

1.1 ..... moves to amend H.F. No. 2874 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2015 Supplement, section 604A.40, is amended to read:

1.4 **604A.40 AGRITOURISM; IMMUNITY FROM LIABILITY.**

1.5 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in  
1.6 paragraphs (b) to (g) have the meanings given them.

1.7 (b) "Agricultural products" means livestock, aquacultural, poultry, horticultural,  
1.8 floricultural, viticultural, silvicultural, or other products of a farm or ranch.

1.9 (c) "Agritourism activity" means:

1.10 (1) an activity carried out on a farm or ranch that allows organizations or members  
1.11 of the general public, for recreational, entertainment, charitable, or educational  
1.12 purposes, to view, enjoy, or participate in rural activities, including, but not limited to:  
1.13 farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning,  
1.14 harvest-your-own, or natural activities and attractions. An activity is an agritourism  
1.15 activity whether or not the participant pays to participate in the activity; or

1.16 (2) an agricultural-related education program or demonstration carried out at a school.

1.17 (d) "Agritourism professional" means a person who is engaged in providing one or  
1.18 more agritourism activities, whether or not for compensation.

1.19 (e) "Agritourism program site" means a farm or ranch, or school when an agritourism  
1.20 activity is taking place at that site.

1.21 ~~(f)~~ (f) "Farm or ranch" means one or more areas of land used for the production,  
1.22 cultivation, growing, harvesting, or processing of agricultural products.

1.23 ~~(g)~~ (g) "Inherent risks of agritourism activity" means dangers or conditions that are  
1.24 an integral part of an agritourism activity including but not limited to:

1.25 (1) natural hazards and conditions of land, vegetation, and waters including surface  
1.26 and subsurface conditions;

2.1 (2) the behavior of wild or domestic animals; and

2.2 (3) ordinary dangers of structures or equipment ordinarily used in farming or  
2.3 ranching operations.

2.4 (h) "Owner" means the possessor of a fee interest or a life estate, tenant, lessee,  
2.5 occupant, or person in control of the agritourism program site.

2.6 ~~(g)~~ (i) "Participant" means a person, other than an agritourism professional, who  
2.7 engages in an agritourism activity and who has the capacity to understand the inherent risks  
2.8 of agricultural tourism. For purposes of this paragraph, person includes a minor if the minor  
2.9 has the consent of the minor's parent or guardian to participate in the agritourism activity.

2.10 Subd. 2. **Liability limited.** (a) Except as provided in paragraphs (b) and (c), an  
2.11 agritourism professional is and an owner are not liable for injury, damage, or death of a  
2.12 participant resulting from the inherent risks of agritourism activities.

2.13 (b) Nothing in paragraph (a) prevents or limits the liability of an agritourism  
2.14 professional or an owner if the agritourism professional or owner:

2.15 (1) commits an act or omission that constitutes negligence or willful or wanton  
2.16 disregard for the safety of the participant, and that act or omission proximately causes  
2.17 injury, damage, or death of the participant;

2.18 (2) has actual knowledge or reasonably should have known of a dangerous condition  
2.19 on the land or in the facilities or equipment used in the activity, or the dangerous  
2.20 propensity of a particular animal used in such activity;

2.21 (3) intentionally injures the participant; or

2.22 (4) fails to comply with the notice requirement of subdivision 3.

2.23 (c) Nothing in paragraph (a) affects a claim under chapter 340A, or a claim arising  
2.24 out of the sale or use of alcohol at an agritourism facility.

2.25 Subd. 3. **Posting notice.** An agritourism professional or an owner shall post plainly  
2.26 visible signs at one or more prominent locations in the premises where the agritourism  
2.27 activity takes place that include a warning of the inherent risks of agritourism activity.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to  
2.29 actions arising from incidents occurring on or after that date."

2.30 Delete the title and insert:

2.31 "A bill for an act  
2.32 relating to agriculture; making changes to the agritourism liability immunity law;  
2.33 amending Minnesota Statutes 2015 Supplement, section 604A.40."