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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 -- 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:

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;

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

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

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

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

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

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

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

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

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

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

37 S 2. This act shall take effect immediately.