

# Agricultural Tourism Amendments

Utah Department of Agriculture and Food  
Utah Farm Bureau  
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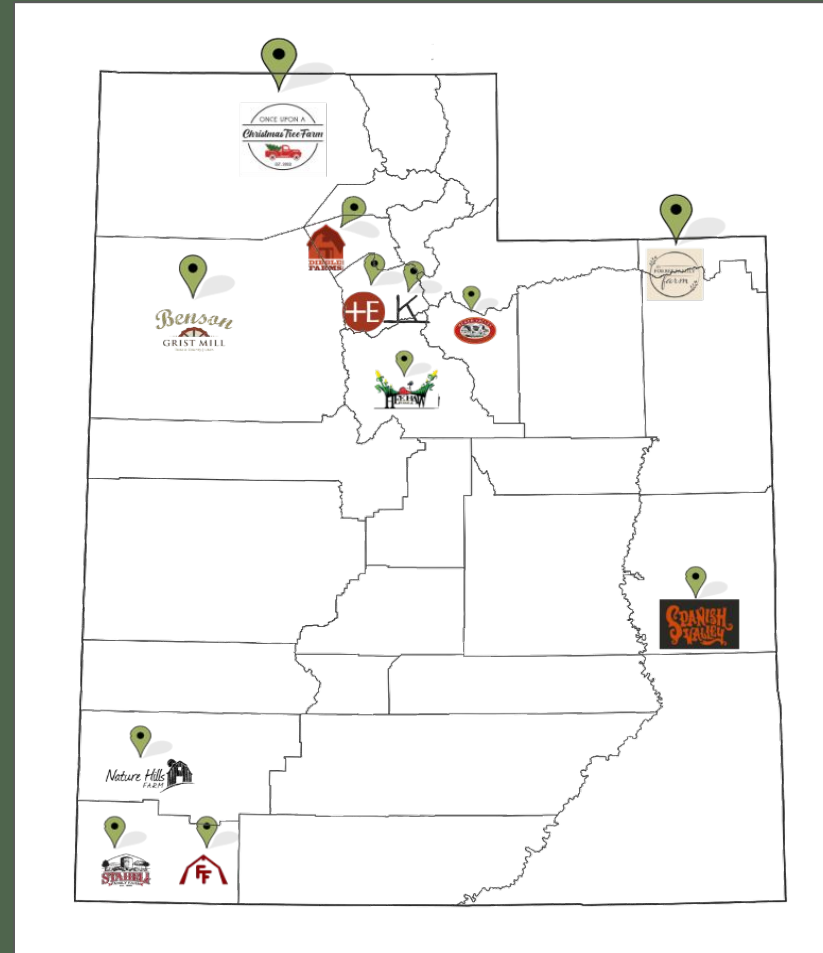
# Benefits of Agritourism:

- Draws visitors across the state
- Innovation and additional revenue for traditional operations-economic viability
- Helps operations facing development pressure stay open
- Low barrier to entry- can be simple and approachable
- Preserves Ag land and space
- Provides opportunity to learn and connect with local food



# Highlighting Unique Agritourism Operations in Utah

- **Once Upon a Christmas Tree Farms** (Tremonton)- Seasonal events & activities
- **Forbes Family Farms:** (Manila) - seasonal events, workshops, and farm store
- **Dibble Farms** (Layton)- Fall festival, farm store
- **Cross E Ranch** (Salt Lake)- Fall festival, sunflower festival, special events, and more
- **The Kinlands** (Riverton)- Fall activities, farm store, and workshops
- **Heber Valley Cheese** (Midway)- Dairy tour, seasonal festivities, workshops, and farm store
- **Hee Haw Farm** (Pleasant Grove): Seasonal festivals, farm activities, petting zoo, and farm store
- **Spanish Valley Vineyard** (Moab): Tours & tastings and special events



# Feedback from Operators



- Farm Bureau Policy Issue Research Committee
- UDAF Public Outreach
- Natural Resources Interim Study Item-presented in August





# Operator Concerns

## Liability

- Some operators are not able to get sufficient liability insurance for their operations or it is very expensive.
- Insurance won't cover certain activities or will drop coverage.
- Signage issues- Utah law requires signage for liability protection but there is no standard language.

## Promotion

- Can UDAF help advertise operations and bring legitimacy?



# Agricultural Tourism Amendments

***Goal: Incorporate feedback from operators, improve Utah's current law, learn from other states***

1. Clarifies definitions
2. Agritourism is added to Utah's Right to Farm statute
3. Clarifies that an agricultural tourism operation may be included in an agricultural protection area
4. Strengthens liability protections
5. Creates standard warning sign requirements
6. Creates voluntary registry maintained by UDAF



# Updated Definitions 78B-4-512

**Agricultural enterprise, Agritourism activity, Agritourism, Participant, Operator** - Definitions updated for clarity and consistency.

**Inherent risk of an agritourism activity** - A danger, hazard, or condition that is part of an agritourism activity, including:

Surface and subsurface conditions of land, vegetation, or water on the property

Unpredictable behavior of domesticated or farm animals on the property

Reasonable dangers of structures or equipment ordinarily used when agricultural or horticultural crops are grown or farm animals or farmed fish are raised

Behavior of insects or wildlife not owned or kept by the operator of the property

Exposure to pathogens from animals, animal feed, animal waste, or other sources



# Agricultural Operations Nuisances Act Changes 4-44 (Utah Right to Farm law)

Agritourism activity added to the definition of agricultural operation.

This means that agritourism operators can use the defenses to a civil action for nuisance that are available to other agricultural operations in 4-44-201.





# Agriculture Protection Area 17-41-301

New language: an agricultural protection area may include within the boundaries of the agricultural protection area, an agritourism activity, as defined in Section 78B-4-512

This will allow agricultural operations to apply to a county or municipality to put their operation within an agricultural protection area.

The statute limits the ability of political subdivisions to enact regulations that would unreasonably restrict farm structures or farm practices or change zoning designations within an agricultural protection area.



# Increased Liability Protection for Operators 78B-4-512

## Updated Language :

A participant may not make a claim against, or recover damages from an operator for injury, illness, death, or personal property damage that primarily results from:

An **inherent risk** of an agritourism activity; or

the participants failure to:

follow instructions given by an operator; or

**exercise reasonable caution** while engaged in or observing an agritourism activity.



# Standardized Signage

The following signage is required in a clearly visible location at each entrance to the property where an agritourism activity takes place or at the location of each agritourism activity:

WARNING: Under Utah law, an operator of an agritourism activity or the property where the activity takes place is not liable for the injury, illness, death, or damage to personal property of a participant that primarily results from the inherent risks of the activity or a participants failure to follow instructions or exercise reasonable caution. You are assuming the risk of participating in or observing an agritourism activity.



# Voluntary UDAF Agritourism Registry 4-2-1001

- Requires that UDAF maintain a voluntary agritourism registry to provide public notice of locations where individuals may participate in an agritourism activity.
- Owners may voluntarily place their activity on the registry by providing information to the Department.
- The registry shall be posted on the UDAF website.
- UDAF may publicize the availability of the registry.
- UDAF may not charge a fee for the registry.
- Registrations are good for five years unless the owner requests removal.





# QUESTIONS?

