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States' Agritourism Statutes: *Georgia*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

States' Agritourism Statutes: Georgia

Ga. Code Ann. § 48-5-7.4(p)(7)(B);
Ga. Code Ann. § 50-7-70;
Ga. Code Ann. § 51-3-31;
Ga. Comp. R. & Regs. 40-28-1-.01 to 40-28-1-.06

Current through legislation passed at the 2023 Regular Session of the Georgia General Assembly; current with amendments through February 1, 2024.

§ 48-5-7.4(p)(7)(B) Current use valuation and taxation of bona fide conservation use property and bona fide residential transitional property

(B) As used in this paragraph, the term “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;

§ 50-7-70. Agricultural tourist attractions

(a) The General Assembly finds that:

- (1) Agricultural tourist attractions provide unique opportunities for tourists to enjoy Georgia's resources; and
- (2) Agricultural tourist attractions provide an impact on Georgia's economy and a substantial benefit to Georgia.

(b) As used in this Code section, the term:

- (1) “Agricultural tourist attraction” means any agricultural based business providing onsite attractions to tourists that meet the criteria set out by the Department of Agriculture.
- (2) “Department” means the Department of Agriculture.



(3) “Directional signs” shall have the meaning provided in paragraph (4) of Code Section 32-6-71.

(c) The Department of Agriculture shall:

(1) Develop criteria and an application process to determine what constitutes an agricultural tourist attraction; and

(2) Maintain a registry of approved agricultural tourist attractions.

(d) Entities wishing to be recognized by the department as an agricultural tourist attraction shall submit an application to the department with a one-time application fee of not less than \$300.00.

(e) Upon approval by the department as an agricultural tourist attraction and at the request of the applicant, the department shall, in conjunction with the Department of Transportation, take the appropriate steps to place directional signs along roads in the direct proximity of the agricultural tourist attraction to direct passing traffic to the agricultural tourist attraction.

(f) The department and the Department of Transportation shall create rules and regulations for the purpose of implementing this Code section.

§ 51-3-31. Landowner immunity; agritourism, hunting and fishing

(a) For the purposes of this Code section, the term “agritourism” shall carry the same meaning as set out in subparagraph (p)(7)(B) of Code Section 48-5-7.4.

(b) A landowner who charges admission for a person who is 18 years of age or older to hunt or fish on the owner's property or to enter the owner's property for the purposes of agritourism shall be immune from civil liability for any injuries caused by the inherent risk associated with agritourism, hunting, or fishing activity, provided that:

(1) The landowner's conduct does not constitute gross negligence or willful and wanton misconduct;

(2) The landowner has posted at the main point of entry, if present, to the property a sign with a warning notice stating the following:

(A) In the case of agritourism:

“Warning

Under Georgia law, there is no liability for an injury or death of a participant at least 18 years of age in a registered agritourism activity conducted at this



registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism activities include, but shall not be limited to, the potential of you to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.”

(B) In the case of a landowner who charges admission for a person who is 18 years of age or older to hunt or fish on the owner's property:

“Warning

Under Georgia law, there is no liability for an injury or death of a hunting or fishing participant at least 18 years of age conducted at this location if such injury or death results from the inherent risks of such hunting or fishing activity. Inherent risks of hunting or fishing activities include, but shall not be limited to, the potential of you to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this hunting or fishing activity.”

The warning notice specified in this paragraph shall appear on the sign in black letters, with each letter to be a minimum of one inch in height; and

(3) The person who has paid admission to the landowner to enter such landowner's property to hunt, fish, or for the purposes of agritourism has signed a waiver of liability form stating that the person entering the landowner's property has waived all civil liability against the landowner for any injuries caused by the inherent risk associated with agritourism, hunting, or fishing activity. Such waiver of liability form shall mirror the language provided for in paragraph (2) of this subsection regarding the warning notice.

(c) This Code section shall be supplemental to all other provisions of law that provide defenses to property owners. This Code section shall not create any new cause of action against a property owner or additional liability to property owners.

40-28-1-.01. Definitions.

(1) “Department” means the Georgia Department of Agriculture.

(2) “Agricultural tourist attraction” means any agricultural based business providing onsite attractions to tourists that meet the criteria set out in departmental rule 40-28-1-.03.



(3) “Registered agricultural tourist attraction” means a specific location registered with the Georgia Department of Agriculture.

(4) “Facility” includes, but is not limited to, real property structures, farms, businesses, and places providing recreational activities, places providing lodging, that make it usable for a designated or assigned purpose.

(5) “Tour” means an activity that is directed by a knowledgeable employee (tour guide) of the business; educational, informative, and entertaining in nature, of sufficient length to clearly describe the materials, equipment, and processes used in the production of agricultural products by the facility and conducted during open business hours, or, in the absence of regular tour times, upon availability.

40-28-1-.02. Duty of the Georgia Department of Agriculture.

Once a facility is designated an “agricultural tourist attraction” the Department shall, in conjunction with the Georgia Department of Transportation, take the appropriate steps to assist in the placement of directional signs along roads in the direct proximity of the agricultural tourist attraction to direct passing traffic to the agricultural tourist attraction. The Georgia Department of Transportation shall create guidelines relating to size, placement, location and number of signs on Federal and State highways. The Department will approve the design of the signs and logo designating an agricultural tourist attraction.

40-28-1-.03. Criteria to Determine What Constitutes an “Agricultural Tourist Attraction.”

(1) Facilities wishing to be recognized by the Department as an “agricultural tourist attraction” shall:

(a) Submit an application to the Department;

(b) Submit payment of a one-time application fee of not less than \$300.00, depending on the type of agricultural tourist attraction. Directional signage is an additional charge determined by the Georgia Department of Transportation.

(2) The owner of a business applying for an “Agricultural Tourist Attraction” shall certify in writing:



(a) That the activity allows members of the general public, for recreational, entertainment and/or educational purposes, to view or enjoy agriculturally related activities.

(b) That the business is in full compliance with all applicable Federal, State, and local laws, rules and ordinances, including, but not limited to, all applicable license and permitting requirements required by law.

40-28-1-.04. Registration of “Agricultural Tourist Attraction.”

(1) The Department shall maintain a registry of approved agricultural tourist attractions.

(2) Agricultural tourist attractions shall be registered in the following categories:

(a) Temporary registration: attractions operating 14 days or less per year.

(b) Seasonal registration: attractions operating between 15 days to six months.

(c) Year-round registration: attractions operating more than 6 months per year.

(3) Said registry shall include:

(a) Name of the agricultural tourist attraction.

(b) Information describing the activity which the participant conducts or intends to conduct.

(c) Information describing the location where the person conducts or intends to conduct such activity and appropriate contact information.

40-28-1-.05. Once Designated an “Agricultural Tourist Attraction,” the Facility Shall:

(a) Have a point-of-business sign on-site posted in a prominent and visible location stating the name of the business, the days and hours of operation, and the time tours will be conducted if applicable.

(b) Maintain a website with the hours of operation and directions to the facility.



(c) Provide onsite public restroom facilities, drinking water suitable for public consumption and an onsite telephone available for emergency purposes.

(d) Provide an all-weather structure and adequate onsite parking.

(e) If the facility designated as an “agricultural tourist attraction” shall cease to operate, the Department shall be notified, in writing, within ten (10) days thereof. Once notified, said attraction shall be removed from the registry.

40-28-1-.06. Removal of Designation.

Once a facility ceases to fulfill the criteria required as an agricultural tourist attraction, the facility shall be given thirty (30) days to come into compliance with all applicable rules. If the facility is not in compliance at the end of said period, it shall lose the designation as an agricultural tourist attraction and be removed from the Department's website. The Department of Transportation shall then be notified and all agricultural signage shall be removed. If the facility applies for reinstatement, the request shall be handled as if it were a new applicant.

