

HOUSE BILL 257

M1

(PRE-FILED)

5lr1607
CF 5lr1942

By: **Delegate Charkoudian**

Requested: November 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Food Forests and Foraging Program – Establishment**

3 FOR the purpose of establishing a Food Forests and Foraging Program within the
4 Department of Natural Resources; requiring individuals who forage in a food forest
5 to obtain a foraging permit; requiring the Department to charge a permit application
6 fee and establish a fee waiver process for individuals who demonstrate financial
7 need; establishing the Food Forests and Foraging Fund as a special, nonlapsing fund
8 in the Department; requiring interest earnings of the Fund to be credited to the
9 Fund; and generally relating to food forests and foraging in the State.

10 BY adding to

11 Article – Natural Resources
12 Section 5–2101 through 5–2104 to be under the new subtitle “Subtitle 21. Food
13 Forests and Foraging Program”
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – State Finance and Procurement
18 Section 6–226(a)(1) and (2)(i)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – State Finance and Procurement
23 Section 6–226(a)(2)(ii)204. and 205.
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

26 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Finance and Procurement
Section 6–226(a)(2)(ii)206.
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Natural Resources

SUBTITLE 21. FOOD FORESTS AND FORAGING PROGRAM.

5–2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “FOOD FOREST” MEANS AN AREA OWNED OR MANAGED BY THE
DEPARTMENT THAT IS DESIGNATED BY THE DEPARTMENT FOR FORAGING.

(C) (1) “FORAGING” MEANS HARVESTING PLANT MATERIALS, INCLUDING
SEEDS, NUTS, MUSHROOMS, ROOTS, TUBERS, AND BERRIES FOR NONCOMMERCIAL
PERSONAL CONSUMPTION.

(2) “FORAGING” DOES NOT INCLUDE HARVESTING THREATENED OR
ENDANGERED PLANT SPECIES DESIGNATED UNDER § 10–2A–04 OF THIS ARTICLE.

(D) “FUND” MEANS THE FOOD FORESTS AND FORAGING FUND
ESTABLISHED UNDER § 5–2104 OF THIS SUBTITLE.

(E) “PROGRAM” MEANS THE FOOD FORESTS AND FORAGING PROGRAM.

5–2102.

(A) THERE IS A FOOD FORESTS AND FORAGING PROGRAM IN THE
DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) DESIGNATE, PLANT, AND MAINTAIN FOOD FORESTS ON STATE
LAND; AND

(2) AUTHORIZE AND REGULATE FORAGING WITHIN FOOD FORESTS.

1 **5-2103.**

2 (A) THERE IS A FORAGING PERMIT.

3 (B) AN INDIVIDUAL SHALL OBTAIN A FORAGING PERMIT TO FORAGE WITHIN
4 A FOOD FOREST.

5 (C) TO OBTAIN A FORAGING PERMIT, AN INDIVIDUAL SHALL:

6 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT; AND

7 (2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, PAY AN
8 APPLICATION FEE, AS SET BY THE DEPARTMENT.

9 (D) THE DEPARTMENT SHALL WAIVE THE PERMIT APPLICATION FEE FOR
10 AN INDIVIDUAL WHO DEMONSTRATES FINANCIAL NEED.

11 (E) A FORAGING PERMIT SHALL BE VALID FOR 1 YEAR FOLLOWING THE
12 DATE OF ISSUANCE.

13 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
14 SECTION, INCLUDING REGULATIONS:

15 (1) DESIGNATING FORAGING AREAS WITHIN STATE-OWNED LAND
16 MANAGED BY THE DEPARTMENT;

17 (2) ESTABLISHING A PERMIT APPLICATION FEE; AND

18 (3) ESTABLISHING A FEE WAIVER PROCESS FOR INDIVIDUALS WHO
19 DEMONSTRATE FINANCIAL NEED.

20 **5-2104.**

21 (A) THERE IS A FOOD FORESTS AND FORAGING FUND.

22 (B) THE PURPOSE OF THE FUND IS TO SUPPORT THE DESIGNATION,
23 PLANTING, AND MAINTENANCE OF STATE LAND TO BE USED AS FOOD FORESTS.

24 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

25 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
26 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) PERMIT APPLICATION FEES COLLECTED UNDER § 5–2103 OF THIS
SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) DESIGNATING, PLANTING, AND MAINTAINING FOOD FORESTS;
AND

(2) ADMINISTRATIVE EXPENSES CALCULATED IN ACCORDANCE WITH
§ 1–103(B)(2) OF THIS ARTICLE.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
WITH THE STATE BUDGET.

Article – State Finance and Procurement

6–226.

(a) (1) Except as otherwise specifically provided by law or by regulation of the
Treasurer, the Treasurer shall credit to the General Fund any interest on or other income
from State money that the Treasurer invests.

(2) (i) 1. This subparagraph does not apply in fiscal years 2024
through 2028.

1 2. Notwithstanding any other provision of law, and unless
2 inconsistent with a federal law, grant agreement, or other federal requirement or with the
3 terms of a gift or settlement agreement, net interest on all State money allocated by the
4 State Treasurer under this section to special funds or accounts, and otherwise entitled to
5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
6 Fund of the State.

7 (ii) The provisions of subparagraph (i) of this paragraph do not apply
8 to the following funds:

9 204. the Victims of Domestic Violence Program Grant Fund;
10 [and]

11 205. the Proposed Programs Collaborative Grant Fund; AND

12 **206. THE FOOD FORESTS AND FORAGING FUND.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2025.