Title 2: Agriculture and Commerce
Part 1: Rules of the Mississippi Department of Agriculture and Commerce
Subpart 02-Administrative Rules
Chapter 13- Mississippi Agritourism Registration Guidelines

100 Under Mississippi Law, an agritourism professional must register with the Mississippi Department of Agriculture and Commerce and meet the following criteria.
(Adopted October 2012.)

Source: *Miss. Code Ann.* §69-1-1.

101 Definitions

1. "Agritourism" means the travel or visit by the general public to, or the practice of inviting or allowing the general public to travel to or visit a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the purpose of enjoyment, education, or participation in the activities of the farm, ranch, or other agricultural, aquacultural, horticultural, or forestry operation.
2. "Agritourism activity" means 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 or cultural or natural attractions.
3. "Agritourism professional" means any person, partnership, corporation, or the employees or authorized agents, who offer or conduct one or more agritourism activities, whether or not for compensation.
4. "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity, including, but not limited to, certain hazards involving 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, ranching, or other commercial agricultural, aquacultural, horticultural or forestry operation. 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 the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.
5. "Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.
6. "Limited liability act" is an act to provide limited liability to persons engaged in a Mississippi registered agritourism activity; to require warning signs at agritourism farms; to promote agritourism in Mississippi; to provide for the repeal of this act; and for related purposes
7. "Limited liability" as it relates to agritourism means an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities if the warning signs (contained in this act; see below) are posted as required and, except as is provided (see below), no participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage or death of the participant resulting exclusively from any of the

inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional may plead the provisions of this action as an affirmative defense.

8. "Agritourism Application" is an application for registration, as well as a venue information form for the agritourism website.

(Adopted October 2012.)

Source: *Miss. Code Ann.* §69-1-1.

102 Eligibility

To become registered with the Mississippi Department of Agriculture and Commerce, an agritourism professional must meet and adhere to the following criteria:

1. Every agritourism professional must post and maintain signs that contain the warning notice specified below. The sign must 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 must consist of a sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified below.

   The signs and contracts must contain the following notice of warning:

   "Warning:
   Under Mississippi law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if the injury or death results from the inherent risks of the agritourism activity. Inherent risk of agritourism activities include, among others, risks of injury inherent to land, equipment and animals, as well as the potential for you or 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 agritourism activity."

   Failure to comply with the requirements concerning warning signs and notices provided in this section will prevent an agritourism professional from invoking the privileges of immunity provided by this act.

2. An agritourism professional must register with the Mississippi Department of Agriculture and Commerce on an annual basis. The registration shall contain information describing the agritourism activity that the agritourism professional conducts or intends to conduct and the location where the person conducts or intends to conduct such agritourism activity. Additionally, the agritourism professional must pay an annual fee in the amount of fifty dollars ($50.00) to the Mississippi Department of Agriculture and Commerce at the time of registration.

3. All agritourism professionals must complete and submit the Mississippi Agritourism Application. The application includes, but is not limited to:

a. The name, physical address, mailing address, and telephone number of the agritourism operation.
b. The name, physical address, mailing address, and telephone number of the agritourism professional.
c. The business structure of the agritourism operation (sole proprietorship, partnership, corporation, Limited Liability Company, joint venture, or other).
d. Number of years that the operation has been in business.
e. A description of the agritourism activities at the location.
f. Description of placement of warning signs.
g. Directions to agritourism operation, from closest major highway.

4. Once the application has been submitted, a member of the Mississippi Department of Agriculture and Commerce will make a site visit to inspect and ensure the operation is in fact an agritourism operation.

5. The Mississippi Department of Transportation signage program, based on established criteria and fees separate from the Mississippi Agritourism Registration program, and provided by the Mississippi Department of Transportation, will work with the agritourism professional to supply the road sign with the name of the agritourism destination and mileage, once registered with the Mississippi Department of Agriculture and Commerce, and the $50 registration fee has been received.

Disclaimer: The Mississippi Department of Agriculture and Commerce assumes no legal liability by registering agritourism professionals, but merely serves to promote agritourism in the state. (Adopted October 2012.)

Source: *Miss. Code Ann.* §69-1-1.

103 Denial or revocation of registration

1. An applicant may be denied registration if the applicant does not meet the criteria established in these guidelines. An applicant that is denied registration may request an administrative hearing before the commissioner or her designee. The request should be in writing and filed with the Mississippi Department of Agriculture and Commerce within twenty (20) days of the denial.
2. A registered agritourism professional may have its registration revoked if it fails to meet the criteria established in these guidelines.

I have read the guidelines for registration with the Mississippi Department of Agriculture and Commerce and fully agree to comply with all rules and regulations of this program.
Authorized Signature: _____ Date: _____
Printed Name: _____ Title: _____
(Adopted October 2012.)

Source: *Miss. Code Ann.* §69-1-1.