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SENATE MEMORIAL 2

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Crystal R. Diamond

A MEMORIAL

REQUESTING CERTAIN STATE AGENCIES TO DETERMINE POTENTIAL  
ACTIONS TO FACILITATE INSURANCE COVERAGE FOR AGRITOURISM  
ACTIVITIES.

WHEREAS, the general public has limited access to farms  
and ranches, and agritourism provides a hands-on approach to  
learning about agriculture and where food originates; and

WHEREAS, a strong agritourism sector will strengthen and  
diversify the agricultural industry and allow producers to  
expand their operations, thereby making them more resilient;  
and

WHEREAS, agritourism supports locally grown food and  
facilitates connecting consumers with producers; and

WHEREAS, agritourism activities supplement outdoor  
classrooms and provide experiences helping to meet the

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1 requirements of the common core curriculum; and

2 WHEREAS, agricultural operations have increasingly  
3 expanded their scopes of business to include tourist-related  
4 activities such as "u-pick" harvesting, petting zoos and corn  
5 mazes in order to diversify their business models and assist  
6 with revenue generation; and

7 WHEREAS, according to the 2017 census of agriculture,  
8 nationwide agritourism revenue grew from seven hundred four  
9 million dollars (\$704,000,000) in 2012 to nine hundred fifty  
10 million dollars (\$950,000,000) in 2017, and agritourism is  
11 expected to continue to grow; and

12 WHEREAS, according to the 2017 census of agriculture, New  
13 Mexico farms had four hundred sixty-five agritourism and  
14 recreational services that generated over eighteen million five  
15 hundred thousand dollars (\$18,500,000); and

16 WHEREAS, responsible business practices for agricultural  
17 operations include obtaining liability insurance that covers  
18 activities by individuals participating in agritourism  
19 activities; and

20 WHEREAS, insurance companies currently require  
21 agricultural operations to obtain expensive amusement park or  
22 fair insurance coverage for agritourism activities; and

23 WHEREAS, it would be beneficial if insurance companies  
24 could underwrite insurance coverage specifically written to  
25 cover agritourism activities; and

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1           WHEREAS, thirty-seven states have enacted statutes  
2 regarding agritourism activities; and

3           WHEREAS, New Mexico has enacted statutes providing for  
4 limited liability for operators engaged in equine activities  
5 and alpine skiing activities;

6           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
7 OF NEW MEXICO that the New Mexico department of agriculture,  
8 the economic development department and the tourism department  
9 be requested to compile a current inventory of agritourism  
10 business in New Mexico and a current estimate of the value of  
11 agritourism as a part of tourism in New Mexico; and

12           BE IT FURTHER RESOLVED that the New Mexico department of  
13 agriculture be requested to conduct a survey of what other  
14 states have done to provide limited liability for agritourism  
15 activities; and

16           BE IT FURTHER RESOLVED that the office of superintendent  
17 of insurance be requested to conduct a survey of what other  
18 states have done to provide affordable liability insurance for  
19 agritourism activities; and

20           BE IT FURTHER RESOLVED that the office of superintendent  
21 of insurance be requested to investigate actions that may be  
22 taken by the state to facilitate the provision of accessible  
23 and affordable liability insurance for agritourism activities;  
24 and

25           BE IT FURTHER RESOLVED that the New Mexico department of

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1 agriculture, the economic development department, the office of  
2 superintendent of insurance and the tourism department be  
3 requested to report their findings and recommendations to the  
4 appropriate interim legislative committees by September 30,  
5 2022; and

6 BE IT FURTHER RESOLVED that copies of this memorial be  
7 transmitted to the governor, the director of the New Mexico  
8 department of agriculture, the secretary of economic  
9 development, the secretary of tourism and the superintendent of  
10 insurance.

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