



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Agritourism Statutes:

Maryland



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Agritourism Statutes: Maryland

Md. Code Ann., Agric. § 2-203, Md. Econ. Dev. §10-505, and Md. Public Safety §12-508

Current through legislation effective through June 1, 2022, from the 2022 Regular Session of the General Assembly.

§ 2-203. Membership

(a) The Commission has 30 members. One member is ex officio and is the principal administrative official for agricultural affairs at the University System of Maryland as designated by the Chancellor of the University. The Governor appoints the remaining 29 members as follows:

- (1) Two from a list of at least four nominees representing the dairy industry;
- (2) Two from a list of at least four nominees representing the poultry industry;
- (3) One from a list of at least two nominees representing the livestock industry;
- (4) One from a list of at least two nominees representing the tobacco industry;
- (5) Two from a list of at least four nominees representing the nursery industry;
- (6) One from a list of at least two nominees representing the horticulture industry;
- (7) One from a list of at least two nominees representing the field crops industry;
- (8) One from a list of at least two nominees representing the vegetable industry;
- (9) One from a list of at least two nominees representing the veterinary profession;
- (10) One from a list of at least two nominees of the Maryland State Grange;
- (11) One from a list of at least two nominees of the Maryland Farm Bureau;
- (12) Two without nomination appointed at large from services related to agriculture;
- (13) One from a list of at least two nominees representing the turf industry;



- (14) One from a list of at least two nominees representing the horse-breeding industry;
- (15) One from a list of at least two nominees representing the food processing industry;
- (16) One without nomination appointed at large from the general public to be the consumer member;
- (17) One from a list of at least two nominees representing the organic farming industry;
- (18) One from a list of at least two nominees representing direct farm marketing;
- (19) One from a list of at least two nominees representing viticulture;
- (20) One from a list of at least two nominees representing agriculture education in primary or secondary schools;
- (21) One from a list of at least two nominees representing agri-business;
- (22) One from a list of at least two nominees representing the forestry industry;
- (23) One from a list of at least two nominees representing the aquaculture industry;
- (24) One from a list of at least two nominees representing agri-tourism; and
- (25) One from a list of two nominees representing the biofuel industry.

Consumer member

(b)(1) The consumer member of the Commission:

- (i) Shall be a member of the general public;
 - (ii) May not be involved in any way with the activities on which the Commission advises the Secretary; and
 - (iii) May not, within 1 year before appointment, have had a financial interest in or have received compensation from a person who is involved in any way with the activities on which the Commission advises the Secretary.
- (2) While a member of the Commission, the consumer member may not have a financial interest in or receive compensation from a person who is involved in any way with the activities on which the Commission advises the Secretary.



Membership term

(c) The term of membership is 3 years. A person may not serve more than two consecutive terms. Members of the Commission appointed before January 1, 1973, may continue to serve until the expiration of their terms. New appointments shall be made from nominees of the industry, profession, or organization represented by the member whose term is expiring.

§ 12-508. Agritourism building requirements

“Agricultural building” defined

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

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

Scope of section

(b) This section applies only to:

(1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, and Talbot County; or

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

Application of Standards

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

Building permits

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

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

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

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



Building permits

(e) In Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Garrett County, Howard County, Kent County, Prince George's County, Queen Anne's County, St. Mary's County, and Worcester County, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

- (1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and
- (2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

Montgomery County

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

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

- (i) in accordance with limitations established by the Department; and
- (ii) limited to levels of the building on which a ground level exit is located.

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

- (i) in accordance with the requirements in paragraph (2) of this subsection; and
- (ii) the total width and number of means of egress must meet or exceed the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

Building requirements

(g) An agricultural building used for agritourism:

- (1) shall be structurally sound and in good repair; but
- (2) need not comply with:
 - (i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or



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

Regulations

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

§ 10-505. Board of Directors

In general

(a)(1) There is a Board of Directors of the Corporation.

(2) The Board manages the Corporation and exercises all of its corporate powers.

Composition; appointment of members

(b) The Board consists of the following members:

(1) as ex officio members:

(i) the Secretary or a designee of the Secretary who is a senior-level departmental official;

(ii) the Secretary of Agriculture or a designee of the Secretary who is a senior-level departmental official;

(iii) the Secretary of Natural Resources or a designee of the Secretary who is a senior-level departmental official;

(iv) the Executive Director of the Maryland Food Center Authority;

(v) the Executive Director of the Rural Maryland Council; and

(vi) the Director of the Maryland Cooperative Extension Service; and

(2) eleven individuals appointed by the Governor with the advice and consent of the Senate as follows:

(i) two agricultural producers representing at least two different farm commodity industries in the State;

(ii) two representatives from commercial lending institutions serving rural regions in the State, one of whom shall represent a major farm credit organization operating in the State;

(iii) one representative of the timber and forest products industry;

(iv) one representative of the aquaculture industry;



(v) one representative of the commercial seafood harvesting and processing industry;

(vi) one individual with knowledge and experience in the area of operating commercial food or fiber processing facilities;

(vii) one individual with knowledge and experience in the area of public finance;

(viii) one individual with knowledge and experience in the area of rural economic development or agricultural marketing; and

(ix) one individual with knowledge about the agricultural, forestry, or seafood industries or agritourism in the State or with substantial and relevant economic development experience.

Qualifications

(c) A member of the Board shall be a resident of the State.

Geographic diversity

(d) In appointing members of the Board under subsection (b)(2) of this section, the Governor shall consider all of the geographic regions of the State.

Term; vacancies

(e)(1) The term of a member appointed under subsection (b)(2) of this section is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for the members on October 1, 2008.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

Removal

(f) The Governor may remove a member of the Board for incompetence, misconduct, or failure to perform the duties of the position.

Chair

(g) The Board shall elect a chair from among its members.

Voting

(h) The Board may act with an affirmative vote of nine members.



Compensation; reimbursement for expenses

(i) A member of the Board:

(1) serves without compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

