New Hampshire Definitions of Farm, Agriculture & Farming

by Amy Manzelli, Esq.

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Introductory Note: This selection contains the highlights of New Hampshire Statutes (Revised Statutes Annotated, RSA) defining farm, agriculture, and farming. Please note that the selection does not contain the entire version of the law; many sections have been omitted for brevity. Also note that these laws may change from year to year.

21:34-a Definitions

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:
   (a) (1) The cultivation, conservation, and tillage of the soil.
   (2) The storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
   (3) The use of and application of agricultural chemicals.
   (4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (Cervus elephus canadensis), fallow deer (Dama dama), red deer (Cervus elephus), and reindeer (Rangifer tarandus).
   (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
   (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
   (7) The raising, breeding, or sale of poultry or game birds.
   (8) The raising of bees.
   (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
   (10) The production of greenhouse crops.
   (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery
stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

(b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
(2) The transportation to the farm of supplies and materials.
(3) The transportation of farm workers.
(4) Forestry or lumbering operations.
(5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.
(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.
(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).
(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

V. The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

VI. The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.