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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 820 Session of  
2017

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INTRODUCED BY AUMENT, EICHELBERGER, YAW, FOLMER, RAFFERTY, WARD,  
STEFANO, VOGEL, YUDICHAK, RESCHENTHALER, WHITE, MENSCH,  
VULAKOVICH AND McILHINNEY, SEPTEMBER 8, 2017

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REFERRED TO JUDICIARY, SEPTEMBER 8, 2017

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AN ACT

1 Providing for civil immunity for persons that operate  
2 agritourism activities under certain circumstances.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Agritourism  
7 Activity Civil Immunity Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Agritourism activity." Activity carried out on a farm that  
13 provides entertainment or education to the general public for  
14 the purpose of promoting agricultural products or farming or  
15 rural lifestyles, regardless of whether or not the general  
16 public pays to participate in the activity including:

17 (1) interaction with farm or rural animals;

- 1           (2) farming or harvesting activities;
- 2           (3) tours, exhibitions or taste tests that promote the
- 3 farm or on-farm produced products;
- 4           (4) bed and breakfast operations or similar lodging
- 5 accommodations that encourage engagement with farming or
- 6 harvesting activities or the farm's agricultural character or
- 7 aesthetic nature;
- 8           (5) equine training, teaching or recreational riding;
- 9           (6) games, rides and other entertainment activities
- 10 normally engaged in by farm families or rural communities;
- 11 and
- 12           (7) activities carried out in conjunction with seasonal
- 13 festivals to promote local agricultural products.

14 The term does not include rodeos, hunting, water skiing or

15 tubing, paintball and nonmotorized freestyle, mountain or off-

16 road bicycling.

17 "Anticipated annual gross income." Gross income normally

18 expected to be generated in one year, without occurrence of a

19 natural disaster or other occurrence or condition beyond the

20 operator's reasonable control.

21 "Farm." An operation commercially engaged in agriculture

22 that:

- 23           (1) is 10 or more acres in contiguous area; or
- 24           (2) has an anticipated annual gross income of at least
- 25 \$2,000 from agricultural production.

26 "Operator." A person that engages in an agritourism

27 activity.

28 Section 3. Immunity.

29 (a) Scope.--Immunity under this section applies to a person

30 if the following apply:

1           (1) The person is an operator of an agritourism  
2 activity.

3           (2) The following notice is conspicuously posted in at  
4 least two locations on the premises where the agritourism  
5 activity takes place on a sign at least three feet by two  
6 feet:

7           You assume the risk of agritourism activities under  
8 Pennsylvania law.

9           (b) Grant.--A person that meets the requirements of  
10 subsection (a) shall be immune from liability in a negligence  
11 action for personal injury or death to another person that  
12 voluntarily and intelligently participates in the agritourism  
13 activity and is injured or killed as a result of that  
14 participation.

15 Section 4. Applicability.

16           This act shall apply to any cause of action that arises on or  
17 after the effective date of this section.

18 Section 5. Effective date.

19           This act shall take effect in 60 days.