

HOUSE No. 4290

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 29, 2024.

The committee on Agriculture to whom was referred the petition (accompanied by bill, House, No. 98) of Paul A. Schmid, III and James C. Arena-DeRosa relative to the impact of proposed rules and regulations on commercial agricultural operations, reports recommending that the accompanying bill (House, No. 4290) ought to pass.

For the committee,

PAUL A. SCHMID III.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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, is hereby amended by adding at the end
2 thereof the following:-

3 Section 26.

4 (1) Definitions. As used in this section, the following words shall have the following
5 meanings, unless the context clearly requires otherwise.

6 “Agricultural” as defined in section 1A of Chapter 128.

7 “Land in agricultural use” as defined in Section 1 of Chapter 61A.

8 “Land in horticultural use” as defined in Section 2 of Chapter 61A.

9 (2) The department of environmental protection, the department of energy resources, the
10 department of conservation and recreation, the department of fish and game, the department of
11 public health and the department of revenue, shall, before any rule, regulation or other regulatory
12 requirement is promulgated, make public and post in writing whether such rule, regulation or

13 other regulatory requirement will potentially have an adverse impact on commercial agricultural
14 operations in the commonwealth. Further, if such rule, regulation or other regulatory requirement
15 is determined to have such a potential impact on agriculture, the responsible department, in
16 conjunction with the department of agricultural resources, shall conduct an impact assessment to
17 determine the extent of such impact, including, but not limited to, the effect on future land use
18 and related environmental impacts, including costs, and submit to the joint committee on
19 agriculture and to the house and senate committees on ways and means a copy of their findings
20 at least forty-five days prior to promulgation.

21 All select boards, boards of selectmen, town councils and city councils, shall, before
22 enacting any rule, regulation, law, bylaw, ordinance or other regulatory requirement that will
23 potentially have an adverse impact on commercial agricultural operations in the commonwealth,
24 complete a form prescribed by the department of agricultural resources at least ninety days prior
25 to final enactment of the regulatory requirement. This completed form shall be made available to
26 the public. In the case of by-laws, ordinances and other requirements subject to review by the
27 attorney general, such form shall be submitted to the department of agricultural resources on the
28 same date a by-law, ordinance or other requirement is submitted to the attorney general. No
29 regulatory action described in this section, except those of an emergency nature expiring in six
30 months or less for the purposes of protecting health and safety of persons, shall take effect prior
31 to compliance with the provisions of this section.

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33 If the impact assessment determines that such proposed rule, regulation or other
34 regulatory requirement may result in the loss of land in agricultural or horticultural use or will

35 have a negative impact greater than or equal to \$500 per year or 20 hours per year in labor costs,
36 a copy of these findings shall be submitted to the board of agriculture for public comment to
37 mitigate such cost or negative impact. Their findings shall be returned to the joint committee on
38 agriculture and to the house and senate committees on ways and means at least 15 days prior to
39 promulgation.