

HOUSE No. 809

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act protecting the viability of farms in the Commonwealth..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30A of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding at the end thereof the following:-

3 Section 18. All state and regional agencies, boards and commissions shall, before any
4 rule, regulation, or other regulatory requirement is promulgated, make public and post in writing
5 whether or not such rule, regulation, or other regulatory requirement will potentially have an
6 adverse impact on commercial agricultural operations based in the Commonwealth. For the
7 purposes of this section, “agricultural” shall mean pertaining to agriculture as defined in section
8 one A of chapter one hundred and twenty-eight. Further, if such rule, regulation, or other
9 regulatory requirement is determined to have such a potential impact on agriculture, the
10 responsible agency, board, or commission, in conjunction with the department of food and
11 agriculture, shall conduct an impact assessment to determine the extent of such impact,
12 including, but not limited to, the effect on future land use and related environmental impacts,
13 including costs, and submit to the joint committee on natural resources and agriculture and to the

14 house and senate committees on ways and means a copy of their findings at least forty-five days
15 prior to promulgation.

16 All city and town agencies, boards, and commissions shall, before enacting any rule,
17 regulation, law, bylaw, ordinance, or other regulatory requirement that will potentially have an
18 adverse impact on commercial agricultural operations based in the Commonwealth, complete a
19 form prescribed by the department of food and agriculture at least ninety days prior to final
20 enactment of the regulatory requirement. In the case of by-laws, ordinances, and other
21 requirements subject to review by the Attorney General, such form shall be submitted to the
22 department of food and agriculture on the same date a by-law, ordinance, or other requirement is
23 submitted to the Attorney General. No regulatory action described in this section, except those of
24 an emergency nature expiring in six months or less for the purposes of protecting health and
25 safety of persons, shall take effect until the provisions of this section have been complied with.