



Michigan Agritourism

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Limited Liability Discussion

Agritourism-specific limited liability laws exist in other states to protect agritourism operators from being held liable for the consequences that come from the inherent risks of visiting a farm or other agritourism entity. Other states have limited liability protections for agritourism operations, and legislation has been discussed by various state senators and representatives in Michigan over the past few years with encouragement from Michigan Agritourism and Michigan Farm Bureau. There are numerous reasons as to why LLA has not moved forward in the Michigan legislature, including a lack of political will, opposition from special interest groups, an effort by the equine industry to have their own limited liability law, and a belief by the legislature that such legislation is redundant.

What has Michigan Agritourism done on this issue in 2015

1. Michigan Agritourism board members gave a presentation about agritourism and the needs of the agritourism industry to the State House Committee on Tourism, and spoke with individual representatives about the need for limited liability protections.
2. The board has met with the Michigan Farm Bureau Governmental Relations team multiple times to determine the best way forward on limited liability in Michigan.
3. Michigan Agritourism has worked with Michigan Farm Bureau to educate its members about the existing protections that already exist for them under Michigan law.

Why is there an assumption that an agritourism-specific limited liability law would be redundant?

Michigan already has a strong Recreational Use Statute, which protects landowners who allow others to access their property for recreational purposes. Section 5 of the Recreational Use Statute is specific to agritourism operators, stating that, "a cause of action shall not arise...for injuries to a person...who is on the land for the purpose of picking and purchasing agricultural or farm products at a farm." While every state has a Recreational Use Statute, most states do not specifically protect agritourism operators in the Recreational Use Statute.

Michigan common law also protects agritourism operators. Many examples of agritourism limited liability laws actually may increase the duties of the landowner to above and beyond what is required by common law, and the Michigan Recreational Use Statute.

What is next for Michigan Agritourism and Limited Liability?

We continue to work with Michigan Farm Bureau to educate our members about the existing protections that exist under Michigan law for their operations. We are also open to working with the Legislature in the right political climate to pass an agritourism-specific limited liability law, but would want to make sure the legislation does not increase landowner duties & responsibilities, and goes above and beyond the protections offered under current Michigan law.

For more information, please feel free to contact:

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