

SB 412 - AS INTRODUCED

2018 SESSION

18-3004

08/01

SENATE BILL **412**

AN ACT relative to agritourism.

SPONSORS: Sen. Giuda, Dist 2; Sen. Gannon, Dist 23; Rep. Weyler, Rock. 13; Rep. Binford, Graf. 15; Rep. Eaton, Ches. 3

COMMITTEE: Ways and Means

ANALYSIS

This bill defines agritourism.

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

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-3004

08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to agritourism.

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

1 Farm, Agriculture, Farming. Amend RSA 21:34-a, II(b) to read as follows:

- (b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
 - (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
 - (2) The transportation to the farm of supplies and materials.
 - (3) The transportation of farm workers.
 - (4) Forestry or lumbering operations.

(5) The marketing or selling at wholesale or retail, of any products from the farm, on-site and off-site, where not prohibited by local regulations. ~~[Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.~~

~~(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.~~

~~(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).~~

~~(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.]~~

2 New Paragraph; Farm, Agriculture, Farming; Agritourism. Amend RSA 21:34-a by inserting after paragraph III the following new paragraph:

III-a. "Agritourism" means any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view, enjoy, or participate in activities related to farm life, including historical and cultural activities, activities in which the view or ambience of the farm serves as an appropriate backdrop, harvest-your-own activities, and other attractions related to farming. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity. An agritourism professional shall not be liable for any property damage or damages arising from the personal injury of a participant resulting from the inherent risks of agritourism activities. A participant expressly assumes the risk and legal responsibility for any property damage or damages arising from personal injury that results from the inherent risk of agritourism activities. A participant has the sole responsibility for knowing the range of that person's ability to participate in an agritourism activity. The agritourism professional shall also post a warning sign with language explicitly warning that participants in agritourism activities assume all liability from injuries caused as a result of their participation.

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