

# STATE OF NEW YORK

9838

## IN ASSEMBLY

February 14, 2018

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to certain farm wineries, farm breweries, farm distilleries, and farm cideries whose business includes agricultural tourism

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 305-a of the agriculture and  
2 markets law is amended by adding a new paragraph d to read as follows:

3 d. For farm wineries, farm breweries, farm distilleries, and farm  
4 cideries in an approved agricultural district whose business includes  
5 agricultural tourism as defined in subdivision fifteen of section three  
6 hundred one of this article and who were developed and induced with the  
7 assistance of the empire state development corporation, the commission-  
8 er, in consultation with the New York state liquor authority and empire  
9 state development corporation, may make a determination at the request  
10 of a farm winery, farm brewery, farm distillery, or farm cidery as to  
11 whether marketing activities and other related practices are "unreason-  
12 ably restricted" by proposed changes in local land use regulations,  
13 ordinances, or local laws or reviewing a permit pertaining to agricul-  
14 tural practices. For purposes of this section "farm operation" as  
15 defined in subdivision eleven of section three hundred one of this arti-  
16 cle, shall also include food sales, on-farm wedding receptions, parties,  
17 and special events (including, but not limited to, harvest festivals,  
18 charitable events, and wine, beer, cider and distilled spirits tastings)  
19 at which such farm winery, farm brewery, farm distillery, or farm cidery  
20 sells, markets, or offers for sale its crop including, but not limited  
21 to wines, beers, cider, or distilled spirits. "Farm operation" shall  
22 also include the purchasing of crops between farms located in New York.

23 § 2. Subdivision 15 of section 301 of the agriculture and markets law,  
24 as amended by chapter 87 of the laws of 2010, is amended to read as  
25 follows:

26 15. "Agricultural tourism" means activities, including the production  
27 of maple sap and pure maple products made therefrom, and activities

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

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1 related to the purchasing, selling, marketing, and production of wine,  
2 beer, cider, distilled spirits, and other New York state farm products,  
3 by farm wineries, farm breweries, farm distilleries, and farm cideries,  
4 conducted by a farmer on-farm for the enjoyment and/or education of the  
5 public, which primarily promote the sale, marketing, production,  
6 harvesting or use of the products of the farm and enhance the public's  
7 understanding and awareness of farming and farm life.  
8 § 3. This act shall take effect on the ninetieth day after it shall  
9 have become a law.