

## RESOLUTION # 26

### AGRI-TOURISM LIABILITY

1           **WHEREAS**, agri-tourism – a catch-all phrase for activities that bring members of the  
2 public onto a farm to experience farm business and farm life, usually, but not always, for a  
3 price – is a growing sector of New Jersey agriculture; and

4           **WHEREAS**, agri-tourism, in the form of pick-your-own produce, hayrides, petting  
5 zoos and other on-farm activities, can mean the difference between a financially successful  
6 farm operation or one which goes out of business and is sold to developers; and

7           **WHEREAS**, the day-to-day operations of farms cannot be halted in order for agri-  
8 tourism to be conducted, including those operations that may pose some level of risk to  
9 those uninitiated in farm work; and

10           **WHEREAS**, members of the public traveling to a farm for a specific activity on a  
11 specific day may mean a large number of passenger vehicles coming onto the farm at that  
12 time; and

13           **WHEREAS**, farmers are aware of the challenges that come with safely managing  
14 large crowds and increased traffic on their farms and near farming activities, but even this  
15 awareness cannot guarantee no accidents that could harm visitors will ever happen; and

16           **WHEREAS**, other states have drafted legislation that would provide farmers hosting  
17 agri-tourism events on their farms with reasonable levels of protection against personal-injury  
18 lawsuits; and

19           **WHEREAS**, approximately 25 states, including Pennsylvania, either have laws in  
20 place to provide agri-tourism liability protection or are in the process of debating such laws in  
21 the legislatures; and

22           **WHEREAS**, New Jersey agri-tourism operators have identified a law developed for  
23 the State of Arkansas in conjunction with the National Agricultural Law Center, and adopted  
24 by Arkansas, as a model that could be introduced as a bill in New Jersey; and

25           **WHEREAS**, that law is designed to encourage agri-tourism by “limiting civil liability of  
26 those engaged in agri-tourism or providing the activities of agri-tourism”; and

27           **WHEREAS**, the Arkansas law provides that “a participant assumes the inherent risk  
28 of an agri-tourism activity by engaging in the agri-tourism activity”; and

29           **WHEREAS**, that law also excludes from civil liability protection any “acts, errors, or  
30 omissions that constitute willful or wanton misconduct, gross negligence, or criminal conduct  
31 that proximately causes injury, damage or death.”

32           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 107<sup>th</sup> State  
33 Agricultural Convention, assembled in Atlantic City, N.J., on February 9-10, 2022, do hereby  
34 urge the Legislature to pass, and the Governor to sign, legislation that would provide civil  
35 liability protection to agri-tourism operations to the extent described above.