

STATE OF NEW YORK

2122

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

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

AN ACT to amend the agriculture and markets law, in relation to establishing the "garden protection act"

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

1 Section 1. This act shall be known and may be cited as the "garden
2 protection act".

3 § 2. Legislative purpose. The purpose of this act is to encourage and
4 protect the sustainable cultivation of fresh produce at all levels of
5 production, including on residential property for personal consumption
6 or non-commercial sharing.

7 § 3. The article heading of article 2-C of the agriculture and markets
8 law, as added by chapter 862 of the laws of 1986, is amended to read as
9 follows:

COMMUNITY AND HOME GARDENS

10 § 4. Section 31-g of the agriculture and markets law is amended by
11 adding two new subdivisions 7 and 8 to read as follows:

12 7. "Home vegetable garden" shall mean any garden located on residen-
13 tial property where vegetables, herbs, fruits, flowers, pollinator
14 plants, leafy greens, or other edible plants are cultivated.

15 8. "Native plant garden" or "pollinator garden" shall mean any garden
16 located on residential property where plants native to the state,
17 composed of a variety of nectar and pollen-rich flowers with a wide
18 range and variety of shapes, sizes, and colors, that blossom at various
19 times throughout the year, are cultivated.

20 § 5. The agriculture and markets law is amended by adding a new
21 section 31-k to read as follows:

22 § 31-k. Right to cultivate home vegetable, native plant, and pollina-
23 tor gardens. 1. Notwithstanding any other law, rule or regulation, any
24 person may cultivate home vegetable gardens, native plant gardens,
25

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

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1 and/or pollinator gardens on their own property, or on the private prop-
2 erty of another with the permission of the owner of such property, in
3 any county, municipality, or other political subdivision of this state.

4 2. A municipality in the state shall not regulate gardens in a manner
5 inconsistent with this section.

6 3. This section shall not preclude the adoption of a rule, regulation
7 or local ordinance of general nature that does not specifically regulate
8 home vegetable gardens, native plant gardens, and/or pollinator gardens,
9 including, but not limited to, regulations and ordinances relating to
10 height, setback, water use, fertilizer use, or control of invasive or
11 unlawful species, provided that any such rule, regulation or ordinance
12 does not have the effect of precluding home vegetable gardens, native
13 plant gardens, and/or pollinator gardens.

14 § 6. This act shall take effect immediately.