S T A T E O F N E W Y O R K

10070--A

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. WOERNER, NOJAY -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to the inherent risks of operating agricultural tourism areas and participating in activities in agricultural tourism areas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general obligations law is amended by adding a new article 18-B to read as follows:

ARTICLE 18-B

SAFETY IN AGRICULTURAL TOURISM

SECTION 18-301. SHORT TITLE.
18-302. DEFINITIONS.
18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM AREAS.

S 18-301. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "SAFETY IN AGRICULTURAL TOURISM ACT".

S 18-302. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, "AGRICULTURAL TOURISM" MEANS ACTIVITIES, INCLUDING THE PRODUCTION OF MAPLE SAP AND PURE MAPLE PRODUCTS MADE THEREFROM, FARM AND WINERY TOURS, EQUINE THERAPY, U-PICK CHRISTMAS TREES, HIKING, HUNTING AND OTHER FORMS OF OUTDOOR RECREATION OFFERED TO FARM VISITORS, CONDUCTED BY A FARMER ON-FARM FOR THE ENJOYMENT AND/OR EDUCATION OF THE PUBLIC, WHICH PRIMARILY PROMOTE THE SALE, MARKETING, PRODUCTION, HARVESTING OR USE OF THE PRODUCTS OF THE FARM AND ENHANCE THE PUBLIC'S UNDERSTANDING AND AWARENESS OF FARMING AND FARM LIFE.

S 18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM AREAS. 1. OPERATORS OF AGRICULTURAL TOURISM AREAS SHALL HAVE THE FOLLOWING ADDITIONAL DUTIES:

A. TO POST AND MAINTAIN WAY FINDING SIGNAGE TO DELINEATE THE PATHS, AREAS AND BUILDINGS THAT ARE OPEN TO THE PUBLIC;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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B. TO ADEQUATELY TRAIN EMPLOYEES WHO ARE ACTIVELY INVOLVED IN AGRICULTURAL TOURISM ACTIVITIES;

C. TO POST AT EVERY POINT OF SALE OR DISTRIBUTION OF TICKETS, WHETHER ON OR OFF THE PREMISES OF THE AGRICULTURAL TOURISM AREA, A CONSPICUOUS "WARNING TO VISITORS" RELATIVE TO THE INHERENT RISKS OF PARTICIPATING IN ACTIVITIES ON WORKING FARMS AND TO IMPRINT UPON ALL TICKETS SOLD OR DISTRIBUTED, SUCH TEXT AND GRAPHICS AS THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL SPECIFY, WHICH SHALL CONSPICUOUSLY DIRECT THE ATTENTION OF ALL VISITORS TO THE REQUIRED "WARNING TO VISITORS";

D. TO POST AT EVERY POINT OF SALE OR DISTRIBUTION OF TICKETS AT AN AGRICULTURAL TOURISM AREA A CONSPICUOUS NOTICE TO VISITORS THAT THIS ARTICLE PRESCRIBES CERTAIN DUTIES FOR VISITORS, AND TO MAKE COPIES OF THIS ARTICLE IN ITS ENTIRETY AVAILABLE WITHOUT CHARGE UPON REQUEST TO VISITORS IN A CENTRAL LOCATION AT THE AGRICULTURAL TOURISM AREA;

E. TO MAKE AVAILABLE WRITTEN INSTRUCTION OR TO PROVIDE EDUCATION FOR VISITORS RELATIVE TO THE RISKS INHERENT IN THE ACTIVITIES ON WORKING FARMS AND THE DUTIES PRESCRIBED FOR VISITORS BY THIS SECTION, AND TO CONSPICUOUSLY POST NOTICE OF THE TIME AND PLACES OF AVAILABILITY OF SUCH INSTRUCTION AND EDUCATION IN LOCATIONS WHERE IT IS LIKELY TO BE SEEN BY VISITORS; AND

F. TO POST CONSPICUOUS NOTICE TO VISITORS OF THE RIGHT TO A REFUND TO THE PURCHASER IN THE AMOUNT PAID IN THE INITIAL SALE OF ANY TICKETS RETURNED TO THE OPERATOR OF THE AGRICULTURAL TOURISM AREA, INTACT AND UNUSED, UPON DECLARATION BY SUCH PURCHASER THAT HE OR SHE IS UNPREPARED OR UNWILLING TO PARTICIPATE IN THE AGRICULTURAL TOURISM ACTIVITY DUE TO THE RISKS INHERENT IN THE ACTIVITIES OR THE DUTIES IMPOSED UPON HIM OR HER BY THIS SECTION.

2. VISITORS TO AGRICULTURAL TOURISM AREAS HAVE THE FOLLOWING DUTIES TO ENABLE THEM TO MAKE INFORMED DECISIONS AS TO THE ADVISABILITY OF THEIR PARTICIPATION IN AGRICULTURAL TOURISM ACTIVITIES:

A. TO COMPLY WITH POSTED WAY FINDING SIGNS AND REMAIN IN AREAS DESIGNATED FOR THE AGRICULTURAL TOURISM ACTIVITY;

B. TO FOLLOW ANY AND ALL WRITTEN INFORMATION OR CONSPICUOUSLY POSTED RULES OF CONDUCT PROVIDED BY SUCH OPERATOR TO VISITORS; AND

C. NOT TO WILLFULLY REMOVE, DEFACE, ALTER OR OTHERWISE DAMAGE SIGNAGE, WARNING DEVICES OR IMPLEMENTS OR OTHER SAFETY DEVICES.

S 2. This act shall take effect immediately.