

HB 660-FN - AS INTRODUCED

2015 SESSION

15-0669
08/04

HOUSE BILL **660-FN**

AN ACT relative to small farms and farmstands.

SPONSORS: Rep. Comtois, Belk 7; Rep. Kurk, Hills 2; Rep. Groen, Straf 10; Rep. R. Gordon,
Rock 35; Rep. Howard, Jr., Belk 8; Rep. Burton, Straf 6

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill exempts small farms and farmstands from certain laws.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to small farms and farmstands.

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

1 1 New Chapter; Small Farm Standards. Amend RSA by inserting after chapter 426 the
2 following new chapter:

3 CHAPTER 426-A

4 SMALL FARM STANDARDS

5 426-A:1 Short Title. This chapter shall be known as "Small Farm Protection Act of 2015."

6 426-A:2 Purpose. The legislature finds that encouraging small-scale farming in New Hampshire
7 will result in increased economic opportunities, a cleaner and safer environment, greater choices in
8 foodstuffs and enhanced social and cultural activities for the people of New Hampshire.

9 426-A:3 Definitions. In this chapter:

10 I. "Farm stand" means premises in this state at which:

11 (a) Food from one or more small farms is sold, and

12 (b) The sales from such food constitute at least 75 percent of the dollar value of all sales
13 of edible products sold on such premises, excluding edible products sold at a licensed restaurant
14 facility on such premises. A farm stand need not be located on a small or any other farm. A farm
15 stand may use the term "farm stand" in its name and advertising.

16 II. "Food" includes, but is not limited to, any edible vegetable, fruit, poultry, beef, or fish that
17 is intended for human consumption produced by a small farm. Food may be raw, cooked, or
18 processed. Cooking and processing may be done by a small farm or by others and may contain edible
19 materials not grown or raised on the small farm; provided, however, that at least three-quarters of
20 any single food item by volume or weight was produced by the small farm.

21 III. "Small farm" means the production of food on land in this state the gross sales of which
22 shall not exceed \$100,000 in any calendar year.

23 426-A:4 Exemptions. Small farms and farm stands shall be exempt the following provisions of
24 law:

25 I. Food inspection and licensing, including slaughtering and processing.

26 II. Workers' compensation, pursuant to RSA 281-A.

27 III. Unemployment compensation, pursuant to RSA 282-A.

28 IV. Minimum wage, pursuant to RSA 279.

29 V. Any labor law in New Hampshire relating to adults or children.

30 VI. Weights and measures licensing and inspection pursuant to RSA 438.

31 VII. Health and safety licensing and inspection pursuant to RSA 143-A.

HB 660-FN - AS INTRODUCED

- Page 2 -

1 VIII. Environmental licensing and inspection required by the department of environmental
2 services.

3 IX. Building codes pursuant to RSA 155-A with respect to agricultural structures and
4 buildings on a small farm.

5 426-A:5 Labeling Required. Provided that such food is labeled as follows: "This product has
6 been produced by a small farm in New Hampshire and has not been inspected by a government
7 agency," a small farm may sell, trade, or otherwise dispose of its food:

8 I. On its premises.

9 II. On the premises of another small farm.

10 III. To a restaurant.

11 IV. On or to a farm stand.

12 V. To any other person, organization, or business.

13 426-A:6 Conflicts of Law. If the provisions of this chapter are in conflict with the provisions of
14 any other statute or rule, the provisions of this chapter shall take precedence.

15 426-A:7 Reporting Requirements.

16 I. A small farm shall, within 60 days of the closing of its fiscal year, file with the department
17 of agriculture, markets and food the following information:

18 (a) Name and address of the small farm.

19 (b) The month and day it first commenced operation.

20 (c) The types of food produced.

21 (d) Dollar value of sales/barter/trade.

22 II. Any information reported to the department shall be exempt from RSA 91-A, and the
23 department of agriculture, markets and food shall only release aggregate data where identification of
24 an individual small farm is not possible. No penalty shall attach to the failure to comply with this
25 section.

26 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
15-0669
01/26/15

HB 660-FN - FISCAL NOTE

AN ACT relative to small farms and farmstands.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.