

By: Representatives Pigott, Burch,
Carpenter, Ladner, Lancaster, Lott, Mangold,
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To: Agriculture

HOUSE BILL NO. 1295

1 AN ACT TO AMEND SECTIONS 69-53-1 AND 69-53-5, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE DEFINITION OF "AGRITOURISM ACTIVITY"
3 AND CLARIFY THE POSTING OF SIGNAGE FOR LIABILITY PURPOSES; TO
4 BRING FORWARD SECTIONS 69-53-3 AND 69-53-7, MISSISSIPPI CODE OF
5 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 69-53-1, Mississippi Code of 1972, is
9 amended as follows:

10 69-53-1. As used in this chapter, the following terms shall
11 have the meanings ascribed, unless the context requires otherwise:

12 (a) "Agritourism" means the travel or visit by the
13 general public to, or the practice of inviting or allowing the
14 general public to travel to or visit a working farm, ranch, or
15 other commercial agricultural, aquacultural, horticultural, or
16 forestry operation for the purpose of enjoyment, education, or
17 participation in the activities of the farm, ranch, or other
18 agricultural, aquacultural, horticultural, or forestry operation.

19 (b) "Agritourism activity" means any activity conducted
20 on the premise of a location registered by an agritourism



21 professional which allows members of the general public * * * to
22 view or enjoy rural activities, including, but not limited to,
23 farming activities, ranching activities or historic or cultural or
24 natural attractions.

25 (c) "Agritourism professional" means any person,
26 partnership, corporation, or the employees or authorized agents,
27 who offer or conduct one or more agritourism activities, whether
28 or not for compensation.

29 (d) "Inherent risks of agritourism activity" means
30 those dangers or conditions that are an integral part of an
31 agritourism activity, including, but not limited to, certain
32 hazards involving surface and subsurface conditions, natural
33 conditions of land, vegetation and waters, the behavior of wild or
34 domestic animals, and ordinary dangers of structures or equipment
35 ordinarily used in farming, ranching, or other commercial
36 agricultural, aquacultural, horticultural or forestry operation.
37 Inherent risks of agritourism activity also include the potential
38 of a participant to act in a negligent manner that may contribute
39 to injury to the participant or others, including failing to
40 follow instructions given by the agritourism professional or
41 failing to exercise reasonable caution while engaging in the
42 agritourism activity.

43 (e) "Participant" means any person, other than the
44 agritourism professional, who engages in an agritourism activity.



45 **SECTION 2.** Section 69-53-3, Mississippi Code of 1972, is
46 brought forward as follows:

47 69-53-3. (1) Except as provided in subsection (2) of this
48 section, an agritourism professional is not liable for injury to
49 or death of a participant resulting from the inherent risks of
50 agritourism activities if the warning contained in Section 69-53-5
51 is posted as required and, except as provided in subsection (2) of
52 this section, no participant or participant's representative can
53 maintain an action against or recover from an agritourism
54 professional for injury, loss, damage or death of the participant
55 resulting exclusively from any of the inherent risks of
56 agritourism activities. In any action for damages against an
57 agritourism professional for agritourism activity, the agritourism
58 professional may plead the provisions of this section as an
59 affirmative defense.

60 (2) Nothing in subsection (1) of this section prevents or
61 limits the liability of an agritourism professional if the
62 agritourism professional does any one or more of the following:

63 (a) Commits or omits an act if the act or omission
64 constitutes willful or wanton disregard for the safety of the
65 participant, and that act or omission proximately causes injury,
66 damage or death to the participant.

67 (b) Has actual knowledge or reasonably should have
68 known of a dangerous condition on the land, facilities or
69 equipment used in the activity or the dangerous propensity of a



particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage or death to the participant.

(c) Intentionally injures the participant.

(3) Nothing in subsection (1) of this section:

(a) Prevents or limits the liability of an agritourism professional under products liability laws.

(b) Shall be construed so as to negate that assumption of risk is an affirmative defense.

(4) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

SECTION 3. Section 69-53-5, Mississippi Code of 1972, is amended as follows:

69-53-5. (1) Every agritourism professional must post and maintain * * * signage that contains the warning notice specified in this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location * * *. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of



the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The signs and contracts must contain the following notice of warning:

"WARNING

Under Mississippi law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if the injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment and animals, as well as the potential for you or another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section will prevent an agritourism professional from invoking the privileges of immunity provided by this chapter.

SECTION 4. Section 69-53-7, Mississippi Code of 1972, is brought forward as follows:

69-53-7. (1) An agritourism professional must register with the Mississippi Department of Agriculture and Commerce on an annual basis. The registration shall contain information



describing the agritourism activity that the agritourism professional conducts or intends to conduct and the location where the person conducts or intends to conduct such agritourism activity. Additionally, the agritourism professional must pay an annual fee in the amount of Fifty Dollars (\$50.00) to the department at the time of registration. There is established in the State Treasury a special fund for the Mississippi Department of Agriculture and Commerce for the monies collected under this section. Unexpended monies remaining in the fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund.

(2) The department shall maintain a list of all registered agritourism professionals, the registered agritourism activities conducted by each professional, and the registered agritourism location where the professional conducts such activities. Such list shall be made available to the public. The department, in conjunction with other agritourism and rural economic efforts, shall promote and publicize registered agritourism professionals, activities and locations to advance agritourism in the state. The department assumes no legal liability by registering agritourism professionals, but merely serves to promote agritourism in the state.

(3) The department shall adopt guidelines to carry out the intent of this chapter.



144 **SECTION 5.** This act shall take effect and be in force from
145 and after July 1, 2025.

