



## Maryland Farm Bureau

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March 25<sup>th</sup>, 2024

**To:** House Judiciary Committee

**From:** Maryland Farm Bureau, Inc.

**RE: Favorable with Amendment – SB452 Courts - Prohibited Liability Agreements - Recreational Facilities**

On behalf of the member families of the Maryland Farm Bureau, I submit favorable with amendment testimony for SB452 Courts - Prohibited Liability Agreements - Recreational Facilities. This bill would establish that any provision in a contract or agreement relating to the use of a “recreational facility” that purports to limit the recreational facility’s liability or release the recreational facility from, or indemnify or hold harmless the recreational facility against, liability for injury caused by or resulting from the negligence or other wrongful act of the recreational facility or its agents or employees is against public policy and is void and unenforceable.

From the agricultural standpoint this bill would take away any liability protections for equine operations such as lesson barns, Agri-tourism operations, fairs/shows and others. The ability for these operations to offer waivers that contain clauses that waive claims of ordinary negligence is vital to the operations staying open and in business. This bill as written would make those clauses illegal, which would likely result in increased insurance premiums for barns, instructors, shows, rental stables, etc. That in turn means increased costs to the consumer. And, since, especially in situations involving horses, establishing negligence can be unclear, this could result in increased litigation, and resulting increased insurance costs. According to the Maryland Horse Council and Maryland Horse Industry Board, passage of this bill as written, could lead to some of the largest equine facilities in the state having to close.

The members of the Maryland Farm Bureau would like to see amendments to the bill to include language that would exempt equine and Agri-Tourism activities. This language would be inserted on Page 3, Line 19:

**“(C) THIS SECTION DOES NOT APPLY TO A FACILITY THAT OFFERS OR CONDUCTS EQUINE ACTIVITIES AS DEFINED IN § 2-701(d) OF THE AGRICULTURE ARTICLE.**

**(D) THIS SECTION DOES NOT APPLY TO AN AGRI-TOURISM FACILITY AS DEFINED IN MARYLAND CODE REGULATIONS 09.12.51.03 – DEFINITIONS”**

This amendment language would allow for the bill to serve the intended purpose, while not having unintended consequences on the agricultural industry in the state, that would potentially cause operations to go out of business.

A handwritten signature in black ink, appearing to read "Tyler Hough", is written below a horizontal line.

Tyler Hough  
Director of Government Relations

*Please contact Tyler Hough, 443-878-4045, with any questions*