



AGRITOURISM FACTS & FREQUENTLY ASKED QUESTIONS

Last Updated: September 1, 2020

FREQUENTLY ASKED QUESTIONS

- Q1. Will I be able to open my business for U-Pick operations?
- So long as it is done in accordance with Department of Health Interim Guidance for Low-Risk Outdoor Arts and Entertainment, and any other applicable guidance, businesses may allow patrons to pick their own apples, pumpkins, other produce, or Christmas Trees. However, if operating a U-Pick apple operation, individuals should not be allowed to consume and dispose of apples in the orchard.
- Q2. May I offer live concerts on the grounds?
- Currently, live concerts are not permitted on-site.
- Q3. May I offer a petting zoo?
- Petting zoos are not permitted. However, animal exhibits may be hosted so long as no human to animal contact occurs.
- Q4. Do I need to close my playground?
- The permissibility of playgrounds is dependent on the individual locality. Please reach out to your regional control room for further guidance on this issue (<https://forward.ny.gov/members-regional-control-rooms>).
- Q5. May I offer food on site?
- Food may be offered if done in accordance with the [Department of Health Interim Guidance for Outdoor Food Services](#) or [Food Services](#).
- Q6. Are patrons required to wear a face covering?
- Yes. Anyone who is over age two and able to medically tolerate a [face-covering](#) must cover their nose and mouth with a mask or cloth face-covering when in a public and unable to maintain, or when not maintaining, social distance in accordance with [10 NYCRR 66-3](#), [Executive Orders 202.17 and 202.18](#), and any successor thereof. Farm operators, vendors, and those authorized on their behalf shall deny admittance to any person who fails to comply and shall require or compel such persons' removal. Provided, however, that this shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law. See [10 NYCRR 66-3](#).

- b. Also, please note, for all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This is to be done in accordance with [10 NYCRR 66-3](#) and [Executive Order 202.16](#).

Q7. How many people are permitted on site?

- a. This is dependent on the respective portion of the operation, e.g. retail, food services, or agritourism.
- b. Specific to agritourism, the [Department of Health Interim Guidance for Low-Risk Outdoor Arts and Entertainment](#) states:
 - i. “Responsible Parties must ensure that the workforce and patron/visitor presence is limited to no more than 33% of the maximum occupancy or capacity for a particular area at any given time, inclusive of patrons/visitors, who must only be permitted entry into the institution if they wear an acceptable face covering, provided that the patron/visitor is over the age of two and able to medically tolerate such covering; and
 - ii. Responsible Parties should ensure limited indoor capacity to accommodate patrons/visitors who may need to enter or exit through indoor space to access the outdoor arts or entertainment space, restroom(s), payment location, or in the event of an emergency, and allow such ingress and egress in a socially distanced manner.”

Q8. May I offer wagon or hayrides, including haunted hayrides?

- a. Wagon or hayrides, including haunted hayrides, may be offered so long as six feet of distance is maintained between individuals or parties, and so long as rides are offered consistent with [Department of Health Interim Guidance for Public Transportation](#) (e.g., mandatory face coverings). Additionally, frequently touched surfaces, such as handrails, must be cleaned and sanitized between loads. Riders should be placed 6 feet apart, if not from the same household, and face coverings must be worn for the duration of the ride, so long as the individual is over 2 years old and able to medically tolerate such face covering. Hand washing or sanitizing stations should be placed in the respective drop-off areas for patron and employee use. Directionals should be given to those departing the vehicle to limit contact to those waiting to board.

Q9. May I offer a corn maze?

- a. Yes, so long as the activity is performed consistent with Department of Health Interim Guidance for Low-Risk Outdoor Arts and Entertainment (e.g., occupancy in the corn maze is closely monitored to prevent overcrowding, no more than 33% occupancy, and all participants are wearing a face covering).

Q10. May I offer a haunted house?

- a. Yes, so long as the attraction operates consistent with the Department of Health Interim Guidance for Low-Risk Indoor Arts and Entertainment (e.g., 25% capacity, social distancing between parties or individuals, and mandatory face coverings). If the attraction is in the City of New York, it must operate consistent with the Department of Health Interim Guidance for Low-Risk Indoor Arts and Entertainment in New York City.

Q11. May I offer a drive-thru haunted attraction (e.g. haunted house, haunted corn maze)?

- a. Yes, provided the attraction follows the following public health procedures and protocols:

- i. Individuals must remain in their vehicle at all times, except when using the restroom. Restrooms must accommodate space for social distancing in line.
- ii. Single-direction flow should be clearly marked for cars entering/exiting any celebration area.
- iii. Food services are not permitted.

NY FORWARD GUIDANCE

- Agritourism
 - *Includes: U-Pick Apples and Pumpkins, Tree Farms, Corn Mazes, Hayrides & Wagon Rides*
 - Low-Risk Outdoor Arts & Entertainment
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)
- Entertainment
 - *Includes: live performances offered on site*
 - Low-Risk Outdoor Arts & Entertainment
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)
- Food Services
 - *Includes: any food vendors, restaurants, breweries or cider mills*
 - Food Services
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)
- Local Agriculture Exhibitions
 - *Includes: animal exhibits*
 - Non-Food Related Agriculture
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)
- Store Area
 - *Includes: any retail space and farm stands*
 - Essential and Phase II In-Store Retail
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)
- Office Space
 - Offices
 - [Summary Guidelines](#)
 - [Detailed Guidelines](#)
 - [Business Safety Plan Template](#)

DEPARTMENT OF AGRICULTURE AND MARKETS GUIDANCE

- [Interim Guidance for Retail Grocery Stores During the COVID-19 Public Health Emergency](#)
- [Interim Guidance for Local Agricultural Demonstrations and Exhibitions](#)
- [Interim Guidance for the Operation of Farmers' Markets](#)
- [Interim Guidance for Horticulture](#)
- [Guidance for Cleaning Food Retail Stores and Food Manufacturing Facilities](#)
- [Prevention Tips for Farmworkers](#)
- [Interim Guidance for Prevention and Response of COVID-19 at Farms](#)
- [Novel Coronavirus \(COVID-19\) Operator Checklist for Farms](#)

ADDITIONAL GUIDANCE

- NYS Department of Health:
 - Transportation
 - [Interim Guidance for Cleaning and Disinfection of Public Transportation Settings for COVID-19](#)
- Playgrounds:
 - This will be up to the locality as to the permissibility of playgrounds

Please Note . . .

- Owners/operators should consult the appropriate guidance documents set forth by NYS Department of Health, <https://coronavirus.health.ny.gov/home>, NYS Department of Agriculture and Markets, <https://agriculture.ny.gov/coronavirus>, and any other state or local governments with relation to the event or workspace.
- Owners/operators must also thoroughly review the guidance documents on the NY Forward web page, <https://forward.ny.gov/ny-forward>, to determine if any other business sector or industry function is represented. If an industry is related to their event or workspace that does not otherwise fall into any of the guidance offered in Phase I, II, III, or IV, the owner/operator should complete the blank template at https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf. It is likely that multiple industries are represented in one business venture.
- Guidance is subject to frequent revision as NY continues its measured and phased re-opening through NY Forward. Owners/operators should regularly check the guidance documents set forth by NYS Department of Health, <https://coronavirus.health.ny.gov/home>, NYS Department of Agriculture and Markets, <https://agriculture.ny.gov/coronavirus>, on the NY Forward web page, <https://forward.ny.gov/ny-forward>, and any other applicable state or local governments pages for the most up-to-date information.

- Where guidance referenced in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.
- Owners with questions or concerns on the NY Forward guidance should be directed to the Control Room in the region where the owner or operator is located. For contact information and Frequently Asked Questions, please visit <https://esd.ny.gov/nyforward-faq>.