



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 101

PRINTERS NO. 71

PRIME SPONSOR: Gleim

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

**SUMMARY:** House Bill 101, Printer's Number 71, establishes the Agritourism Activity Protection Act to provide limited liability protection for providers.

**ANALYSIS:** This bill creates the freestanding Agritourism Activity Protection Act to provide limited civil liability protection for persons who offer agritourism activities on a farm and meet the conditions outlined in the bill. Agritourism is defined as a farm-related tourism or farm-related entertainment activity on agricultural land and allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle. It shall not include overnight accommodations, weddings, concerts or provisions for food and beverage services.

The agritourism activity provider must post specific warning signs and have a signed, written agreement with a participant that they have acknowledged the risk of participating in an agritourism activity. An acknowledgment may be printed on the back of a ticket needed to participate in an activity.

The warning notice posted on the sign shall be at least three feet by two feet in dimension and state the following: "Warning: Read your written agreement on the back of your ticket. Under Pennsylvania law, except for limited circumstances, an agritourism activity provider is not liable for any injury to or death of a participant resulting from an agritourism activity. Do not participate in the activity if you do not wish to waive liability."

The liability protection does not apply if the agritourism activity provider:

1. performs an act in a grossly negligent manner and causes injury or damages to a participant;
2. purposefully causes the participant injury;
3. commits an action or inaction that constitutes criminal conduct and causes the participant injury; and
4. recklessly fails to warn or guard against a dangerous condition that causes injury or damages to a participant.

This legislation would take effect in 60 days upon enactment.

**FISCAL IMPACT:** Enactment of this legislation will have no impact on Commonwealth funds.

**PREPARED BY:** Jeffrey Clukey  
House Appropriations Committee (R)

**DATE:** February 5, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*