
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 711 Session of
2019

INTRODUCED BY AUMENT, MENSCH, MARTIN, ARGALL, PHILLIPS-HILL,
VOGEL, K. WARD, REGAN, STEFANO, J. WARD, FOLMER, YAW AND
HUTCHINSON, JUNE 5, 2019

REFERRED TO JUDICIARY, JUNE 5, 2019

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." Farm-related tourism or farm-related
13 entertainment activity that:

14 (1) takes place on a farm where agricultural,
15 horticultural or silvicultural crops are grown or farm
16 animals or farmed fish are raised; and

17 (2) allows members of the general public, whether or not

1 for a fee, to tour, explore, observe, learn about,
2 participate in or be entertained by an aspect of agricultural
3 production, harvesting, husbandry or rural lifestyle that
4 occurs on the farm.

5 "Agritourism provider." A person who owns, operates,
6 provides or sponsors an agritourism activity or an employee of
7 such a person who engages in or provides agritourism whether or
8 not for a fee.

9 "Anticipated annual gross income." Gross income normally
10 expected to be generated in one year, without occurrence of a
11 natural disaster or other occurrence or condition beyond the
12 agritourism provider's reasonable control.

13 "Farm." An operation commercially engaged in agriculture
14 that:

- 15 (1) is 10 or more acres in contiguous area; or
- 16 (2) has an anticipated annual gross income of at least
17 \$2,000 from agricultural production.

18 "Risk inherent in the agritourism activity." A danger or
19 condition that is an integral part of an agritourism activity,
20 including all of the following:

- 21 (1) Surface and subsurface conditions of land and the
22 natural condition of vegetation and water on the property.
- 23 (2) The behavior or actions of wild animals not kept by
24 or under the control of an agritourism provider.
- 25 (3) The ordinary dangers associated with structures or
26 equipment ordinarily used in farming or ranching operations.
- 27 (4) The possibility of being injured or contracting
28 illness as a result of physical contact with animals, animal
29 feed, animal waste or surfaces contaminated by animal waste.
- 30 (5) The possibility that a participant in the

1 agritourism activity may act in a negligent manner, including
2 by failing to follow instructions given by an agritourism
3 provider or by failing to exercise reasonable caution while
4 engaging in the agritourism activity that may contribute to
5 injury to the participant or another participant.

6 Section 3. Immunity from liability.

7 (a) Agritourism providers.--

8 (1) Except as otherwise provided in subsection (c), in a
9 civil action, an agritourism provider shall be immune from
10 liability for any harm a participant sustains during an
11 agritourism activity if the participant is harmed as a result
12 of a risk inherent in the agritourism activity.

13 (2) Nothing in this section shall be construed to
14 require an agritourism provider to eliminate risks inherent
15 in agritourism activities.

16 (b) Notices to be posted.--

17 (1) An agritourism provider shall post and maintain
18 signs that contain the warning notice specified in this
19 section and shall place a sign in a clearly visible location
20 at or near each entrance to the agritourism location or at
21 the site of each agritourism activity.

22 (2) The warning notice shall consist of a sign in black
23 letters with each letter to be a minimum of one inch in
24 height and shall contain the following notice of warning:

25 "WARNING: Under Pennsylvania law, there is no liability
26 for an injury to or death of a participant in an
27 agritourism activity conducted at this agritourism
28 location if the injury or death results from the inherent
29 risks of the agritourism activity. Inherent risks of the
30 agritourism activities include, but are not limited to,

1 risk of injury inherent to land, equipment and animals as
2 well as the potential for you as a participant to act in
3 a negligent manner that may contribute to your injury or
4 death. You are assuming the risk of participating in this
5 agritourism activity."

6 (c) Exceptions.--An agritourism provider shall not be immune
7 from civil liability for harm sustained by a participant if any
8 of the following applies:

9 (1) The agritourism provider acts with a willful or
10 wanton disregard for the safety of the participant and
11 proximately causes harm to the participant.

12 (2) The agritourism provider purposefully causes harm to
13 the participants.

14 (3) The agritourism provider's actions or inactions
15 constitute criminal conduct and cause harm to the
16 participant.

17 (4) The agritourism provider fails to post and maintain
18 signs as required under subsection (b).

19 (5) The agritourism provider has actual knowledge or
20 should have actual knowledge of an existing dangerous
21 condition on the land or regarding facilities or equipment on
22 the land that is not an inherent risk and does not make the
23 dangerous condition known to the participant and the
24 dangerous condition proximately causes injury to or death of
25 the participant.

26 Section 4. Applicability.

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

29 Section 5. Effective date.

30 This act shall take effect in 60 days.