

**SENATE . . . . . No. 2643**

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**The Commonwealth of Massachusetts**

—  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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SENATE, February 3, 2022.

The committee on Tourism, Arts and Cultural Development, to whom was referred the petition (accompanied by bill, Senate, No. 2245) of Edward J. Kennedy, Anne M. Gobi, Smitty Pignatelli, Paul McMurtry and other members of the General Court for legislation to define Agritourism, reports the accompanying bill (Senate, No. 2643).

For the committee,  
Edward J. Kennedy

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An Act defining agritourism.

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

1 Chapter 128 of the General laws, as appearing in the 2018 Official Edition, is hereby  
2 amended by adding after section 1A, the following new section:-

3 SECTION 1B:

4 "Agritourism" is defined as "an agriculturally related educational, entertainment,  
5 historical, cultural, or recreational activity, including you-pick operations or farm markets,  
6 conducted on a farm that allows or invites members of the general public to observe, participate  
7 in, experience, or enjoy that activity."

8 Section 2 - MGL 40a, Section 3, as appearing in the 2018 Official Edition, is hereby  
9 amended by adding after the first paragraph the following:-

10 These protections afforded in the previous paragraph shall apply to agritourism activities  
11 as defined in Chapter 128, Section 1B, provided that the agritourism activity must:

12           1. Generate no more than 25%of the gross farm income. Of the remaining income, at  
13   least 65% must come from the sale of product grown on the farm or another qualifying  
14   Massachusetts farm, a minimum of 35% of which must be produced at the farm at which the  
15   agritourism activity takes place.

16           2. A non-farming property owner may conduct agritourism on a property provided that:

17           a. At least 75% of the acreage of the property is dedicated to traditional agricultural  
18   activities

19           b. At least 50% of the agricultural product produced on the property, by either gross sales  
20   or volume, are purchased by the property and utilized in the agritourism activity.