

RESOLUTION # 23

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

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

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

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

29 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 104th State
30 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 6-7, 2019, do
31 hereby urge the Legislature to pass, and the Governor to sign, legislation that would provide
32 civil-liability protection to the extent described above, with the exception of “acts, errors, or
33 omissions that constitute willful or wanton misconduct, gross negligence, or criminal conduct
34 that proximately causes injury, damage or death.”