



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Agritourism Statutes:

Tennessee



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

A National Agricultural Law Center Research Publication

States' Agritourism Statutes: Tennessee

Tenn. Code Ann. § 43-39-101 to § 43-39-103

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly.

§ 43-39-101. Definitions

For purposes of this chapter, unless the context otherwise requires:

(1) “Agritourism activity” means any activity carried out on a farm or ranch, eligible for greenbelt classification under title 67, chapter 5, part 10, that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities or natural activities and attractions. An activity is an “agritourism activity” whether or not a participant provides compensation in money or other valuable compensation to participate in the activity. “Agritourism activity” includes an activity involving any animal exhibition at an agricultural fair, regardless of the location of the fair;

(2) “Agritourism professional” means any person who is engaged in the business of providing one (1) or more agritourism activities, whether or not for compensation;

(3)(A) “Inherent risks of agritourism activity” means those dangers, conditions or hazards that are an integral part of an agritourism activity, including, but not limited to:

(i) Surface and subsurface conditions;

(ii) Natural conditions of land, vegetation and waters;

(iii) The behavior of wild or domestic animals; and

(iv) Ordinary dangers of structures or equipment ordinarily used in farming and ranching operations.

(B) “Inherent risks of agritourism activity” also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by an agritourism professional or failing to exercise reasonable caution while engaging in an agritourism activity;



(4) “Participant” means any person, other than the agritourism professional, who engages in an agritourism activity; and

(5) “Person” means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government or any other group acting as a unit.

§ 43-39-102. Agritourism professional; liability

(a) Except as provided in subsection (b):

(1) No agritourism professional is liable for injury to or death of a participant, or damage to a participant's property, resulting solely from the inherent risks of agritourism activities, as long as the warning contained in § 43-39-103(b) is posted as required; and

(2) A participant or participant's representative shall not maintain an action against or recover from an agritourism professional for injury, loss, damage, including, but not limited to property damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

(b) Nothing in subsection (a) prevents or limits the liability of an agritourism professional if the agritourism professional or any of its agents does any one (1) or more of the following:

(1) Commits an act or omission that constitutes reckless disregard for the safety of the participant or the participant's property, and that act or omission proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(2) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in the activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(3) Fails to train, or improperly or inadequately trains, employees who are actively involved in agritourism activities, and an act or omission of the employee proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(4) Intentionally injures the participant, or damages the participant's property; or

(5) Commits any other act, error, or omission that constitutes willful or wanton misconduct, gross negligence, or criminal conduct.

(c) Nothing in subsection (a):



(1) Prevents or limits the liability of an agritourism professional under the product liability provisions in title 29, chapter 28; or

(2) Shall be construed so as to negate that assumption of the risk is an affirmative defense.

(d) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

§ 43-39-103. Warning notice sign; contracts

(a)(1) Every agritourism professional shall post and maintain a sign that contains the warning notice specified in subsection (b). The sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice shall consist of a sign in black letters, with each letter to be a minimum of one inch (1") in height.

(2) Every written contract entered into by an agritourism professional for the providing of professional services, instruction or the rental of equipment to a participant for purposes of engaging in or participating in an agritourism activity, whether or not the contract involves agritourism activities on or off the site of the agritourism activity, shall contain in clearly readable print the warning notice specified in subsection (b).

(b) The signs and contracts described in subsection (a) shall contain the following language or substantially similar language:

WARNING

Under Tennessee law, there is no liability for an injury to or death of a participant, or damage to the property of a participant, in an agritourism activity conducted at this agritourism location or by this agritourism professional if such injury, death, or property damage results from the inherent risks of the agritourism activity.

Inherent risks of agritourism activities include, among others, risks of injury and damage inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death or to the damaging of your own property. You are assuming the risk of participating in this agritourism activity.

(c) Failure to comply with this section shall prevent an agritourism professional from invoking the privileges of immunity provided by this chapter.

