**RESOLUTION # 22**

**AGRITOURISM LIABILITY**

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

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

**WHEREAS**, according to Rutgers University’s New Jersey Agricultural Experiment Station (NJAES) agritourism accounts for more than $100 million in economic activity on New Jersey farms, when all facets such as pick-your-own-produce operations, hayrides, on-farm festivals, and petting zoos are counted; and

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

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

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

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

**WHEREAS**, approximately 39 states, including Pennsylvania, either have laws in place to provide agritourism liability protection or are in the process of debating such laws in their legislatures; and

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

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

**WHEREAS**, the Arkansas law provides that “a participant assumes the inherent risk of an agritourism activity by engaging in the agritourism activity”; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, do hereby urge the Legislature to pass, and the Governor to sign, legislation that would provide civil liability protection to agritourism operations to the extent described above.

**BE IT FURTHER RESOLVED**, that we urge the Department to aid the Legislature in crafting a common-sense bill that can apply across all agritourism operations, and, in doing so, to avail itself of the lessons learned in other states that have adopted such laws.