



# The National Agricultural Law Center

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States' Right-To-Farm Statutes:

*Tennessee*



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# A National Agricultural Law Center Research Publication

## States' Right-To-Farm Statutes: Tennessee

[Tenn. Code Ann. §§ 43-26-101 to 43-26-104](#)

Current through Chapter 598 of the 2022 Regular Session

### § 43-26-101. Short title

This chapter shall be known and may be cited as the “Tennessee Right to Farm Act.”

### § 43-26-102. Chapter definitions

As used in this chapter, unless the context otherwise requires:

- (1) “Farm” means the land, buildings, and machinery used in the commercial production of farm products and nursery stock as defined in § 70-8-303;
- (2) “Farm operation” means a condition or activity that occurs on a farm in connection with the commercial production of farm products or nursery stock as defined in § 70-8-303, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; the employment and use of labor; marketing of farm products in conjunction with the production of farm products thereof; and any other form of agriculture as defined in § 43-1-113; and
- (3) “Farm product” means those plants and animals useful to man and includes, but is not limited to, forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; hemp, as defined in § 43-27-101; trees; fish; apiaries; equine and other similar products; or any other product that incorporates the use of food, feed, fiber or fur.
- (4) [Deleted by 2019 amendment.]

### §43-26-103. Farms presumed not nuisances

- (a) It is a rebuttable presumption that a farm or farm operation is not a public or private nuisance. The presumption created by this subsection (a)



may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either:

(1) The farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or

(2) The farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or rule, including without limitation statutes and rules administered by the department of agriculture or the department of environment and conservation.

#### **§ 43-26-104. Applicability of chapter – Construction**

This chapter does not affect any rights or duties that exist or mature under title 44, chapter 18. This chapter shall be broadly construed to effectuate its purposes.

