



Maryland Department of Agriculture

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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: February 11, 2020

BILL NUMBER: SENATE BILL 351

SHORT TITLE: AGRICULTURE - FARMERS MARKETS - ADVERTISING, LABELING, AND ENFORCEMENT (FARMERS MARKET INTEGRITY ACT)

MDA POSITION: INFORMATION

EXPLANATION:

This bill will require the regulation of the term “farmers market” by the Maryland Department of Agriculture (MDA). In SB 351, “farmers market” is defined as a building, structure, or place used by two or more people for the direct sale of farm and food products to consumers. Additionally, the bill also prohibits a person from selling farm and food products at a farmers market unless:

- at least 75% of the products offered by the person were grown or processed by the person or under the supervision of the person; or
- the farm and food product is (1) purchased directly from another farmer who grew and processed the farm and food product and (2) individually labeled or otherwise identified with the name and location of the farm at which the farm product was grown and processed.

MDA may request proof of the origin of the farm products being sold at farmers markets to ensure the product meets the requirements of this law. Failure to provide documentation will be evidence that the person is violation of the law. Guilty of a misdemeanor on conviction, the person is subject to fine of \$100 to \$200 for each violation.

BACKGROUND INFORMATION:

There are 109 farmers markets listed in the department’s directory of farmers markets. In addition, there are approximately 200 farm stands in the State, which may use the term “farmers market” to describe their operations. Some grocery stores and other food businesses may also use the term “farmers market” to describe their business or parts of

their business. It is unclear how many of the current farmers markets in Maryland would be able to abide by the requirements in SB 351.

MDA's Farmers Market Nutrition Program (FMNP) has requirements in its agreement with the U.S. Department of Agriculture (USDA) to allow farmers who register for the program to grow 60% of what they sell to FMNP clients. Under the program, USDA gives grants to state agencies to provide checks to low-income participants that can be used to buy fresh fruits, vegetables, and cut herbs (and honey for seniors only) at Maryland farmers markets. MDA indicates that the FMNP program does not regulate farmers markets, but instead certifies farmers. As part of MDA's 2020 FMNP State Plan, MDA will randomly visit registered farms to make sure they are in fact farms and grow enough produce to meet applicable requirements.

Maryland's Best is a program managed by the Maryland Department of Agriculture's Marketing and Agribusiness Development section. Our mission is to link Maryland farmers with consumers through this Web site, promotions and advertising.

Additionally, MDA enforces Maryland's law concerning the use of the term, 'local' as it refers to agriculture products. When the terms local or locally grown or regional are used to promote an agricultural product, the name of the state from which the product was originally grown or raised must be immediately adjacent to the words (local or locally grown or regional.) In the case of fish or shellfish, the state where the seafood was raised or landed is required. For intermingled product from different states, each state shall be listed. This Buy Local regulation applies to wholesale, retail stores, farmers markets and restaurants, among others.

MDA is in the process of creating an internal work group to look at the local advertising law and how it may work to address the concerns addressed in this legislation.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.