



DEFINING AND REGULATING AGRITOURISM

TRENDS IN STATE AGRITOURISM LEGISLATION 2019-2020

INTRODUCTION

Agritourism in the United States is a growing industry, bringing tourism dollars to rural areas and enabling farmers to diversify their income streams. Today, farms are larger and more consolidated.¹ The costs of farming, such as purchasing modern equipment, have left many smaller-scale farms unable to compete.² Moreover, farm income has declined over the years, and farms that fail to remain viable risk closing.³ Agritourism offers an opportunity for farmers to diversify their activities and earn additional income.⁴

There is no standard definition for agritourism in the United States. Generally, agritourism may include any number of entertainment, recreational, commercial, or educational activities connected to a farm.⁵ The US Department of Agriculture, for purposes of the Census of Agriculture, defines agritourism and recreational services generally as “hunting, fishing, farm or wine tours, hayrides, etc.”⁶

Agritourism activities often include activities directly related to the sale of agricultural products, such as farmers markets, roadside farm stands, and harvest-your-own produce operations. However, overnight farm accommodations, camping, and farm tours are also becoming more common.⁷ In recent years, there has also been an increase in indirect agritourism activities such as weddings,⁸ wineries, and breweries.⁹

The Census of Agriculture found that approximately 28,575 farms engaged in agritourism activities nationwide in 2017.¹⁰ Between 2012 and 2017, revenue from agritourism increased from \$704 million to nearly \$950 million.¹¹ Growth of the industry may be attributed to an increased demand for local food¹² and the economic pressure farmers are facing, leading them to diversify their income streams.¹³

Several academic institutions and organizations conduct agritourism research. The National Agricultural Law Center has several publications on the topic and, most notably, a compilation of state agritourism statutes.¹⁴ Also, agricultural extension services within academic institutions conduct research and support farmers engaged in agritourism. For example, the University of Vermont Extension has an agritourism collaborative with resources for farmers.¹⁵

This report builds on the resources available on agritourism by providing a comparative analysis of state legislative approaches to agritourism, with a focus on how states define agritourism activities. Using recently introduced legislation from 2019-2020, this report identifies trends in agritourism legislation and concludes with considerations for legislative drafters. These considerations address definitions and other areas of importance, such as liability, zoning, funding, taxation, and licensing.

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OVERVIEW OF STATE AGRITOURISM LAWS

To date, 39 states have enacted some form of agritourism law.¹⁶ Eight of these states—Arkansas, Idaho, Missouri, Montana, Nebraska, New York, Oklahoma, and Vermont—have a standalone agritourism law. The remaining 31 states regulate agritourism through secondary laws addressing agriculture, civil liability, land use, zoning, tourism, state culture and history, wildlife, parks and recreation, property, sports and amusement, and taxation.

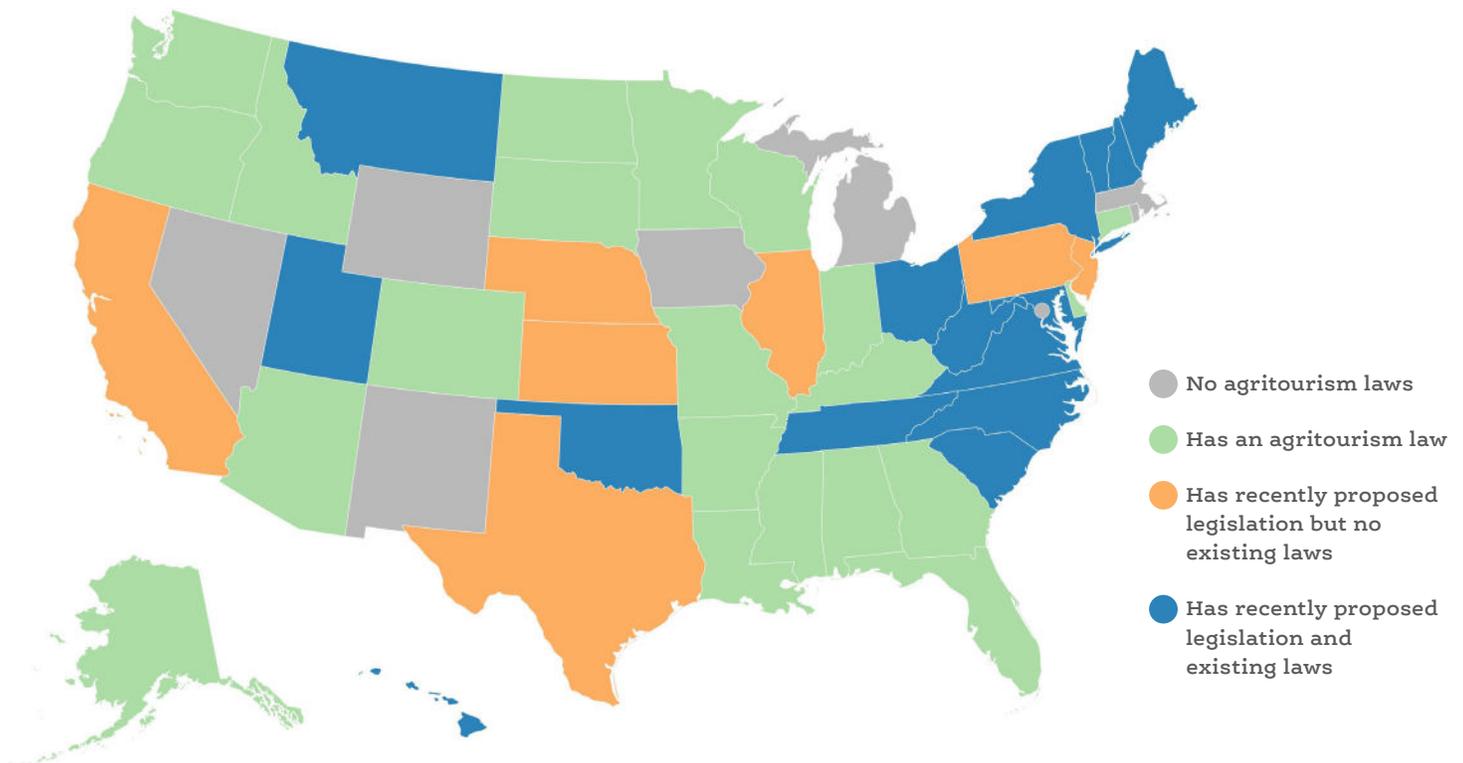
Eleven states and the District of Columbia do not have an agritourism law. The lack of an agritourism law does not necessarily mean that these activities are not occurring or that a state prohibits such activities. Rather, it means these activities are occurring without the protections laws and regulations may provide. For example, without liability protections, farmers may be more vulnerable to liability for injuries and damages arising out of the inherent risks of agritourism activities.

States without an agritourism law:

- California
- District of Columbia
- Illinois
- Iowa
- Massachusetts
- Michigan

- Nevada
- New Jersey
- New Mexico
- Pennsylvania
- Rhode Island
- Wyoming

During the last legislative session, Illinois, New Jersey, and Pennsylvania introduced bills to provide agritourism operators with liability protection from injuries sustained as a result of the inherent risks associated with agritourism activities. The Illinois bill, [H.B. 4315](#), and the Pennsylvania bill, [H.B. 1348](#), died when each state's legislature adjourned at the end of 2020. The New Jersey bill, [S. 1835](#), is still pending. See Recent Legislation on page 8 below for more details on these and other agritourism bills introduced in 2019-2020.



STATE DEFINITIONS OF AGRITOURISM

States use different but synonymous terms—such as agritourism, agricultural tourism, or agritourist activity—to refer to tourism activities connected to an agricultural operation.¹⁷ Although there is a range of definitions used in state law to define agritourism, some commonalities exist.

Where state law defines agritourism, two themes emerge. The first is whether the state’s definition requires a direct connection to an agricultural activity to be considered agritourism. The second is whether the participant must pay consideration, or some amount of money, for the activity to fall within the state’s definition of agritourism.

Connection to an agricultural activity

To be considered agritourism, most states require the activity to be connected to some form of agricultural activity. For example, Hawaii includes overnight accommodations if they are connected to an agricultural operation.¹⁸ Generally, what a state considers agritourism is broad and may include activities connected to farming, ranching, aquaculture, forestry, horticulture, and historical, cultural, and natural attractions.

For specific activities within those categories, some states do not provide an exhaustive list of allowed agritourism activities within their definitions, but rather use open-ended language (e.g., “not limited to”) signaling that other agritourism activities not explicitly listed in the state definition may be allowed. These states include Alabama, Idaho, Kansas, Minnesota, Mississippi, Missouri, and Washington.

Several states consider activities that may not be directly related to agriculture as part of an agritourism activity. For example, camping activities are considered agritourism in Idaho, Louisiana, Nebraska, and Washington. Nebraska considers canoeing an agritourism activity. See Appendix of State Laws on page 14 for a complete listing of state definitions.

Likely owing to the continued growth of the agritourism industry, states are introducing bills to amend definitions of agritourism and expand the

scope of what was originally considered agritourism. Between January 1, 2019, and December 31, 2020, eight bills were introduced that would impact a state’s definition of agritourism. Only two bills of the eight were enacted: Utah [H.B. 232](#), which adds a new definition of an “agritourism food establishment” for permitting purposes, and Virginia [S.B. 24](#), which amends the state definition of agritourism to include horseback riding. Five bills died when the legislature adjourned, and one bill was vetoed. See Recent Legislation on page 8 below for a description of all bills introduced in 2019-2020.

Exclusions

Not all activities conducted on a farm or connected to an agricultural activity may qualify as an agritourism activity. Nine states specifically exclude certain activities from their state definitions of agritourism. The most common exclusion, found in Indiana, Kansas, Missouri and South Dakota law, includes activities where participants are paid to participate.

Other exclusions:

- Arkansas excludes roadside fruit and vegetable stands and operations exclusively devoted to the sale of merchandise or food.
- Colorado excludes activities related to or associated with medical or retail marijuana.
- Delaware excludes rodeos, hunting, fishing, swimming, boating, canoeing, kayaking, temporary camping, picnicking, hiking, diving, water skiing, tubing, paintball, and nonmotorized freestyle, mountain, and off-road bicycling.
- Florida excludes the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.
- New York excludes equine therapy.

Consideration paid for activity

Whether a participant pays to engage in an activity (in legal or policy documents, this is often referred to as providing “consideration”) may determine whether such activity is considered agritourism. States treat monetary consideration or payment to participate in agritourism activities differently. Most state laws that address consideration treat an activity as agritourism regardless of whether someone pays to participate in an activity.¹⁹ Fifteen states do not address consideration for participation in an agritourism activity.²⁰

Whether or not consideration is required or prohibited as part of the definition of agritourism can impact whether a landowner is liable for injuries stemming from an agritourism activity. For example, Alaska recognizes only activities where there is no monetary consideration.²¹ Georgia, on the other hand, requires payment to participate in an activity for it to be considered agritourism.²²

COMPARATIVE ANALYSIS OF STATE AGRITOURISM LAWS

While state regulation of agritourism differs in some respects, most states share common approaches. Agritourism is most commonly regulated under civil liability, agriculture, and land use and zoning laws. Some states regulate agritourism through laws addressing taxation, wildlife, parks and recreation, sports and amusement, state culture and history, and property. And, some states regulate agritourism under more than one type of law. The chart below illustrates in which titles of a state’s statutory compilation you can find agritourism laws.

How States Regulate Agritourism

TYPE OF LAW	NUMBER OF STATES																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Civil Liability	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Agriculture	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Land Use and Zoning	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Taxation	█	█																
Property	█																	
Sports and Amusement	█																	
State Culture and History	█																	
Wildlife, Parks and Recreation	█																	

Civil Liability

Agritourism activities can present inherent risks arising from the conduct of a participant or dangers presented by farm premises, equipment, or animals.²³ Through civil liability laws, states limit the liability for farms providing agritourism experiences under common law negligence by outlining specific duties and responsibilities for the operator and participant.²⁴ For example, some states, such as North Carolina, limit a farm's liability for the injury or death of a participant that results from the inherent risk associated with the agritourism activity, as long as the farm posts required warning signs.²⁵ In other states, such as Texas, the farm must both post a warning sign and have the participant sign a waiver for the liability limitation to apply.²⁶

Liability protections and the definition of agritourism are closely connected, as immunity from liability applies only to those activities that fall within the state's definitions.

The following states have agritourism liability laws:

- Alabama
- Alaska
- Colorado
- Georgia
- Idaho
- Indiana
- Louisiana
- Minnesota
- Missouri
- Montana
- New York
- North Carolina
- Oregon
- South Dakota
- Utah
- Washington
- Wisconsin

Agriculture

All state definitions of agritourism require an activity to be connected to an agricultural activity to qualify as an agritourism activity. Consequently, many states regulate agritourism under their agricultural laws.

These states include:

- Alaska
- Arizona
- Arkansas
- Connecticut
- Florida
- Georgia
- Kentucky
- Maine
- Mississippi
- New York
- Ohio
- Oklahoma
- South Carolina
- Tennessee
- Virginia
- West Virginia

Land Use and Zoning

Agriculture has evolved, and the need to diversify farm income as a means of remaining viable attracts many farmers to agritourism.²⁷ However, state land use and zoning laws operate to allow or limit certain agritourism activities.²⁸ In Pennsylvania, a zoning dispute over an agritourism activity led to the introduction of [HB 2093](#) to prevent zoning laws from regulating certain agritourism activities like live music or retail food sales.²⁹ Disputes about whether other indirect activities such as weddings qualify as agritourism has also resulted in land use and zoning disputes, with neighbors expressing concerns regarding the increased traffic, noise, and alcohol consumption associated with weddings.³⁰

States regulating agritourism through land use and zoning laws include:

- Arizona
- Delaware
- Georgia
- Hawaii
- Maryland
- New Hampshire
- New York
- Ohio
- Oregon
- Vermont

COMPARATIVE ANALYSIS BY STATE

	 Civil Liability Laws	 Agricultural Laws	 Land use and Zoning Laws	 Introduced Legislation in 2019-2020
Alabama				
Alaska				
Arizona				
Arkansas				
California				
Colorado				
Connecticut				
Delaware				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana				
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland				
Minnesota				
Mississippi				
Missouri				
Montana				
Nebraska				
New Hampshire				
New Jersey				
New York				
North Carolina				
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
South Carolina				
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				



RECENT AGRITOURISM LEGISLATION: 2019-2020

From January 2019 through December 2020, 24 states introduced 27 bills addressing a wide range of agritourism issues. Of the bills introduced, the most common amend or expand the definition of what is considered agritourism (eight bills) or provide liability protection for agritourism operations (seven bills). Five bills provide varied exemptions for agritourism operations, four bills address funding for agritourism operations, and three bills address how agritourism is regulated. Of the 27 bills introduced, 10 bills were enacted, 1 bill is pending, 1 bill was vetoed, and 15 bills died.

States that introduced agritourism bills from January 2019 to December 2020 include:

- Arizona
- California
- Hawaii
- Illinois
- Kansas
- Maine
- Maryland
- Montana
- Nebraska
- New Hampshire
- New Jersey
- New York
- North Carolina
- Ohio
- Oklahoma
- Pennsylvania
- South Carolina
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- West Virginia

BILL SUMMARIES

Key			
CODIFIED The legislature enacted the bill and included it in the state code.	DEAD The legislature did not vote on the bill before the session ended, the legislature did not pass the bill, or the Governor vetoed the bill.	ENACTED, YET TO BE CODIFIED As of the date of this report's publication, the bill had become law, but was not yet included the provisions in the state code.	PENDING As of the date of this report's publication, the full legislature had not yet voted on the bill.

Expanding the Scope of Agritourism

Due to the continued growth of the agritourism industry, states are introducing bills to amend their definitions of agritourism and expand the scope of what their laws define as agritourism.

- Arizona [H.B. 2496](#) creates additional real property subclasses for valuation purposes pertaining to real property and improvements used for agricultural purposes, including guest ranches.

(DEAD)

- California [A.B. 417](#) establishes the Agriculture and Rural Prosperity Act that recommends actions to further develop rural agricultural economies, including recreation and tourism opportunities.

(VETOED)

- Hawaii [S.B. 480](#) allows agricultural tourism activities, including short-term vacation rentals in counties with a population between 150,000 and 500,000.

(DEAD)

- Kansas [H.B. 2653](#) amends the Kansas Amusement Ride Act that regulates agritourism to require inspection of registered agritourism activities by a qualified inspector at least every 12 months. It also empowers the Secretary of Labor to conduct random compliance audits of registered agritourism activities and establishes a training requirement for all registered agritourism operators in the state.

(DEAD)

- New Hampshire [H.B. 722](#) allows agritourism operations alongside the retail sale of marijuana by special exception.

(DEAD)

- North Carolina [S. 315](#) seeks to amend the definition of agritourism under the North Carolina Farm Act of 2019 by adding hunting, fishing, shooting sports, and equestrian activities to the definition of agritourism, and limits the regulation of catering by bona fide farms.

(DEAD)

- Utah [H.B. 0232](#) establishes the Agritourism Food Establishment Act and creates permitting guidelines for agritourism food establishments.

(CODIFIED AT U.C.A. 1953 § 26-15B-105)

- Virginia [S.B. 24](#) amends the definition of agritourism activity to include horseback riding.

(CODIFIED AT VA CODE ANN. § 3.2-6400)

Funding

Some bills allocate funding to provide farmers with resources such as grants and loans to diversify and integrate agritourism operations into their agricultural activities.

- Montana [H.B. 365](#) establishes an agritourism pilot program and revises the distribution of the lodging facility use tax to provide funding for the agritourism pilot program.

(DEAD)

- New York [S. 07503](#) appropriates funds from the Aid to Localities Budget for services and expenses of New York agritourism for marketing, advertising, and retail operations to promote local agritourism and New York-produced food and beverage goods and products.

(ENACTED)

- Oklahoma [S.B. 1747](#) allows agritourism operations to qualify for farm diversification grants or loans for projects dealing with the diversification of family farms or ranches to nontraditional crops, livestock, agritourism, or on-farm, value-added processing of agricultural commodities.

(DEAD)

- Vermont [H. 656](#) amends the definition of farm operation under the Vermont Agricultural Credit Program to include an agritourism business on a farm subject to regulation under Required Agricultural Practices.

(CODIFIED AT 10 V.S.A. § 374B)

Exemptions

Several bills provide exemptions that fall within two categories. Some exemptions address allowed or disallowed activities and animal species, while other exemptions ease the start-up and operational burden for farmers, especially small farm businesses entering into agritourism.

- Maine [L.D. 355](#) excludes domesticated species used for agricultural purposes from the laws governing permits to possess wildlife in captivity.

(DEAD)

- Maryland [H.B. 805](#) exempts agricultural buildings used for agritourism in Montgomery County from the Maryland Building Performance Standards and certain building permit requirements.

(CODIFIED AT MD CODE, PUBLIC SAFETY, § 12-508)

- Maryland [S.B. 432](#) adds Charles County to the list of counties where an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit under certain circumstances.

(DEAD)

- Nebraska [L.B. 461](#) exempts motor carriers engaged in transportation related to agritourism from certain requirements.

(CODIFIED AT NEB. REV. STAT. § 75-303(3))

- South Carolina [H. 4327](#) classifies structures without a commercial kitchen used in agritourism activity as group A-3 and allows such structures to accommodate up to 300 people without installing a sprinkler system.

(CODIFIED AT S.C. CODE ANN. § 6-8-67)

Regulating or Overseeing Agritourism Activities

In some states, bills have been introduced designating particular state agencies as responsible for regulating agritourism while other bills address local government powers regarding agritourism activities.

- Alaska [H.B. 111](#) transfers the division with the responsibility for agriculture (which covers agritourism-related activities) from the Department of Natural Resources to the Department of Commerce, Community, and Economic Development.

(DEAD)

- Pennsylvania [H.B. 2093](#) restricts local government from regulating certain agritourism activities.

(DEAD)

- Texas [S.B. 743](#) provides a seat for an agritourism representative on the board of the Texas Olive Oil Advisory Board.

(CODIFIED AT V.T.C.A., AGRICULTURE CODE § 50D.002)

Liability

Injuries from agritourism activities are common, and some result in litigation, which poses significant risk to farmers.³¹ Several bills introduced from January 2019 through December 31, 2020, seek to provide agritourism operators with immunity from injuries or damages resulting from risks associated with an agritourism activity.

- Illinois [H.B. 4315](#) protects agritourism operators from liability for injury or death of a participant resulting from the inherent risks of agritourism activities, provided the operator posts a required warning notice.

(DEAD)

- New Jersey [S.1835](#) provides limited civil liability immunity to farmers for risks arising from the inherent risks of agritourism.

(PENDING)

- Pennsylvania [H.B. 1348](#) creates the Agritourism Activity Prevention Act to provide agritourism providers with limited civil liability.

(DEAD)

- Tennessee [H.B. 2371/S.B. 2423](#) extends immunity from liability to include property damage caused by inherent risks of agritourism activities under certain circumstances.

(CODIFIED AT T. C. A. § 43-39-103)

- Vermont [H. 0794](#) defines agritourism and establishes liability for agritourism providers from inherent risks arising from an agritourism activity.

(DEAD)

- West Virginia [S.B. 490](#) establishes penalties under trespass for persons that willfully trespass on the property of another constituting an animal or crop facility, including a facility used to carry out agritourism.

(CODIFIED AT W. VA. CODE §61 - 3 B- 7)

- Ohio [H.B. 37](#) establishes definitions for agritourism, farm, participant, and risks inherent in an agritourism activity. It also provides immunity from liability for harm sustained during an agritourism activity resulting from risks inherent to an agritourism activity and requires an agritourism provider to post signs containing a warning notice as required by law.

(DEAD)

RECOMMENDATIONS

Almost all state agritourism laws address key definitions for terms such as agritourism, agritourism provider, and types of allowed activities, and address liability protections for agritourism providers. However, the most comprehensive agritourism law would address other critical issues relevant to agritourism such as zoning, funding, taxation, and licensing. Based on trends in agritourism activities, common disputes and litigation, and an analysis of existing agritourism laws, this report identifies the following recommendations for legislative drafters:

- **Clear definitions:** State law should clearly define both direct and indirect agritourism activities. Direct agritourism activities include those directly connected to agriculture, such as farm stands or pick-your-own operations. While many state definitions explain or list examples of direct agricultural activities, indirect agritourism activities remain undefined and ambiguous. Agritourism laws should clearly define and elucidate indirect agritourism activities such as camping, music festivals, and weddings.
- **Land use and zoning:** As noted above, many agritourism disputes are related to land use and zoning. State land use planning and zoning statutes should clearly address whether specific agritourism activities are permitted and detail the process required for municipalities to prohibit a particular activity. State policymakers may also wish to encourage municipalities to clearly detail the process and steps that an agritourism operator needs to take to comply with applicable land use and zoning laws.
- **Liability:** With the emergence of COVID-19, people may be seeking more outdoor spaces for events, and farms could provide venues. However, lack of clarity about indirect agritourism activities may result in uncertainty about whether liability protections cover such activities. State laws should consider and clearly articulate which activities are subject to immunity provisions as well as the steps required for operators to secure immunity from liability (e.g., waivers, warning signs).
- **Emerging cannabis industry:** State agritourism laws should address emerging agricultural areas such as cannabis cultivation.³² For example, states should consider whether the definition of farming includes cannabis production and whether cannabis tourism, such as visiting a cannabis farm and purchasing cannabis products, qualifies as agritourism.
- **Funding:** Funding is critical to the implementation and success of any legislation, including with regard to agritourism. Farmers are already operating at low margins and while agritourism may serve as a revenue generator, it may also require some up-front investments that farmers cannot afford. States can allocate funding in terms of grants and loans for agritourism programs. For example, New York and Oklahoma introduced bills providing funding for agritourism activities. Vermont enacted legislation amending the definition of a farm to include an agritourism business for purposes of the Vermont Agricultural Credit Program.
- **Taxation:** State taxation and agritourism laws should address whether agritourism operations, especially indirect agritourism activities, may qualify for lower taxation under the state's current agricultural use value taxation. For example, Ohio explicitly includes agritourism in the definition of "land exclusively devoted to agriculture" for tax assessment purposes.

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Vermont Law School's Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. In partnership with local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system.



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APPENDIX OF STATE LAWS

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Alabama	Agritourism includes the following activities whether or not a participant provides monetary or other valuable compensation to participate in, view, or enjoy – activities including, but not limited to, farming, ranching, historic and cultural agricultural activities, self-pick farms, or farmers’ markets, provided the agritourism professional is selling his or her own product at a location provided to, leased to, rented to, or owned by the agritourism professional for the purpose of selling his or her own product. Also, activities involving an animal exhibition, show, or competition at an agricultural fair or youth livestock show, which is not already addressed under Section 6-5-337, including, but not limited to, FFA, 4-H, group, club, or other association shows or expositions.	None	Civil Practice (Title 6)	Ala. Code § 6-5-347
Alaska	Farm touring is defined as visiting a farm to observe or experience aspects of raising, growing, producing, cultivating, harvesting, or processing an agricultural product as a tourist, without receiving pay.	None	Agriculture, Animals and Food (Title 3) and Code of Civil Procedure (Title 9)	Alaska Stat. § 03.05.010; § 09.65.290
Arizona	Any activity that allows members of the general public, for recreational or educational purposes, to view, enjoy or participate in rural activities, including farming, ranching, historical, cultural, u-pick, harvest-your-own produce or natural activities and attractions occurring on property defined as agricultural real property, if the activity is conducted in connection with and directly related to a business whose primary income is derived from producing livestock or agricultural commodities for commercial purposes.	None	Agriculture (Title 3) and Counties (Title 11)	Ariz. Rev. Stat. § 3-111; § 11-812
Arkansas	Agritourism refers to an interactive or passive activity carried out with or without payment to an agritourism activity operator on a farm, ranch, or agribusiness operation related to agriculture, food production, historic traditions, or nature watching conducted by an agritourism activity operator for the education, entertainment, or recreation of participants. It includes without limitation a farming or ranching activity, the viewing of historic, cultural, or natural attractions, a harvest-your-own activity, nature-watching, and an activity involving an animal exhibition at an agricultural fair.	Excludes roadside fruit and vegetable stands and operations exclusively devoted to the sale of merchandise or food.	Agriculture (Title 2)	Ark. Code Ann. § 2-11-103
California	N/A	N/A	N/A	N/A

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Colorado	An agricultural recreation or agritourism activity refers to an activity related to the normal course of agriculture which activity is engaged in by participants for entertainment, pleasure, or other recreational purposes, or for educational purposes, regardless of whether a fee is charged to the participants. It also includes hunting, shooting, swimming, diving, tubing, and riding or operating a motorized recreational vehicle that occurs on or in proximity to the property of an agricultural operation or an adjacent roadway. In addition, it includes but is not limited to, planting, cultivation, irrigation, or harvesting of crops, acceptable practices of animal husbandry, rodeo and livestock activities, and maintenance of farm or ranch equipment.	Agricultural recreation or agritourism activity does not include any activity related to or associated with medical marijuana or retail marijuana.	Courts and Court Procedure under Damages and Limitations on Actions (Title 13) and Property - Real and Personal (Title 38)	Colo. Rev. Stat. § 13-21-121; § 38-13-116.7
Connecticut	N/A	N/A	Agriculture, Domestic Animals (Title 22)	Conn. Gen. Stat. § 22-38a
Delaware	Agritourism activity means any activity that allows members of the general public to view or enjoy rural activities, including farming, ranching, wineries, historical, cultural or harvest-your-own activities, guided or self-guided tours, bed and breakfast accommodations or temporary outdoor recreation activities. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	Exclude rodeos, hunting, fishing, swimming, boating, canoeing or kayaking, temporary camping, picnicking, hiking, diving, water skiing or tubing, paintball, and nonmotorized freestyle, mountain or off-road bicycling.	Counties (Title 9)	Del. Code Ann. tit. 9 § 306
Florida	An agritourism activity refers to any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.	It does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.	Agriculture, Horticulture and Animal Industry (Title 35)	Fla. Stat. Ann. §§ 570.85 - 570.89

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Georgia	Agritourism means charging admission for persons to visit, view, or participate in the operation of a farm or dairy or production of farm or dairy products for entertainment or educational purposes or selling farm or dairy products to persons who visit such farm or dairy.	None	Revenue and Taxation (Title 48), State Government (Title 50), Torts and Regulations Title 51) and Rules of Georgia Department of Agriculture (Title 40)	Ga. Code Ann. § 48-5-7.4(p)(7) (B); §§ 51-3-31; Ga. Comp. R. & Regs. R. 40-28-1-.01 -.06
Hawaii	Agricultural tourism refers to activities conducted on a working farm, or a farming operation for the enjoyment, education, or involvement of visitors provided that the activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations. This applies only to counties that have adopted ordinances regulating agricultural tourism. Agricultural tourism activities include overnight accommodations of twenty-one days or less for anyone to stay within a county. Allowance of overnight accommodations shall only to a county made up of at least three islands and adopted ordinances regulating agritourism, and it must coexist with a bonafide agricultural activity. Agricultural tourism also includes a roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.	None	Planning and Economic Development (Title 13)	Haw. Rev. Stat. § 205-4.5
Idaho	An agritourism activity refers to any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, petting zoos, farm festivals, corn mazes, harvest-your-own operations, hayrides, barn parties, horseback riding, fee fishing, and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	None	Actions in Particular Cases (Title 6)	Idaho Code § 6-3003
Illinois	N/A	N/A	N/A	N/A

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Indiana	Agritourism means the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Whereas an agritourism activity refers to activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, historic and cultural agricultural activities, self-pick farms, or farmers' markets. It also includes an activity involving an animal exhibition at an agricultural fair or natural resource-based activities and attractions, including hunting, fishing, hiking, and trail riding.	This chapter does not apply if a participant is paid to participate in the activity. It also does not apply if an agritourism provider does not comply with the requirements concerning signs and warning notices required by this chapter.	Civil Law and Procedure (Limited Liability) (Title 34)	Ind. Code Ann. §§ 34-31-9-1 to -14
Iowa	N/A	N/A	N/A	N/A
Kansas	Agritourism refers to any activity which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity.	An activity is not an agritourism activity if the participant is paid to participate in the activity.	Wildlife, Parks and Recreation (Chapter 32)	Kan. Stat. Ann. § 32-1432 - 1438
Kentucky	Agritourism means the act of visiting a farm or ranch or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation. An agritourism activity refers to any activity carried out on a farm or ranch or any agricultural, horticultural, or agribusiness operation that allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Such activities can include farming, ranching, historic or cultural agricultural activities, harvest-your-own operations, patronizing farmers' markets, or natural resource-based activities. An activity is an agritourism activity whether or not a participant pays to view or participate in the activity.	None	Agriculture and Animals (Title 21)	Ky. Rev. Stat. Ann. § 247.800-810

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Louisiana	Agritourism means the travel or visits by the general public to, or the practice of inviting the general public to travel to or visit, a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the purpose of enjoyment, education, or participation in the activities of the farm, ranch, or other agricultural. The commissioner of agriculture and forestry, in accordance with the Administrative Procedure Act, adopts activities set forth in a plan of operation approved by the director of the Louisiana Cooperative Extension Service of the Louisiana State University Agricultural Center or his designee. Currently adopted activities include: Agricultural Crafts Tours and Visits Farm/Ranch Vacations; Agricultural Exhibits Tours and Visits Farmers Markets/on Farm Sales/Roadside; Stands Visits and Participation; Agricultural Fairs and Festivals Visits and Participation; Fishing; Agricultural Operations Planting, Harvesting and Working; Activities; Game/Exotic Farm Animal Tours and Visits; Agricultural Operations Tours and Visits Garden/Nursery Tours and Visits; Guided Crop Tours and Visits; Bed and Breakfasts Tours, Visits, and Stays Hiking/Packing Trips; Historical Tours of or Visits to Former Agricultural Operations; Bird Watching; Boating/Swamp Tours Horseback/Pony Riding; Camping/Picnicking Hunting; Christmas Tree Farms Visits and Tree Cutting Hunting/Working Dog Trials/Training; Corn/Hay Bale/Other Mazes Visits and Participation Petting Zoos Tours, Visits, and Interaction with Animals; Crop Harvesting at U-Pick Operations Pumpkin Patch Visits and Participation; Educational Tours and Visits Skeet Shooting; Equine Activity [as defined in R.S. 9:2795.3(A)(3)]; Attendance and Participation; Wagon Rides Attendance and Participation; Winery Tours and Visits; Farm Animal Activity [as defined in R.S. 9:2795.1(A)(3)]; Attendance and Participation; Youth Camp Stays and Participation.	None	Civil Code Ancillaries (Title 9)	La. Stat. Ann. § 9:2795.5
Maine	Agritourism activity means any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.	None	Animals and Agriculture (Title 7)	Me. Rev. Stat. tit. 7, §§ 251-252
Maryland	Agritourism means an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation. Agritourism includes farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, pick your own or cut your own produce, classes related to agricultural products or skills and picnic and party facilities offered in conjunction with any agritourism activity.	None	Zoning (Title 4) and Building and Material Codes (Title 12)	Md. Code Ann., Land Use, § 4-212; Md. Code, Public Safety, § 12-508
Massachusetts	N/A	N/A		N/A

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
Michigan	N/A	N/A		N/A
Minnesota	Agritourism activity means an activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to farming, viticulture, winemaking, ranching, and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.	None	Civil Liability Limitations (Chapter 604A)	Minn. Stat. § 604A.40
Mississippi	Agritourism means the travel or visits by the general public to, or the practice of inviting or allowing the general public to travel to or visit a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the purpose of enjoyment, education, or participation in the activities of the farm, ranch, or other agricultural, aquacultural, horticultural, or forestry operation. Agritourism activity means any activity which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities or historic or cultural or natural attractions.	None	Agriculture, Horticulture and Animals (Title 69)	Miss. Code Ann. § 69-53-1
Missouri	Agritourism activity means any activity which allows members of the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities, including but not limited to farming activities, ranching activities, or historic, cultural, or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity.	An activity is not an agritourism activity if the participant is paid to participate in the activity;	Statutory Actions and Torts (Title 36)	Mo. Rev. Stat. §§ 537.850; 537.856; 537.859
Montana	Agritourism means a form of commercial enterprise that links agricultural production or agricultural processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for purposes of entertaining or educating the visitors.	None	Civil Liability, Remedies and Limitations (Title 27)	Mont. Code Ann. §§ 27-1-752 to 754
Nebraska	Agritourism activities include any one or any combination of the following: Hunting, fishing, swimming, boating, canoeing, kayaking, tubing, water sports, camping, picnicking, hiking, backpacking, bicycling, horseback riding, nature study, birding, farm, ranch, and vineyard tours and activities, harvest-your-own activities, waterskiing, snow-shoeing, cross-country skiing, visiting and viewing historical, ecological, archaeological, scenic, or scientific sites, and similar activities.	None	State Culture and History (Chapter 82)	Neb. Rev. Stat. §§ 82-601 to 607

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Nevada	N/A	N/A	N/A	N/A
New Hampshire	Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm, whether on-site or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section, marketing shall include agritourism, which means attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm.	None	Planning and Zoning (Title 54)	RSA 674:32-d
New Jersey	N/A	N/A	N/A	N/A
New Mexico	N/A	N/A	N/A	N/A
New York	Agricultural tourism means activities, including the production of maple sap and pure maple products made therefrom, farm and winery tours, equine activities both outdoors and indoors.	Excludes equine therapy, u-pick, Christmas trees, hiking, hunting and other forms of outdoor recreation offered to farm visitors, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promotes the sale, marketing, production, harvesting or use of the products of the farm and enhances the public's understanding and awareness of farming and farm life.	General Obligations Law - Chapter 24-a Of the Consolidated Laws under Article 18-B; Agriculture and Markets Law - Chap. 69 - Article 25-AA Agricultural Districts	N.Y. Gen. Oblig. Law §§ 18-301-18-303; N.Y. Agric. & Mkts. Law § 301 et seq.

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
North Carolina	Agritourism activity means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. It also includes any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	None	Special Liability Provisions (Chapter 99E)	N.C. Gen. Stat § 99E-30
North Dakota	Agritourism activity means any activity, including farming and ranching activities, or any historic, cultural, or natural attraction, that is viewed or enjoyed by members of the general public, for educational, recreational, or entertainment purposes, regardless of whether the member of the general public pays to participate in the activity or to view or enjoy the attraction.	None	Sports and Amusements (Title 53)	N.D. Cent. Code § 53-13-01
Ohio	Agritourism means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.	None	Agriculture, Animals and Fences (Title 9), Township Zoning (Title 5), Counties (Title 3) and Taxation (Title 57)	Ohio Rev. Code Ann. §§ 901.80; 929.01; 519.21; 303.21; 5713.30(A)(5)
Oklahoma	Agritourism activity means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	None	Agriculture (Title 2)	Okla. Stat. tit. 2, § 5-15
Oregon	Agri-tourism activity means an activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching and historical, cultural or harvest-your-own activities or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	None	Remedies and Special Actions and Proceedings (Title 3) and Economic Development (Title 26a)	Or. Rev. Stat. §§ 284.111(3)(d); 30.671
Pennsylvania	N/A	N/A	N/A	N/A
Rhode Island	N/A	N/A	N/A	N/A
South Carolina	Agritourism activity means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to participate in rural activities.	None	Agriculture (Title 46)	S. C. Code Ann. §§ 46-53-10 to 46-53-50

STATE	STATE DEFINITION OF AGRITOURISM/AGRITOURIST ACTIVITY	SPECIFIC EXCLUSIONS	TITLE(S) REGULATING AGRITOURISM	STATUTORY CITATIONS
South Dakota	Agritourism activity means any activity carried out on a farm, on a ranch, in a forest, or on an agribusiness operation that allows members of the general public, for recreational, entertainment, or educational purposes, to view or participate in agricultural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	An activity is not an agritourism activity if the participant is paid to participate in the activity.	Personal Rights and Obligations (Title 20)	S.D. Codified Laws §§ 20-9-12 - 20-9-18
Tennessee	Agritourism activity means any activity carried out on a farm or ranch, eligible for greenbelt classification that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities or natural activities and attractions. An activity is an agritourism activity whether or not a participant provides compensation in money or other valuable compensation to participate in the activity. Agritourism activity includes an activity involving any animal exhibition at an agricultural fair, regardless of the location of the fair.	None	Agriculture and Horticulture (Title 43)	Tenn. Code Ann. § 43-39-101
Texas	Agritourism activity means an activity on agricultural land for recreational or educational purposes of participants, without regard to compensation. Agricultural land refers to land that is located in this state, and that is suitable for use in the production of plants and fruits grown for human or animal consumption, or plants grown for the production of fibers, floriculture, viticulture, horticulture, or planting seed. Agricultural land also includes a domestic or native farm or ranch animals kept for use or profit.	None	Liability in Tort (Title 4)	Tex. Civ. Prac. & Rem. Code Ann. § 75A.001
Utah	Agricultural tourism activity means an educational or recreational activity that takes place on a farm or ranch or other commercial agricultural, aquacultural, horticultural, or forestry operation, and allows an individual to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural operations. Further defines agritourism as the travel or visit by the general public to a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the enjoyment of, education about, or participation in the activities of the farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.	None	Judicial Code under Limitations on Liability (Title 78b)	Utah Code Ann. § 78B-4-512

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Vermont	Accessory on-farm business means an activity that is accessory to a farm and comprises one or both of the following: (I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located. (II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.	None	Municipal and County Government (Title 24)	Vt. Stat. Ann. Tit 24, § 4412 (C)
Virginia	Agritourism activity means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.	None	Agriculture, Animal Care, and Food (Title 3.2)	Va. Code Ann. §§ 3.2-6400-6402
Washington	Agritourism activity means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to farming, ranching, historic, cultural, and on-site educational programs; recreational farming programs that may include on-site hospitality services, guided and self-guided tours, petting zoos, farm festivals, corn mazes, harvest-your-own operations, hayrides, barn parties, horseback riding, fishing, and camping.	None	Civil Procedure (Title 4)	Wash. Rev. Code §§ 4.24.830; 4.24.832; 4.24.835
West Virginia	Agritourism activity refers to any lawful activity carried out on a farm or ranch that allows members of the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities.	None	Agriculture (Chapter 19)	W. Va. Code §§ 19-36-1 - 19-36-5
Wisconsin	Agricultural tourism activity means an educational or recreational activity that takes place on a farm, ranch, grove, or other places where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that 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, or husbandry that occurs on the farm, ranch, grove, or other places.	None	Misc. Damages, Liability and Misc. Provisions Regarding Actions in Courts (Chapter 895)	Wis. Stat. §895.524-525
Wyoming	N/A	N/A	N/A	N/A

ENDNOTES

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- 2 Robert A. Hoppe et al., USDA Economic Research Service (ERS), Small Farms in the United States: Persistence Under Pressure, EIB No. 63, (Feb. 2010), https://www.ers.usda.gov/webdocs/publications/44460/8727_eib63_1_.pdf?v=0.
- 3 USDA Economic Research Service (ERS), Farming and Farm Income, (Feb. 5, 2020), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/farming-and-farm-income/>.
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- 5 Elizabeth Dooley, Note, Watch Where You're Steppin' Out Here: Why States Should Adopt Legislation to Promote the Diversified Farming Practice of Agritourism, 15 Drake J. Agric. L. 455 (2010) <https://nationalaglawcenter.org/publication/note-watch-where-youre-steppin-out-here-why-states-should-adopt-legislation-to-promote-the-diversified-farming-practice-of-agritourism-15-drake-j-agricultural-l-455-483-2010/>.
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- 9 Fritz Hahn, Where's the Most Relaxing Place to Sip a Cold Beer Right Now? At a Farm, Wash. Post, (Aug. 13, 2020), https://www.washingtonpost.com/goingoutguide/wheres-the-most-relaxing-place-to-sip-a-cold-beer-right-now-at-a-farm/2020/08/12/77e2082c-db31-11ea-809e-b8be57ba616e_story.html, 2 Rathkopf's The Law of Zoning and Planning 4th § 33:28 Farming, Uses Accessory to.
- 10 USDA National Agricultural Statistics Service (NASS), 2017 Census of Agriculture, General Explanation and Census of Agriculture Report Form, Table 7, (2019) https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_1_US/st99_1_0007_0008.pdf.
- 11 Christine Whitt et al., USDA Economic Research Service (ERS), Agritourism Allows Farms To Diversify and Has Potential Benefits for Rural Communities, (Nov. 4, 2019) <https://www.ers.usda.gov/amber-waves/2019/november/agritourism-allows-farms-to-diversify-and-has-potential-benefits-for-rural-communities/>. The report notes that "2017 data excluded wineries, although they were included in the 2002, 2007, and 2012 data, which suggests agritourism revenue growth may have been even greater during that period [between 2012-2017]." Id.
- 12 Lisa C. Chase et al., Agritourism: Toward a Conceptual Framework for Industry Analysis, 8 J. of Agric., Food Systems & Community Dev., 13-19 (Apr. 2, 2018) <https://doi.org/10.5304/jafscd.2018.081.016>.
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- 14 Nat'l Agric. Law Ctr., Agritourism Overview, <https://nationalaglawcenter.org/overview/agritourism/>.
- 15 University of Vermont, Agritourism Tools and Resources, <https://www.uvm.edu/vtrc/agritourism-tools-and-resources> (last visited Feb. 18, 2021).
- 16 See Nat'l Agric. Law Ctr., Agritourism Overview, <https://nationalaglawcenter.org/overview/agritourism/>.
- 17 Peggy Kirk Hall & Abigail Wood, Nat'l Agric. Law Ctr., Ten Legal Issues for Farm Stay Operators, Factsheet Series:2020, 5-6 (2020), https://nationalaglawcenter.org/wp-content/uploads/assets/articles/hall_farmstay.pdf; See also Peggy Kirk Hall & Ellen Essman, Nat'l Agric. Law Ctr., Recent Agritourism Litigation in the United States, <https://nationalaglawcenter.org/wp-content/uploads/assets/articles/AgritourismLitigationHallFinal.pdf> (discussing recent examples of agritourism litigation, several of which involve the definition of agritourism) (last visited Feb. 18, 2021)..
- 18 Haw. Rev. Stat. § 205-4.5(14).
- 19 These states include Alabama, Arkansas, Colorado, Delaware, Florida, Idaho, Kansas, Kentucky, Maine, Minnesota, Missouri, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.
- 20 Arizona, Hawaii, Louisiana, Maryland, Mississippi, Montana, Nebraska, New Hampshire, New York, Ohio, South Carolina, Utah, Vermont, Washington, and West Virginia.
- 21 See Alaska Stat. § 09.65.202 (c)(1) (stating that a landowner is not protected from liability flowing from recreational activities where fees are paid to access the land).
- 22 Ga. Code Ann. § 48-5-7.4 (p)(7)(B).
- 23 Peggy Kirk Hall & Evin Bachelor, Nat'l Agric. Law Ctr. Agritourism and Insurance, Factsheet Series: 2019, 3 (Jan. 9, 2019) <https://nationalaglawcenter.org/wp-content/uploads/assets/articles/Agritourism-series-Insurance.pdf>.
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- 25 N.C. Gen. Stat. § 99E-31(a).
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- 28 Jess Phelps, Agricultural Exceptionalism in Vermont Land Use Law, 30 Duke Environmental Law & Policy Forum 143-195 (2019); 3 Am. Law. Zoning 5th § 18:68.40 Special Events Zoning; Peggy Kirk & Evin Bachelor, Nat'l Agric. Law Ctr., Agritourism Activities and Zoning, Factsheet Series: 2019, (Feb. 10, 2019) <https://farmoffice.osu.edu/sites/aglaw/files/site-library/Agritourism%20Activities%20and%20Zoning.pdf>.

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- 32 Susan G. Hauser, Cannabis Tourism Is on the Rise, N.Y. Times, (Jul. 3, 2019) <https://www.nytimes.com/2019/07/03/travel/marijuana-vacation-travel-cannabis-usa.html>.