STATE OF NEW YORK

4385

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. WALCZYK -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

15. "Agricultural tourism" means activities, including the production of maple sap and pure maple products made therefrom, **and activities related to the purchasing, selling, marketing, and production of wine, beer, cider, distilled spirits, and other New York state farm products, by farm wineries, farm breweries, farm distilleries, and farm cideries,** 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.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.