
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 397 Session of
2013

INTRODUCED BY M. K. KELLER, MASSER, EMRICK, BLOOM, MILLARD,
CUTLER, PICKETT, KORTZ, TALLMAN, KAUFFMAN, C. HARRIS,
LAWRENCE, OBERLANDER, CAUSER, CLYMER, STEVENSON, SWANGER,
HESS AND V. BROWN, JANUARY 29, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2013

AN ACT

1 Providing for limited immunity for persons that sponsor farm-
2 related tourism activities.

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 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." A farm-related tourism activity,
13 regardless of whether a fee is charged, which:

14 (1) takes place on real property otherwise engaging in a
15 normal agricultural operation; and

16 (2) is designed for recreational, entertainment or
17 educational purposes.

1 The term includes, but is not limited to, a corn maze, a hay
2 maze, farm tours, a select and cut-your-own Christmas tree
3 operation and a pick-your-own-crop operation.

4 "Normal agricultural operation." As defined in section 2 of
5 the act of June 10, 1982 (P.L.454, No.133), referred to as the
6 Right-to-Farm Law.

7 "Operator." A person that sponsors, organizes, conducts or
8 provides facilities.

9 Section 3. Immunity.

10 (a) Scope.--Immunity under this section applies to a person
11 if all of the following apply:

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

14 (2) The following notice is conspicuously posted in at
15 least two locations on the premises where the agritourism
16 activity takes place on a sign at least three feet by two
17 feet:

18 You assume the risk of agritourism activities under
19 Pennsylvania law.

20 (b) Grant.--A person that meets the requirements of
21 subsection (a) shall be immune from liability in a negligence
22 action for personal injury or death to a participant in the
23 agritourism activity who is injured or killed as a result of
24 that participation if the participant voluntarily and
25 intelligently undertakes participation in the agritourism
26 activity.

27 Section 19. Applicability.

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

30 Section 20. Effective date.

1 This act shall take effect in 60 days.