

LFC Requester:

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: February 21, 2025 *Check all that apply:*
Bill Number: HB 521 Original Correction
 Amendment Substitute

Sponsor: Representative Block **Agency Name and Code** Tourism 418
Short Title: AGRITOURISM PROMOTION ACT **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	NFI

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	NFI

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 521 enacts the Agritourism Promotion Act limiting the liability of an agritourism operator in certain circumstances.

It defines agritourism as activities that allow members of the public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming and ranching activities; historic, cultural or natural attractions; harvesting; winemaking; farm-to-table activities; and other similar agricultural experiences. It identifies agritourism locations and operators.

HB 521 defines inherent risks of agritourism as dangers or conditions that are an integral part of agritourism, including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, foliage and waters; the behavior or presence of wild or domestic animals; exposure to and use of farm equipment; and ordinary dangers of structures or equipment ordinarily and routinely used in farming or ranching operations. "Inherent risks of agritourism" includes a participant's negligence.

HB 521 finds that an agritourism operator is not liable for injury to or death of a participant resulting from the inherent risks of agritourism as long as the warning defined by the Agritourism Promotion Act is posted as required.

The warning sign shall serve as notice of the inherent risks of the agritourism activity and has specific lettering and indicates, at a minimum, "WARNING Under New Mexico law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this location if the injury or death results from the inherent risks of the agritourism activity. Inherent risks include risks of injury inherent to land, equipment and animals, as well as the potential for a participant to act in a negligent manner that may contribute to injury or death."

HB 521 also outlines situations whereby the liability of an agritourism operator is not limited.

HB 521 requires the office of the superintendent of insurance to promulgate rules relating to liability insurance accessibility for agritourism operators, including state-backed insurance programs and tiered insurance requirements based on the size and nature of an agritourism operation.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

HB 521 defines agritourism activities, operators, locations and inherent risks therein. It indicates that agritourism operators are not liable for injury to or death of participants resulting from these

inherent risks of agritourism as long as warning signs identified in HB 521 are posted. It outlines situations whereby the liability of an agritourism operator is not limited.

It requires that the office of the superintendent of insurance to promulgate rules related to this bill.

HB 521 does not have a direct impact on the New Mexico Tourism Department, particularly related to issues of liability and enforcement in the agritourism industry.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Agritourism Promotion Act would not be enacted.

AMENDMENTS

None