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States' Agritourism Statutes:

Missouri

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MO Rev Stat § 537.850 through 537.859

Current through the end of the 2025 First Regular Session of the 103rd General Assembly.

MO Rev Stat § 537.850. Citation of law – definitions.

1. Sections 537.850 to 537.859 shall be known and may be cited as the "Agritourism Promotion Act".

2. As used in sections 537.850 to 537.859, the following terms shall mean:

(1) **"Agritourism activity"**, 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;

(2) **"Department"**, the state department of agriculture;

(3) **"Director"**, the director of the department of agriculture;

(4) **"Inherent risks of a registered agritourism activity"**, those dangers or conditions which are an integral part of such agritourism activity, including but not limited to certain hazards such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming or ranching operations. Inherent risks of a registered agritourism activity also includes the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to follow instructions given by the registered agritourism operator or failing to exercise reasonable caution while engaging in the registered agritourism activity;

(5) **"Participant"**, any person who engages in a registered agritourism activity;

(6) **"Registered agritourism activity"**, any agritourism activity that is registered with the director of the department of agriculture as an

AgriMissouri member under section 261.230, and any rules promulgated thereunder;

(7) **"Registered agritourism location"**, a specific parcel of land which is registered with the director of the department of agriculture under section 261.230, and any rules promulgated thereunder, and where a registered agritourism operator engages in registered agritourism activities;

(8) **"Registered agritourism operator"**, any person who is engaged in the business of providing one or more agritourism activities and is registered with the director of the department of agriculture as an AgriMissouri member under section 261.230, and any rules promulgated thereunder.

MO Rev Stat § 537.856. Signage required – contract warning notice and language, contents – written description of activity required, when.

1. At every registered agritourism location, the registered agritourism operator shall post and maintain signage which contains the warning notice specified in subsection 3 of this section. The requirements of this section shall be deemed satisfied if such signage is placed in a clearly visible location at or near the registered agritourism location. The warning notice shall appear on the sign in black letters, with each letter to be at least one inch in height.

2. Every written contract entered into by a registered agritourism operator for the providing of a registered agritourism activity shall contain in clearly readable print the warning notice and language specified in subsection 3 of this section.

3. The required signage under this section shall contain the following warning notice:

"WARNING: Under Missouri law, there is no liability for an injury or death of a participant 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 are not limited to, the potential of you as a participant 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.".

4. Upon request, the registered agritourism operator shall provide to any participant a written description of the registered agritourism activity, as set forth in the registration under subdivision (6) of subsection 2 of section 537.850 for which sections 537.850 to 537.859 limit the registered agritourism operator's liability at the registered agritourism location.

MO Rev Stat § 537.859. Immunity from liability, when – affirmative defense.

1. Except as provided in subsection 2 of this section, a registered agritourism operator is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities so long as the warning contained in section 537.856 is posted as required and, except as provided in subsection 2 of this section, no participant or participant's representative shall maintain an action against or recover from a registered agritourism operator for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

2. Nothing in sections 537.850 to 537.859 shall prevent or limit the liability of a registered agritourism operator if the registered agritourism operator:

(1) Injures the participant by willful or wanton conduct;

(2) Has actual knowledge or should have known of a dangerous condition in the facilities or equipment used in the registered agritourism activity and does not make such dangerous condition known to a participant and such dangerous condition causes the participant to sustain injuries; or

(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances.

3. In any action for damages for personal injury, death, or property damage arising from the operation of a registered tourism activity in which an owner or operator is named as a defendant, it shall be an affirmative defense to that liability that:

(1) The injured person assumed the risk;

(2) The injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity; or

(3) Any equipment, animals, or appliance used by the injured person during the activity was* used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.