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I N   S E N A T E

June 2, 2016

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Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

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

3                                     ARTICLE 18-B

4                                     SAFETY IN AGRICULTURAL TOURISM

5     SECTION 18-301. SHORT TITLE.

6                     18-302. DEFINITIONS.

7                     18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM  
8                     AREAS.

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

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

20     S 18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM  
21     AREAS. 1. OPERATORS OF AGRICULTURAL TOURISM AREAS SHALL HAVE THE FOLLOW-  
22     ING ADDITIONAL DUTIES:

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

25         B. TO ADEQUATELY TRAIN EMPLOYEES WHO ARE ACTIVELY INVOLVED IN AGRICUL-  
26         TURAL TOURISM ACTIVITIES;

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

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

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

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

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

26 2. VISITORS TO AGRICULTURAL TOURISM AREAS HAVE THE FOLLOWING ADDI-  
27 TIONAL DUTIES TO ENABLE THEM TO MAKE INFORMED DECISIONS AS TO THE ADVIS-  
28 ABILITY OF THEIR PARTICIPATION IN AGRICULTURAL TOURISM ACTIVITIES:

29 A. TO COMPLY WITH POSTED WAY FINDING SIGNS AND REMAIN IN AREAS DESIG-  
30 NATED FOR THE AGRICULTURAL TOURISM ACTIVITY;

31 B. TO SEEK OUT, READ, REVIEW AND UNDERSTAND, IN ADVANCE OF PARTICIPAT-  
32 ING IN AGRICULTURAL TOURISM ACTIVITIES, A "WARNING TO VISITORS" WHICH  
33 SHALL BE DISPLAYED AND PROVIDED PURSUANT TO PARAGRAPH C OF SUBDIVISION  
34 ONE OF THIS SECTION;

35 C. TO FOLLOW ANY AND ALL RULES OF CONDUCT AS ARE PRESCRIBED PURSUANT  
36 TO SUCH "WARNING TO VISITORS";

37 D. NOT TO WILLFULLY REMOVE, DEFACE, ALTER OR OTHERWISE DAMAGE SIGNAGE,  
38 WARNING DEVICES OR IMPLEMENTS OR OTHER SAFETY DEVICES; AND

39 E. TO OBTAIN SUCH EDUCATION IN AGRICULTURAL TOURISM ACTIVITIES,  
40 INCLUDING THE FAMILIARIZATION WITH THE SKILLS AND DUTIES NECESSARY TO  
41 REDUCE THE RISK OF INJURY IN PARTICIPATING IN SUCH ACTIVITIES AND RECOG-  
42 NITION THAT AGRICULTURAL TOURISM ACTIVITIES ARE VOLUNTARY ACTIVITIES  
43 THAT MAY BE HAZARDOUS OR TAKE PLACE IN POTENTIALLY HAZARDOUS FARM  
44 SETTINGS.

45 S 2. This act shall take effect immediately.