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**Act No. 61 (S.45). An act relating to protection from nuisance suits for agricultural activities**

**Subjects: Court procedure; agriculture; right-to-farm; nuisance suits; agricultural activities**

This act amends the right-to-farm protection from nuisance suits provided to farmers. The act adds a new definition of “generally accepted agricultural practices” to which nuisance protection would apply. “Generally accepted agricultural practices” are defined to mean the State water quality requirements for farms, if applicable; the requirements of Concentrated Animal Feeding Operation permits, if applicable; the requirements of the State’s Rule for Control of Pesticides; and practices conducted in a manner consistent with proper and accepted customs and standards followed by similar operators of agricultural activities in the State.

The act amends the standards that provide farms with protection from nuisance suits. The act provides that no agricultural activity shall be or become a nuisance when the activity is conducted in accordance with generally accepted agricultural practices. However, the act provides that a farmer must be in good standing with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources in order to assert nuisance protection. Good standing can be shown by letters from the Secretaries of the agencies.

The act also clearly states that the plaintiff shall have the burden of proof by the preponderance of the evidence to show that a farmer is not entitled to nuisance protection and is a nuisance. In addition, a farmer shall not receive nuisance protection if the nuisance violation results from the negligent operation of an agricultural activity; the agricultural activity has a substantial adverse effect on health, safety, or welfare based upon objective, documented medical or scientific evidence that the agricultural activity was the proximate cause of the alleged effect; or a reasonable person would find that the agricultural activity was a proximate cause of a noxious and significant interference with the use and enjoyment of the neighboring property.

The act provides that the right to farm law protection from nuisance is to be liberally construed by courts to effectuate its purpose of protecting reasonable agricultural activities from lawsuits. The act also provides that a person shall not bring a court action based on a claim of nuisance arising from an agricultural activity unless the person and the farmer, at least once, attempt to resolve the issue through mediation.

Effective Date: July 1, 2025