

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 749

(Washington County Delegation)

Environment and Transportation

Education, Energy, and the Environment

Washington County - Public Safety - Buildings Used for Agritourism

This bill exempts an agricultural building in Washington County used for agritourism from adhering to the Maryland Building Performance Standards (MBPS). The bill also exempts an existing agricultural building in Washington County used for agritourism from obtaining a change of occupancy permit if (1) the building’s use of agritourism does not require it to be occupied by more than 200 people at any one time and (2) the total width of egress for the building meets specified building code standards. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect Washington County finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: “Agritourism” is defined in the Land Use Article as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation. Agritourism activities include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, “pick your own” or “cut your own” produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with any of the above.

Exemption from Maryland Building Performance Standards (for Agricultural Buildings Used for Agritourism)

An “agricultural building” is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. An agricultural building does not, however, include a place of human residence. MBPS do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use in the following counties:

- Allegany;
- Anne Arundel;
- Baltimore;
- Calvert;
- Carroll;
- Cecil;
- Charles;
- Dorchester;
- Frederick;
- Garrett;
- Harford;
- Howard;
- Kent;
- Montgomery;
- Prince George’s;
- Queen Anne’s;
- St. Mary’s;
- Somerset; and
- Talbot.

Except as described below, in those counties, 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 Maryland Department of Labor (MD Labor); (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.

However, in Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Garrett, Howard, Kent, Prince George’s, Queen Anne’s, St. Mary’s, and Worcester counties, an existing agricultural building used for agritourism does not require a building permit for a change

in occupancy if the maximum occupancy is 200 people or less and the building's total width of egress meets or exceeds the International Building Code (IBC) standard that applies to egress components other than stairways in a building without a sprinkler system. In Montgomery County, 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 the total width and number of means of egress must meet or exceed the IBC standard that applies to egress components other than stairways in a building without a sprinkler system.

An agricultural building used for agritourism must be structurally sound and in good repair but need not comply with (1) requirements for bathrooms, sprinkler systems, and elevators as required under MBPS or (2) any other requirements of MBPS or other building codes as set forth in regulations adopted by MD Labor.

Maryland Building Performance Standards

MD Labor currently incorporates by reference the IBC (2021 Edition), including the International Energy Conservation Code (IECC) (2021 Edition), with modifications, as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government. Chapter 38 of 2022 (the Climate Solutions Now Act) required MD Labor to adopt IECC (2018 Edition) by January 1, 2023, and to adopt each subsequent version of IECC within 18 months after it is issued. Each local jurisdiction must implement and enforce the most current version of MPBS and any local amendments to MPBS. In addition, any modification to MBPS adopted by the State after December 31, 2009, must be implemented and enforced by a local jurisdiction no later than 12 months after the modifications are adopted by the State.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 580 (Washington County Senators) - Education, Energy, and the Environment.

Information Source(s): Washington County; Maryland Department of Agriculture; Maryland Department of Labor; Department of Legislative Services

Fiscal Note History:
caw/mcr

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