

**CHAPTER 172****(House Bill 396)**

AN ACT concerning

**Agricultural Operations – Nuisance Actions – Requirements**

FOR the purpose of requiring a person filing a nuisance action against an agricultural operation in any court to first file a complaint with a certain local agency or refer a complaint to the State agricultural mediation program in the Department of Agriculture and to obtain a decision or recommendation from the local agency or a certain certification from the Department on the nuisance complaint; excepting government agencies from certain requirements; and generally relating to nuisance actions against agricultural operations.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–403

Annotated Code of Maryland

(2002 Replacement Volume and 2005 Supplement)

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

**Article – Courts and Judicial Proceedings**

5–403.

(a) In this section, “agricultural operation” means an operation for the processing of agricultural crops or on–farm production, harvesting, or marketing of any agricultural, horticultural, silvicultural, aquacultural, or apicultural product that has been grown, raised, or cultivated by the farmer.

(b) (1) This section does not:

(i) Prohibit a federal, State, or local government from enforcing health, environmental, zoning, or any other applicable law;

(ii) Relieve any agricultural operation from the responsibility of complying with the terms of any applicable federal, State, and local permit required for the operation;

(iii) Relieve any agricultural operator from the responsibility to comply with any federal, State, or local health, environmental, and zoning requirement; or

(iv) Relieve any agricultural operation from liability for conducting an agricultural operation in a negligent manner.