

## **H.89 - Agritourism Limited Liability**

-- Rep. Mike Yantachka 1/28/2021

### **Bill introduction to the House Agriculture & Forestry Committee**

Thank you for the opportunity to introduce H.89 to you this morning.

With less than two percent of Americans living on a farm, the public is becoming more and more removed from farming practices and agricultural production. Consumers are more interested than ever in learning where their food comes from, and the technological advancements behind producing that food. Agritourism provides an excellent opportunity to open meaningful connections between agriculture and the public. The vast majority of farms depend on outside income to stay in business, and any additional revenue agritourism could provide a farm might significantly increase its economic viability.

Agritourism is a growing business opportunity in Vermont:

Shelburne Farms

Philo Ridge Farm (Charlotte)

Isham Family Farm (Williston)

Bread & Butter Farm (Shelburne)

Tourism is dormant at the moment due to the pandemic, but once we are back to normal operation, Vermont will benefit from its resurgence.

Agritourism

- epitomizes the "Vermont brand".
- takes advantage of what VT is known for: agriculture, recreation, a pastoral vibe.
- provides another source of income for family farms by showcasing what they do best.

Risk of a lawsuit keeps many family farms from engaging in agritourism.

Types of risks: bee stings, uneven terrain, contamination from touching animals or farm structures/implements, falling off a hayride.

A single incident can result in bankruptcy.

Limited Liability will benefit farms engaging in agritourism by reducing the financial risk of doing so.

This is similar to liability limitations that are enjoyed by ski areas, equestrian centers, and many other recreational enterprises.

Today 39 states have agritourism laws. Of those, 33 states have a limited liability statute, including ME, NY, CT.

H.89

- requires the agritourism host to post a sign in a prominent place advising visitors that there are inherent risks on a farm and to include the warning in any contract signed by the participant
- does not absolve the business from injuries resulting from gross negligence.

[Exact wording of the sign is specified in the bill.]

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This liability protection should not be considered a total substitute for insurance protection. However, in most instances agritourism owners and operators who use diligence in considering the well-being of their guests will be protected from frivolous lawsuits. found at my website ([www.MikeYantachka.com](http://www.MikeYantachka.com)).