- ~~(3) RECOVERS WASTED FOOD AS ANIMAL FEED IF THE FEED IS REGISTERED AND TREATED IN ACCORDANCE WITH REGULATIONS IMPLEMENTED BY THE DEPARTMENT OF AGRICULTURE;~~
- ~~(4) COMPOSTS OR RECYCLES FOOD RESIDUALS THAT ARE SEPARATED FROM PACKAGING PRIOR TO COLLECTION, INCLUDING AT HOME, COMMUNITY, AND ON-FARM COMPOSTING; OR~~
- ~~(5) TRANSITIONS FROM SINGLE-USE FOOD SERVICEWARE TO DURABLE AND REUSABLE FOOD SERVICEWARE.~~

~~(G) IN AWARDING GRANTS UNDER THE GRANT PROGRAM, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL PRIORITIZE PROJECTS:~~

~~(1) FOR WHICH THE APPLICANT CLEARLY DESCRIBES HOW THE PROJECT WILL:~~

~~(I) PROVIDE DIRECT, MEANINGFUL, AND ASSURED BENEFITS TO THE COMMUNITY; AND~~

~~(II) ADDRESS IMPORTANT COMMUNITY NEEDS;~~

~~(2) THAT PREVENT, RESCUE, AND DIVERT WASTED FOOD WITHIN A LOCAL COMMUNITY;~~

~~(3) THAT PLAN TO PRODUCE COMPOST THAT MEETS THE CLASSIFICATION OF "GENERAL USE" UNDER COMAR 15.18.04.05;~~

~~(4) THAT PLAN TO PRODUCE MINIMALLY CONTAMINATED COMPOST THROUGH:~~

~~(I) PROCESSING ORGANIC MATERIALS THAT ARE SEPARATED FROM PACKAGING PRIOR TO COLLECTION;~~

~~(II) NOT USING DEPACKAGERS; AND~~

~~(III) MEETING THE U.S. COMPOSTING COUNCIL'S SEAL OF TESTING ASSURANCE;~~

~~(5) THAT SERVE AN OVERBURDENED OR UNDERSERVED COMMUNITY;~~

~~(6) THAT MINIMIZE NEGATIVE IMPACTS TO THE LOCAL COMMUNITY;~~

~~AND~~

~~(7) THAT MAXIMIZE BENEFITS TO THE LOCAL COMMUNITY, INCLUDING:~~

~~(I) THE CREATION OF JOBS;~~

~~(II) INCREASING JOB TRAINING; AND~~

~~(III) INCREASING HIRING AND LEADERSHIP DEVELOPMENT PRACTICES THAT ARE INCLUSIVE AND PROVIDE A LIVING WAGE.~~

~~(H) AN ELIGIBLE PERSON THAT RECEIVES A GRANT UNDER THE GRANT PROGRAM MAY NOT RECEIVE A GRANT UNDER THE ON FARM ORGANICS DIVERSION AND RECYCLING GRANT PROGRAM UNDER § 2-109 OF THE AGRICULTURE ARTICLE IN THE SAME CALENDAR YEAR.~~

~~(I) (1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

~~(2) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL INCLUDE:~~

~~(I) A SIMPLE COMMON APPLICATION PROCEDURE; AND~~

~~(II) FOR ELIGIBLE ENTITIES, A PROCESS TO FACILITATE THE PARTICIPATION OF ELIGIBLE ENTITIES THAT HAVE LIMITED RESOURCES OR LANGUAGE BARRIERS.~~

~~(J) ON OR BEFORE DECEMBER 31, 2028, AND EACH DECEMBER 31 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:~~

~~(1) THE NUMBER AND TYPES OF GRANTS AWARDED;~~

~~(2) THE IMPACT OF THE GRANTS ON THE CREATION OF JOBS AND OTHER BENEFITS TO THE STATE;~~

~~(3) THE IMPACT ON WASTED FOOD PREVENTED, RESCUED, AND DIVERTED FROM DISPOSAL; AND~~

~~(4) THE IMPACT ON FARMERS, URBAN FARMERS, AND URBAN AGRICULTURAL PRODUCERS IN THE STATE.~~

~~9-1725.2.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "GRANT PROGRAM" MEANS THE COUNTY WASTED FOOD REDUCTION BLOCK GRANT PROGRAM.~~

~~(3) "OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF THIS ARTICLE.~~

~~(4) "UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF THIS ARTICLE.~~

~~(5) "URBAN AGRICULTURAL PRODUCER" HAS THE MEANING STATED IN § 2-2001 OF THE AGRICULTURE ARTICLE.~~

~~(6) "URBAN FARMER" HAS THE MEANING STATED IN § 2-401 OF THE AGRICULTURE ARTICLE.~~

~~(B) BEGINNING JULY 1, 2028, THERE IS A COUNTY WASTED FOOD REDUCTION BLOCK GRANT PROGRAM IN THE DEPARTMENT.~~

~~(C) (1) THE PURPOSE OF THE GRANT PROGRAM IS TO AWARD GRANTS TO COUNTIES ANNUALLY IN AMOUNTS PROPORTIONAL TO EACH COUNTY'S POPULATION.~~

~~(2) FUNDS RECEIVED BY A COUNTY UNDER THIS SUBSECTION SHALL FUND PROJECTS TO DEVELOP, MAINTAIN, OR EXPAND INFRASTRUCTURE, PROGRAMS, AND EDUCATION THAT REDUCE, RESCUE, AND DIVERT WASTED FOOD IN THE COUNTY.~~

~~(D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL:~~

~~(1) ADMINISTER THE GRANT PROGRAM; AND~~

~~(2) IDENTIFY AND APPLY FOR FUNDING FOR THE GRANT PROGRAM.~~

~~(E) IN FUNDING PROJECTS UNDER THE GRANT PROGRAM, A COUNTY SHALL PRIORITIZE PROJECTS THAT:~~

~~(1) PROVIDE DIRECT, MEANINGFUL, AND ASSURED BENEFITS TO THE COMMUNITY;~~

~~(2) ADDRESS IMPORTANT COMMUNITY NEEDS;~~

~~(3) PREVENT, RESCUE, AND DIVERT WASTED FOOD WITHIN A LOCAL COMMUNITY;~~

~~(4) PLAN TO PRODUCE COMPOST THAT MEETS THE CLASSIFICATION OF "GENERAL USE" UNDER COMAR 15.18.04.05;~~

~~(5) PLAN TO PRODUCE MINIMALLY CONTAMINATED COMPOST THROUGH:~~

~~(I) PROCESSING ORGANIC MATERIALS THAT ARE SEPARATED FROM PACKAGING PRIOR TO COLLECTION;~~

~~(II) NOT USING DEPACKAGERS; AND~~

~~(III) MEETING THE U.S. COMPOSTING COUNCIL'S SEAL OF TESTING ASSURANCE;~~

~~(6) SERVE AN OVERBURDENED OR UNDERSERVED COMMUNITY;~~

~~(7) MINIMIZE NEGATIVE IMPACTS TO THE LOCAL COMMUNITY; AND~~

~~(8) MAXIMIZE BENEFITS TO THE LOCAL COMMUNITY, INCLUDING:~~

~~(I) THE CREATION OF JOBS;~~

~~(II) INCREASING JOB TRAINING; AND~~

~~(III) INCREASING HIRING AND LEADERSHIP DEVELOPMENT PRACTICES THAT ARE INCLUSIVE AND PROVIDE A LIVING WAGE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.