


# Agriculture Liability – Covered or Not Covered – That Is The Question

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# When The Crops Are Out – Now What?

- Agritainment
  - Farm-based business where insured invites the public and charges a fee for a variety of fun attractions.
  - From hayrides to weddings and everything in between.
  - The list is endless.



# Liability Exposures

- Operation of machinery
- Parking and traffic controls
- Walkways
- Access to operations
- Recreational activities
- Transportation of employees or customers
- Attractive nuisances

# Weddings



- **Premises liability.** Who's responsible if a guest suffers an injury at a wedding barn? The farmer might bear legal responsibility for the harm, but it would depend upon how and why the injury occurred.
- Dangerous conditions in and around the wedding barn place high risk on the farmer or rancher. Failing to protect visitors from those conditions can lead to liability issues. Some states have agritourism immunity laws that could provide liability protection, but laws vary on whether weddings fall within that protection.

# Weddings

- **Food and alcohol laws.** Weddings and food just go together, but they raise licensing and food safety issues.
- If the wedding barn business includes preparing and providing the food for guests, it will be necessary to obtain appropriate licenses and comply with food safety laws. Using caterers or allowing self-provided foods reduces licensing and food safety concerns.
- Serving or allowing alcohol to be served can bring additional licensing needs. Food and liquor laws differ from state to state, so look at the applicable law to understand legal requirements.





# Hayrides

- Hayrides may seem innocent enough – but –
- Improper maintenance or repairs. Improper safety devices. No special training for drivers – what could go wrong.
- Guidelines
  - The Hayride Path
  - Choosing Drivers
  - Preparing the Wagon
  - Time for a Hayride



# Hayrides

- **The fatal hayride accident occurred at approximately 8:30 p.m. when the driver of the Jeep pulling the hayride trailer near a “haunted house” at the top of the hill missed a right-hand turn and went off of the steep dirt road. Straying from the dirt road caused the tractor to jackknife and overturn. The sheriff further noted that he had never seen a single incident that resulted in so many injuries. As many as 12 ambulances and life flight helicopters were required.**
- 17 year old deceased and 16 year old critically injured.
- Hayrides can be fun, but they can also be tragic without adequate attention to safety.

# Halloween Hayrides



- Two children and one adult were killed and multiple others suffered "life-threatening" injuries when a truck plowed into a Halloween hayride in rural Mississippi.



# Pumpkin Chucking

- Pumkin Chunkin explosion injures 2 – cannon exploded and sent large pieces of material into the air in all directions.
- Pumpkin Chunkin volunteer who rode around the grounds helping determine the distance suffered a spinal injury when his ATV flipped.



# Bounce House



- What Could Possibly Happen
  - According to the CPSC (Consumer Protection Safety Commission) a lot
  - Broken bones – especially arms, hands, legs and feet
  - Head and neck injuries
  - Tooth loss
  - 9 year old dies when bounce house was blown into the air and got caught in power lines

# Bounce House

- 54 year old man attending Cleveland Indians game when an inflatable slide fell on top of him. Multiple broken bones – dies 9 days later due to his injuries
- 3 year old died of head injuries after two adults fell on him
- Let add water - Drownings



# Farmers Markets



- According to the FDA last year there were 48 million cases of foodborne illnesses, 128,000 hospitalization due to food poisoning and 3,000 foodborne illness-related deaths.
- Negligent handling and preparation of food products
- Poor hygiene practices big issue.



# Corn Maze

- 911 Calls
- Fire
- Medical Emergency
- Trips and falls





# And The List Goes On



- Petting Zoos – Children feeding animals in a petting zoo could contract bacterial infections.
- Animal bites – not just dogs anymore

# Who Gets Sued?

- Operator or Supervisor
- Equipment owner
- Installer
- Renter
- Manufacturer
- Property owner where the accident occurred



# Release Forms

- Hunting & Guiding
- Equine Riding Lessons
- Equine Boarding
- Equine Breeding
- Trail Rides
- Hay Rides
- School Tours
- Corn Maze

- Farmers Markets
- ATV Tours
- Guest Ranches
- Leased Hunting

But, waivers are not a substitute for sound risk management or liability insurance