

RESOLUTION # 13
AGRI-TOURISM LIABILITY

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

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

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

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

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

18 **WHEREAS**, other states have drafted legislation that would provide farmers
19 hosting agri-tourism events on their farms with reasonable levels of protection against
20 personal-liability lawsuits that go beyond typical insurance coverage; and

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

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

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

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

31 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
32 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,
33 2017, do hereby urge the Legislature to pass, and the Governor to sign, legislation that
34 would provide civil-liability protection to the extent described above, with the exception of
35 “acts, errors, or omissions that constitute willful or wanton misconduct, gross negligence,
36 or criminal conduct that proximately causes injury, damage, or death.”