

## **Testimony Against Maryland SB 452: Protecting Small Horse Farms and Preserving Maryland's Equestrian Legacy**

Honorable Members of the Maryland House Judiciary Committee:

We submit the following testimony on behalf of Olney Farm LLC, a small horse farm business in Harford County, to state our strong opposition to SB 452's prohibition on negligence waivers for recreational activities. The bill would imperil small farms like ours in an already-fragile industry, through increased insurance costs and heightened uncertainty around liability and litigation risks—all while introducing new safety concerns and increased costs for consumers. The untenable burdens on small horse farms, and on their customers, counsel you to reject this bill.

### **SB 452 Would Harm Small Farms, Maryland's Equestrian Legacy, and Consumers**

Maryland's horse industry has a long and rich history—not just the illustrious horse-racing and breeding businesses, but also the small, mom-and-pop operations like our Olney Farm. We have operated our horse and pony business for a century, offering boarding, lessons, camps, and events. Our farm, like most small farms, simply doesn't make much money (to say the least!), but our profits are nearly all reinvested in the farm to make it safer, more beautiful, more fun, and more sustainable. Our land has been in the Maryland Land Trust for almost 40 years, ensuring that the green fields will remain as unspoiled as possible long into the future. Our mission has always been to keep riding and horsemanship—a pastime often considered “elitist”—affordable and therefore accessible to anyone who loves horses and ponies. We are very much not alone among small Maryland farms that strive for both inclusion and tradition.

SB 452 threatens all of this. The effects of SB 452 on Maryland horse farms would be disastrous, especially the small ones like ours that operate on the thinnest of margins. Insurance costs will increase; we will face increased litigation risks and uncertain liability. Liability in equestrian cases is already notoriously difficult to litigate—consider the innate unpredictability of horse behavior, not to mention nuances of rider skill levels, customs, equipment, environmental factors, and more. SB 452's provisions would muddy the waters still further.

We do not exaggerate to say that cumulatively these new costs and burdens will certainly mean that many small farms will fail. Losing these farms would not only represent a blow to Maryland's agricultural sector but would also erase a key part of our state's green space and heritage.

But it is not just the farms that would suffer. As far as consumers are concerned, SB 452's increased costs and pressures on farms would have two major deleterious effects: One, by crushing smaller horse farms out of business, economic competition and supply for equestrian activities would decline, and scarcity and prices would thus increase; and two, farms that did

survive would need to increase prices for consumers—further locking out the working and middle classes from the enjoyment, companionship, and exercise that equestrian activities provide.

Moreover, we oppose SB 452 because we share the Assembly’s commitment to safety for participants in equestrian activities. SB 452 does *not* promote safety; indeed it is likely that at some small farms, safety standards would decrease. Higher costs for farms already operating on a shoestring mean that the farms may be less likely to invest in equipment maintenance, facility improvements, and staff training. Neither small farms nor the Assembly desire such an outcome.

### **Applicability of SB 452 to Equestrian Facilities and Horse Businesses**

We agree with the Department of Agriculture’s earlier assessment that the bill’s definition of a “recreational facility” does not apply to MDA, though it is clear that the bill as written could have at least some indirect effects on the horse industry.

Maryland is one of *just two remaining states* that do not have an Equine Activity Liability Statute<sup>1</sup>; such statutes take the commonsense position that those engaging in equine activities assume an inherent risk and therefore liability should be limited for the businesses and individuals that provide such activities. SB 452 threatens to erode protections for farm businesses even further, discouraging entry to the industry and making it far more difficult for existing farms to continue operations.

In the absence of an Equine Activity Liability Statute, we ask that the assembly explicitly carve out horse businesses from this proposed legislation.

In closing, we ask that this Committee reject SB 452 outright as an indefensible burden to small horse farms and their consumers, and as a threat to the legacy of equestrian agriculture in Maryland. In the alternative, we ask that the Committee amend the bill to except horse businesses from its application.

Sincerely,

Amabel Lee Howard  
Patricia Fenwick  
Harriet McGuirk  
Catherine Perri  
Anne Dechter

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<sup>1</sup> Animal L. Web Ctr., Mich. St. Univ. Coll. of Law, *Map of Equine Activity Liability Statutes* (2023), <https://www.animallaw.info/content/map-equine-activity-liability-statutes>.