

HOUSE No. 98

The Commonwealth of Massachusetts

PRESENTED BY:

Paul A. Schmid, III

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 protecting the viability of farms in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/17/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/27/2023</i>

HOUSE No. 98

By Representative Schmid of Westport, a 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. Agriculture.

The Commonwealth of Massachusetts

**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, as appearing in the 2020 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 such rule, regulation, or other regulatory requirement will potentially have an adverse
6 impact on commercial agricultural operations based in the Commonwealth. For the purposes of
7 this section, “agricultural” shall mean pertaining to agriculture as defined in section one A of
8 chapter one hundred and twenty-eight. Further, if such rule, regulation, or other regulatory
9 requirement is determined to have such a potential impact on agriculture, the responsible agency,
10 board, or commission, in conjunction with the department of food and agriculture, shall conduct
11 an impact assessment to determine the extent of such impact, including, but not limited to, the
12 effect on future land use and related environmental impacts, including costs, and submit to the

13 joint committee on natural resources and agriculture and to the house and senate committees on
14 ways and means a copy of their findings at least forty-five days prior to promulgation.

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

25 If the impact assessment yields that such proposed rule, regulation, or other regulatory
26 requirement will have a negative impact of \$500 per year and/or 20 hours per year in labor in
27 cost a copy of these findings shall be submitted to the board of agriculture for comments and
28 suggestions to mitigate such cost or negative impact and their findings are to be returned to the
29 joint committee on natural resources and agriculture and to the house and senate committees on
30 ways and means no more than 15 days prior to promulgation.