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FIELD NOTES

A blog about cultivating stories from the ground up

JUL 13, 2012



Inviting customers out to the farm carries risks

By: Camille Phillips



Frank Gieringer picks a New Haven peach on his orchard in Edgerton, Kansas. (Camille Phillips/Harvest Public Media)

When I was a child picking blueberries at [Persimmon Hills Berry Farm](#), the idea of getting stung by a bee or suffering from heat stroke never entered my mind. All I cared about was putting as many ripe berries in my pail as I could.

But such practical concerns are on the mind of some Midwest landowners

involved in agricultural tourism, known as agritourism. More specifically, they are concerned about being liable for customers being injured on their land.

Outside Frank and Melanie Gieringer's [U-pick peach orchard in Edgerton, Kan.](#), is a waist-high sign declaring that the Gieringers aren't liable for accidents. It gives notice of one facet of a law that Kansas passed in 2004 to help develop agritourism in the state.

Frank Gieringer said the protection helps because although they tell people not to climb the peach trees, children still do so.

"If Junior climbs to the top of the tree, falls out of the tree and breaks his arm...read the sign out there. This is an inherent accident...don't come

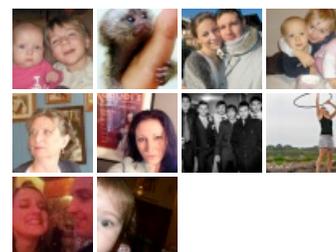
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back and threaten to sue me,” he said.

The law grants limited liability to agritourism operators if they post warning signs and it is designed to make it easier to obtain liability insurance. (The law also aids with marketing and promotion via registration with the state agritourism agency.)

Linda Craghead, who is with the Kansas Department of Wildlife, Parks and Tourism, said that the law helps by putting “an incentive in place to encourage our farmers and ranchers to consider getting into the agritourism business by providing them protection from the consumer who might have other motives in mind.”

[As Harvest has previously reported](#), similar bills have been introduced in Nebraska and Missouri, but have yet to make it into law. (Iowa does not have such a law either.)

Carolyn Raasch would be happy to see it become a law in Missouri. She and her husband Buddy are the owners of [Carolyn's Country Cousins](#) in Liberty, Mo. Thousands of schoolchildren come out to their pumpkin patch every year.

“It would definitely give us peace of mind,” Raasch said, adding that it would help them with liability insurance. “Everything has become harder in the insurance world since 9/11...It's been extremely hard to find liability insurance.”

But Raasch wouldn't want to put up a big warning sign like the Gieringers have.

“We don't want to scare people,” she said. “And we don't want to really have a problem with that. We have had no problems, so we really don't want to suggest anything.”

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