

SENATE No. 2469

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act defining agritourism.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------|---|------------------|
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | |
| <i>Jacob R. Oliveira</i> | <i>Hampden, Hampshire and Worcester</i> | <i>11/1/2023</i> |

SENATE No. 2469

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 2469) (subject to Joint Rule 12) of Edward J. Kennedy and Jacob R. Oliveira for legislation to define agritourism. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2643 OF 2021-2022.]

The Commonwealth of Massachusetts

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

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.