

By: Representative Bounds

To: Agriculture

HOUSE BILL NO. 1353

1 AN ACT TO AMEND SECTION 95-11-3, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE HORSE RACING IN THE DEFINITION OF EQUINE ACTIVITY; TO
3 AMEND SECTIONS 95-11-5 AND 95-11-7, MISSISSIPPI CODE OF 1972, IN
4 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 95-11-3, Mississippi Code of 1972, is
7 amended as follows:

8 95-11-3. As used in this chapter, the following words and
9 phrases shall have the meanings ascribed herein unless the context
10 clearly indicates otherwise:

11 (a) "Engages in livestock shows or equine activity"
12 means riding, training, providing or assisting in providing
13 medical treatment of, driving, or being a passenger upon an equine
14 or other livestock, whether mounted or unmounted, or any person
15 assisting a participant or show management. The term "engages in
16 livestock shows or equine activity" does not include being a
17 spectator at a livestock show or equine activity, except in cases
18 where the spectator places himself in an unauthorized area and in
19 immediate proximity to the livestock show or equine activity.



20 (b) "Equine" means a horse, pony, mule, donkey or
21 hinny.

22 (c) "Livestock" means equines, cattle, swine, sheep and
23 goats.

24 (d) "Livestock shows or equine activity" means:

25 (i) Livestock or equine shows, fairs,
26 competitions, performances or parades that involve any or all
27 breeds of livestock or equines and any of the equine disciplines,
28 including, but not limited to, dressage, hunter and jumper horse
29 shows, grand prix jumping, three-day events, combined training,
30 rodeos, driving, pulling, cutting, polo, steeplechasing, English
31 and Western performance riding, endurance trail riding, western
32 games and hunting * * *;

33 (ii) Equine or livestock training or teaching
34 activities, or both * * *;

35 (iii) Boarding equines or livestock * * *;

36 (iv) Riding, inspecting, or evaluating an equine
37 or livestock belonging to another, whether or not the owner has
38 received some monetary consideration or other thing of value for
39 the use of the equine or livestock or is permitting a prospective
40 purchaser of the equine or livestock to ride, inspect or evaluate
41 the equine or livestock * * *;

42 (v) Rides, trips, hunts, or other equine or
43 livestock activities of any type however informal or impromptu



44 that are sponsored by an equine or livestock activity
45 sponsor * * *;

46 (vi) Placing or replacing horseshoes on an
47 equine * * *;

48 (vii) Examining or administering medical treatment
49 to an equine or livestock by a veterinarian * * *; and

50 (viii) Horse racing.

51 (e) "Equine or livestock activity sponsor" means an
52 individual, group, club, partnership or corporation, whether or
53 not the sponsor is operating for profit or nonprofit, which
54 sponsors, organizes or provides the facilities for an equine
55 activity or livestock show, including, but not limited to, pony
56 clubs, 4-H clubs, hunt clubs, riding clubs, school and college
57 sponsored classes, programs, and operators, instructors, and
58 promoters of equine or livestock facilities, including, but not
59 limited to, stables, clubhouses, pony ride strings, fairs and
60 arenas at which the activity is held.

61 (f) "Equine or livestock professional" means a person
62 engaged for compensation in:

63 (i) Instructing a participant or renting to a
64 participant, an equine or livestock for the purpose of riding,
65 driving or being a passenger upon the equine.

66 (ii) Renting equipment or tack to a participant.

67 (iii) Examining or administering medical treatment
68 to an equine or livestock as a veterinarian.



69 (g) "Inherent risks of equine or livestock activities"
70 means those dangers or conditions which are an integral part of
71 equine or livestock activities, including, but not limited to:

72 (i) The propensity of an equine or livestock to
73 behave in ways that may result in injury, harm or death to persons
74 on or around them.

75 (ii) The unpredictability of an equine's or
76 livestock's reaction to such things as sounds, sudden movement and
77 unfamiliar objects, persons or other animals.

78 (iii) Certain hazards such as surface and
79 subsurface conditions.

80 (iv) Collisions with other equines or livestock or
81 objects.

82 (v) The potential of a participant to act in a
83 negligent manner that may contribute to injury to the participant
84 or others, such as failing to maintain control over the animal or
85 not acting within his or her ability.

86 (h) "Participant" means any person, whether amateur or
87 professional, who engages in an equine activity or livestock show,
88 whether or not a fee is paid to participate in the equine activity
89 or livestock show.

90 **SECTION 2.** Section 95-11-5, Mississippi Code of 1972, is
91 amended as follows:

92 95-11-5. (1) Except as provided in subsection (2) of this
93 section, an equine or livestock activity sponsor, an equine or



94 livestock professional, or any other person, which shall include a
95 corporation or partnership, shall not be liable for an injury to
96 or the death of a participant resulting from the inherent risks of
97 equine activities, horse racing or livestock shows and, except as
98 provided in subsection (2) of this section, a participant's
99 representative shall not make any claim against, or recover from
100 an equine or livestock professional, or any other person for
101 injury, loss, damage or death of the participant resulting from
102 any of the inherent risks of equine activities, horse racing or
103 livestock shows.

104 (2) Nothing in subsection (1) of this section shall prevent
105 or limit the liability of an equine or livestock activity sponsor,
106 an equine or livestock professional or any other person if the
107 equine or livestock activity sponsor, equine or livestock
108 professional or person:

109 (a) (i) Provided the equipment or tack and knew or
110 should have known that the equipment or tack was faulty, and such
111 equipment or tack was faulty to the extent that it did cause the
112 injury.

113 (ii) Provided the equine or livestock and failed
114 to make reasonable and prudent efforts to determine the ability of
115 the participant to engage safely in the equine activity or
116 livestock show and to safely manage the particular equine or
117 livestock based on the participant's representations of his
118 ability.



119 (b) Owns, leases, rents or otherwise is in lawful
120 possession and control of the land or facilities * * * for which
121 warning signs have * * * been conspicuously posted, as required by
122 Section 95-11-7.

123 (c) Commits an act or omission that constitutes willful
124 or wanton disregard for the safety of the participant, and that
125 act or omission caused the injury.

126 (d) Intentionally injures the participant.

127 (3) Nothing in subsection (1) of this section shall prevent
128 or limit the liability of an equine or livestock activity sponsor
129 or an equine or livestock professional under liability provisions
130 as set forth in products liability laws.

131 **SECTION 3.** Section 95-11-7, Mississippi Code of 1972, is
132 amended as follows:

133 95-11-7. (1) Every equine or livestock activity sponsor and
134 every equine or livestock professional shall post and maintain
135 signs which contain the warning notice specified in subsection (2)
136 of this section. Such signs shall be placed in a clearly visible
137 location on or near stables, corrals or arenas where the equine or
138 livestock activity sponsor or the equine or livestock professional
139 conducts equine activities, horse racing or livestock shows. The
140 warning notice specified in subsection (2) of this section shall
141 appear on the sign in black letters, with each letter to be a
142 minimum of one (1) inch in height. Every written contract entered
143 into by an equine or livestock professional or by an equine or



144 livestock activity sponsor for the providing of professional
145 services, instruction or the rental of equipment or tack, or an
146 equine participant, * * * livestock participant, whether or not
147 the contract involves equine activities or livestock shows on or
148 off the location or site of the equine or livestock activity
149 sponsor's or the equine or livestock professional's business,
150 shall contain in clearly readable print the warning notice
151 specified in subsection (2) of this section.

152 (2) The signs and contracts described in subsection (1) of
153 this section shall contain the following warning notice:

154 WARNING:

155 Under Mississippi law, an equine or livestock activity
156 sponsor or an equine or livestock professional is not
157 liable for an injury to or the death of a participant in
158 equine activities, horse racing or livestock shows
159 resulting from the inherent risks of equine activities,
160 horse racing or livestock shows, pursuant to this
161 chapter.

162 (3) Failure to comply with the requirements concerning
163 warning signs and notices provided in this section shall prevent
164 an equine or livestock activity sponsor or equine or livestock
165 professional from invoking the privileges of immunity provided by
166 this chapter.

167 **SECTION 4.** This act shall take effect and be in force from
168 and after July 1, 2024.

