
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 820 Session of
2017

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

REFERRED TO JUDICIARY, SEPTEMBER 8, 2017

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.