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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

MARK K. KELLER

86th Legislative District

MEMORANDUM

REPUBLICAN DEPUTY WHIP

COMMITTEES

Agriculture & Rural Affairs
Game & Fisheries
Judiciary
Policy
Transportation
*Chairman of the Subcommittee
on Highways*

TO: All House Members
FROM: Representative Mark K. Keller 
SUBJECT: Agritainment Legislation
DATE: March 21, 2011

In the near future, I am planning to introduce legislation that will provide some protection from civil liability for owners and operators of agritainment activities.

Traditional farmers are finding alternative uses for their land in a growing industry called agritainment. Agritainment activities are tourism-related, recreational or educational activities located on farms in Pennsylvania such as corn mazes, pick-your-own crop harvests, hay rides and farm vacations. Because many activities involve the agritainment business are frequently not covered by customary farm liability policies, farmers face a number of challenges in securing adequate coverage. Under current Pennsylvania law, these entrepreneurial farmers face enormous liability risks when opening up their land to the public.

Agritainment activities involve inherent risks that are impossible to eliminate. It is only reasonable that those who choose to participate in these activities should voluntarily assume part of that risk. My proposal protects owners from lawsuits where no party is at fault of the injury or damages. While the measure provides immunity from litigation in some cases, the right to sue is preserved if an owner is grossly negligent, displays willful or reckless disregard for the safety of the participant or intentionally causes the injury.

If you wish to co-sponsor this additional bill, please contact my Legislative Secretary, Kori Weikle, 783-1593, or through Groupwise at kweikle@pahousegop.com.