SB 354 - AS INTRODUCED

2014 SESSION

 $14-2796 \\ 08/05$

SENATE BILL 354

AN ACT relative to the definition of "agritourism."

SPONSORS: Sen. Odell, Dist 8; Sen. Bradley, Dist 3; Sen. Soucy, Dist 18; Sen. Woodburn,

Dist 1

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill further defines "agritourism."

.....

Explanation: Matter added to current law appears in **bold italics**.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the definition of "agritourism."

Be it Enacted by the Senate and House of Representatives in General Court convened:

1	1 New Subparagraph; Agritourism; Definition. Amend RSA 21:34-a, II by inserting after
2	subparagraph (b) the following new subparagraph:
3	(c) Engagement by a farm in agritourism, meaning attracting members of the general
4	public to a working farm for recreational, entertainment, or educational purposes, and to view or
5	enjoy activities and attractions in the farm's rural environment. An activity is an agritourism
6	activity whether or not the participant paid to participate in the activity. For purposes of this
7	statute, a "working farm" means any parcel or parcels of land totaling at least 10 acres that can
8	demonstrate a minimum of \$5,000 in agricultural-related gross income in at least 3 of the 5 prior
9	years. No fixed amount of acreage of such parcel or parcels of land is required to be in active
10	agricultural use. Agritourism uses include:
11	(1) Wineries and wine tastings;
12	(2) Farm and educational tours and classes including native ecology exhibits and
13	opportunities for bird watching and astronomy;
14	(3) Community gardens or community supported agriculture (CSAs);
15	(4) On-farm historical reenactments, including on-farm collections of old farm
16	machinery;
17	(5) Farm-based schools;
18	(6) Farm stores including roadside stands selling on-farm other local products and
19	wares;
20	(7) Agricultural processing demonstrations;
21	(8) Agricultural, harvest, and holiday festivals hosted by the working farm including
22	holiday activities, hayrides, sleigh rides, mazes, or crop art;
23	(9) On-farm themed playgrounds for children;
24	(10) On-farm petting zoos or farm animal exhibits;
25	(11) On-farm fee-for fishing, hunting or trapping;
26	(12) Temporary camping sites;
27	(13) Pick-your-own operations;
28	(14) On-farm entertainment including barn dances, theatrical, or musical
29	performances and concerts;
30	(15) Horseback events including riding opportunities, riding sporting events, and
31	training for horseback sporting events;

SB 354 – AS INTRODUCED - Page 2 -

1	(16) Biking, skiing, snowshoeing and walking trails; and
2	(17) Making the facilities available for on-farm picnics, reunions, weddings, parties
3	meetings or retreats.
4	2 New Subdivision; Agritourism. Amend RSA 432 by inserting after section 35 the following
5	new subdivision:
6	Agritourism
7	432:36 Agritourism.
8	I. Agritourism shall have the same definition as found in RSA 21:34-a, II(c).
9	II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to farm operations
10	that constitute agritourism.
11	III. This section shall not limit the powers and duties of a local government to make
12	regulations to address any emergency; to act, in clear and unambiguous cases to protect the health
13	safety and welfare of its citizens pursuant to RSA 674:32-b; or to enforce local noise or nuisance
14	ordinances occurring at or around a working farm at which agritourism activities take place. In any
15	case where a local government enforcement action is reversed by the courts on the grounds that it is
16	improper local regulation of agritourism activities, the prevailing landowner shall be awarded the
17	costs of the suit and reasonable attorney's fees, as determined by the court, as well as any actual
18	damages caused to the landowner by such action.
19	3 Repeal. RSA 21:34-a, III, relative to the definition of agritourism, is repealed.
20	4 Effective Date. This act shall take effect 60 days after its passage.