

STATE OF NEW YORK

559

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. WOERNER, STIRPE, MAGEE, HUNTER, TITONE, SIMON, SKARTADOS, RIVERA, SKOUFIS, GUNTHER, BENEDETTO, LIFTON, BARRETT -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred 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:

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.

§ 18-301. Short title. This article shall be known and may be cited as the "safety in agricultural tourism act".

§ 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.

§ 18-303. Duties of operators and visitors of agricultural tourism areas. 1. Operators of agricultural tourism areas shall have the following additional duties:

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

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1 a. To post and maintain way finding signage to delineate the paths,
2 areas and buildings that are open to the public;

3 b. To adequately train employees who are actively involved in agricul-
4 tural tourism activities;

5 c. To post at every point of sale or distribution of tickets, whether
6 on or off the premises of the agricultural tourism area, a conspicuous
7 "Warning to Visitors" relative to the inherent risks of participating in
8 activities on working farms and to imprint upon all tickets sold or
9 distributed, such text and graphics as the commissioner of agriculture
10 and markets shall specify, which shall conspicuously direct the atten-
11 tion of all visitors to the required "Warning to Visitors";

12 d. To post at every point of sale or distribution of tickets at an
13 agricultural tourism area a conspicuous notice to visitors that this
14 article prescribes certain duties for visitors, and to make copies of
15 this article in its entirety available without charge upon request to
16 visitors in a central location at the agricultural tourism area;

17 e. To make available written instruction or to provide education for
18 visitors relative to the risks inherent in the activities on working
19 farms and the duties prescribed for visitors by this section, and to
20 conspicuously post notice of the time and places of availability of such
21 instruction and education in locations where it is likely to be seen by
22 visitors; and

23 f. To post conspicuous notice to visitors of the right to a refund to
24 the purchaser in the amount paid in the initial sale of any tickets
25 returned to the operator of the agricultural tourism area, intact and
26 unused, upon declaration by such purchaser that he or she is unprepared
27 or unwilling to participate in the agricultural tourism activity due to
28 the risks inherent in the activities or the duties imposed upon him or
29 her by this section.

30 2. Visitors to agricultural tourism areas have the following duties to
31 enable them to make informed decisions as to the advisability of their
32 participation in agricultural tourism activities:

33 a. To comply with posted way finding signs and remain in areas desig-
34 nated for the agricultural tourism activity;

35 b. To follow any and all written information or conspicuously posted
36 rules of conduct provided by such operator to visitors; and

37 c. Not to willfully remove, deface, alter or otherwise damage signage,
38 warning devices or implements or other safety devices.

39 § 2. This act shall take effect immediately.