A.B. 59

ASSEMBLY BILL NO. 59–COMMITTEE ON REVENUE

(ON BEHALF OF THE LIEUTENANT GOVERNOR)

PREFILED NOVEMBER 12, 2026

Referred to Committee on Revenue

SUMMARY—Establishes provisions relating to agriculture. (BDR 18-424)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[**~~omitted material~~**]** is material to be omitted.

AN ACT relating to agriculture; requiring the Commission on Tourism to develop and administer a grant program relating to agritourism; defining certain terms relating to agritourism; requiring the Director of the State Department of Agriculture to adopt regulations establishing the types of businesses that qualify as agritourism; requiring the Department to carry out certain marketing and outreach duties relating to agritourism; establishing certain provisions relating to the liability of operators of businesses engaged in agritourism; revising provisions governing certification as an actual producer of certain farm products; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Tourism in the Department of Tourism and Cultural Affairs, which is charged with carrying out certain duties relating to the promotion of tourism and travel in this State and oversees a grant program for the development of projects relating to tourism. (NRS 231.8117, 231.8121, 231.8127, 231.8171-231.8179) **Section 1** of this bill requires the Commission to develop and administer a grant program for businesses that are engaged in or wish to engage in agritourism in this State. **Section 23** of this bill makes an appropriation to the Commission for this grant program to award grants.

Sections 1 and 6 of this bill define "agritourism" as the combination of agriculture, horticulture or viticulture with tourism to attract members of the general public to visit a business for enjoyment, education, recreation or

participation in agritourism activities. **Sections 1 and 7** of this bill define "agritourism activity" as an activity offered by a business engaged in agritourism that invites members of the general public to view or participate in activities relating to agriculture, horticulture or viticulture.

Section 2 of this bill applies the definitions in existing law relating to the Department of Tourism and Cultural Affairs to **section 1**.

Existing law creates the Fund for Tourism and Cultural Affairs to support the operations of the Department of Tourism and Cultural Affairs in carrying out certain duties under existing law. (NRS 231.8141) **Section 3** of this bill provides that the money in the Fund may also be used to support the Department of Tourism and Cultural Affairs in carrying out any duties under **section 1**.

Existing law creates the State Department of Agriculture and charges the Department with administering various duties relating to agriculture, livestock and food and other commodities. (Titles 49, 50 and 51 of NRS, NRS 561.035) **Section 17** of this bill requires the Director of the Department to adopt regulations establishing the types of businesses that qualify as agritourism. **Sections 8-16** of this bill define certain other terms relating to agritourism.

Section 18 of this bill requires the Department to: (1) develop opportunities for businesses engaged in or that wish to engage in agritourism; (2) develop marketing campaigns for agritourism and agritourism activities in this State; and (3) provide support and outreach to businesses engaged in or that wish to engage in agritourism. **Section 18** also requires the Director to employ a qualified professional to assist the Department in carrying out these duties. **Section 24** of this bill makes appropriations to the Department: (1) to carry out duties relating to the marketing and development of agritourism in this State; (2) for membership in an organization relating to agritourism and attendance at the convention of the organization; and (3) for the salary of the qualified professional assisting the Department required by **section 18**.

Section 20 of this bill requires an operator of a business engaged in agritourism to post certain warning signs at the entrance of the business and at the site of any agritourism activities and include in every contract offered or entered into by the operator certain language that warns the reader that: (1) agritourism activities have inherent risks; (2) failure to follow the written instructions for the agritourism activity may result in limiting or extinguishing the reader's right to sue; and (3) the reader is not assuming certain risks when participating in an agricultural activity.

Section 21 of this bill provides that an operator of a business engaged in agritourism is not liable for any injury, loss, damage or death to a person or the personal property of a person that results from the inherent risks of an agritourism activity if the operator has posted the warning signs and included the warning language and instructions for the agritourism activity in any contracts, as required by **section 20**. **Section 19** of this bill sets forth the inherent risks of an agritourism activity for the purposes of **sections 20 and 21**.

Existing law requires the State Department of Agriculture to adopt regulations which require a person who is an actual producer of farm products other than any livestock, livestock product or poultry to obtain certification as an actual producer of farm products, which are defined to include all agricultural, horticultural, viticultural and vegetable products of the soil. (NRS 576.0155, 576.128) Under existing law, a person who obtains such a certification is exempt from certain taxes or fees imposed by a county, city or town relating to the issuance of certain licenses, fees imposed for certain permits to sell or offer to sell certain farm products and fees for certain inspections relating to the sale of or offer to sell such farm products. (NRS 576.128) **Section 22** of this bill also requires such regulations to include certification as an actual producer of value-added farm products, which is defined, with certain exceptions, as a food item manufactured or prepared from a raw farm product that was grown in soil or in or on any other medium at a business

engaged in agriculture, horticulture or viticulture. As a result of this change, a person who obtains such a certification as an actual producer of value-added farm products would also be exempt from such taxes and fees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission on Tourism shall, subject to the availability of money appropriated for such purpose, develop and administer a grant program to award grants to businesses engaged in or that wish to engage in agritourism in this State.

2. The Commission shall adopt regulations to carry out the provisions of this section. The regulations must prescribe, without limitation:

(a) The criteria for eligibility to receive a grant from the grant program; and

(b) Procedures for the submission and review of applications to receive money from the grant program.

3. In adopting the regulations required pursuant to subsection 2, the Commission shall consult with the Department of Agriculture to establish the types of businesses which qualify as agritourism.

4. As used in this section:

(a) "Agritourism" means the combination of agriculture, horticulture or viticulture with tourism by a business, such as a farm, ranch or apiary, to attract members of the general public to visit the business for enjoyment, education, recreation or participation in agritourism activities. The term does not include any business which grows, farms, acquires, cultivates, processes, produces, delivers, transports, supplies or sells cannabis, cannabis products, hemp or a commodity or product made using hemp.

(b) "Agritourism activity" means any activity offered by a business engaged in agritourism, regardless of whether there is a charge for the activity, that invites members of the general public to view or participate in activities relating to agriculture, horticulture or viticulture, including, without limitation, farming, ranching, beekeeping, harvest-your-own operations, farm stands and the sale of any farm products or value-added farm products at the site of the business, overnight farm or ranch stays, activities relating to natural resources, camping, brewing, wine-making, distilling, barrel-aging, preparing food items, farm-to-fork events and other food tastings.

(c) "Apiary" has the meaning ascribed to it in NRS 552.0851.

(d) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(e) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(f) "Farm products" has the meaning ascribed to it in NRS 576.0155.

(g) "Farm-to-fork event" has the meaning ascribed to it in NRS 580.030.

(h) "Hemp" has the meaning ascribed to it in NRS 557.160.

(i) "Value-added farm product" means a food item manufactured or prepared from a raw farm product that was grown in soil or in or on any other medium at a business engaged in agriculture, horticulture or viticulture. The term does not include alcoholic beverages or any product manufactured or prepared from livestock or poultry.

Sec. 2. NRS 231.8111 is hereby amended to read as follows:

231.8111 As used in NRS 231.8111 to 231.8179, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 231.8113 and 231.8115 have the meanings ascribed to them in those sections.

Sec. 3. NRS 231.8141 is hereby amended to read as follows:

231.8141 1. The Fund for Tourism and Cultural Affairs is hereby created in the State Treasury, to be administered by the Director.

2. Money in the Fund must be used to support the operations of the Department in administering the provisions of NRS 231.8111 to 231.8179, inclusive ~~[.]~~ ***, and section 1 of this act.*** The money in the Fund must remain in the Fund and does not revert to the State General Fund at the end of any fiscal year.

3. Claims against the Fund must be paid as other claims against the State are paid.

4. Interest and income earned on money in the Fund must be credited to the Fund.

Sec. 4. Title 49 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 5 to 21, inclusive, of this act.

Sec. 5. ***As used in sections 5 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 16, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 6. ***"Agritourism" means the combination of agriculture, horticulture or viticulture with tourism by a business, such as a farm, ranch or apiary, to attract members of the general public to visit the business for enjoyment, education, recreation or participation in agritourism activities. The term does not include***

any business which grows, farms, acquires, cultivates, processes, produces, delivers, transports, supplies or sells cannabis, cannabis products, hemp or a commodity or product made using hemp.

Sec. 7. *"Agritourism activity" means any activity offered by a business engaged in agritourism, regardless of whether there is a charge for the activity, that invites members of the general public to view or participate in activities relating to agriculture, horticulture or viticulture, including, without limitation, farming, ranching, beekeeping, harvest-your-own operations, farm stands and the sale of any farm products or value-added farm products at the site of the business, overnight farm or ranch stays, activities relating to natural resources, camping, brewing, wine-making, distilling, barrel-aging, preparing food items, farm-to-fork events and other food tastings.*

Sec. 8. *"Apiary" has the meaning ascribed to it in NRS 552.0851.*

Sec. 9. *"Cannabis" has the meaning ascribed to it in NRS 678A.085.*

Sec. 10. *"Cannabis product" has the meaning ascribed to it in NRS 678A.120.*

Sec. 11. *"Department" means the State Department of Agriculture.*

Sec. 12. *"Director" means the Director of the Department.*

Sec. 13. *"Farm products" has the meaning ascribed to it in NRS 576.0155.*

Sec. 14. *"Farm-to-fork event" has the meaning ascribed to it in NRS 580.030.*

Sec. 15. *"Hemp" has the meaning ascribed to it in NRS 557.160.*

Sec. 16. *"Value-added farm product" means a food item manufactured or prepared from a raw farm product that was grown in soil or in or on any other medium at a business engaged in agriculture, horticulture or viticulture. The term does not include alcoholic beverages or any product manufactured or prepared from livestock or poultry.*

Sec. 17. *1. The Director shall adopt regulations establishing the types of businesses that qualify as agritourism for the purposes of sections 5 to 19, inclusive, of this act which must include, without limitation, farms, ranches, apiaries and other outdoor businesses that offer agritourism activities, such as wineries, breweries, distilleries, event venues, cottage food operations, craft food operations and businesses that offer overnight camping on the premises.*

2. The regulations adopted by the Director pursuant to subsection 1 must:

(a) Distinguish between a farm that grows and sells plants produced on the farm to the public and a retail operation that sells plants grown at a different location at the retail business; and

(b) Ensure that a farm that grows and sells plants produced on the farm qualifies as agritourism.

3. As used in this section:

(a) "Cottage food operation" has the meaning ascribed to it in NRS 585.710.

(b) "Craft food operation" has the meaning ascribed to it in NRS 587.693.

Sec. 18. *1. The Department shall:*

(a) Develop opportunities for businesses engaged in or that wish to engage in agritourism in this State;

(b) Develop marketing campaigns to promote agritourism and agritourism activities in this State;

(c) Provide outreach and support to businesses engaged in or that wish to engage in agritourism in this State; and

(d) Coordinate with the Department of Tourism and Cultural Affairs in carrying out the duties set forth in this subsection.

2. To assist in carrying out the duties set forth in subsection 1, the Director shall employ a full-time qualified professional and determine the qualifications, duties and compensation of the professional. Such employee is in the classified service of the State.

Sec. 19. *For the purposes of sections 20 and 21 of this act, the inherent risks of an agritourism activity include, without limitation:*

1. Any dangers or conditions that are an integral part of the agritourism activity, including, without limitation, surface and subsurface conditions, the natural condition of the land, vegetation or water, the behavior of wild or domestic animals and the ordinary dangers of structures or equipment used in farming and ranching operations; and

2. The potential for a participant to act in a negligent manner that may contribute to injury, loss, damage or death to a participant or the personal property of the participant or other participants, including, without limitation, failing to follow instructions given by an operator of a business engaged in agritourism or failing to exercise reasonable caution while participating in an agritourism activity.

Sec. 20. *1. An operator of a business engaged in agritourism shall prominently post and maintain warning signs in a clearly visible location at the entrance of the business and at the site of any agritourism activity offered by the business to members of the general public. The warning signs must, without limitation:*

(a) Be written in black letters, with each letter not less than 1 inch in height;

(b) Include the language set forth in subsection 3; and

(c) Comply with any applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

2. Every contract entered into by an operator of a business engaged in agritourism on or off the site and every contract offered by an operator at the location of any agritourism activity must:

(a) Contain in clearly readable print the language set forth subsection 3;

(b) Include a written description of any of the following which the operator of the business has actual knowledge of or reasonably should know, as applicable:

(1) Every dangerous condition of the vegetation, water, surface or subsurface of the land and structures of and equipment used at the site of the agritourism activity; and

(2) Whether any wild or domestic animal at the site of the agritourism activity has a dangerous propensity;

(c) Include written instructions for participating in the agritourism activity; and

(d) Be signed by a participant of any agritourism activity before the participant engages in the agritourism activity.

3. Every warning sign posted pursuant to subsection 1 and contract subject to the provisions of subsection 2 must include the following language:

WARNING

Please note that agritourism activities may cause you to be exposed to the inherent risks of agritourism activities. Failure to follow the written instructions provided by our employees or agents may result in serious injury or even death and, if you suffer an injury while engaged in an agritourism activity, may result in limiting or extinguishing your right to sue. You are not assuming any risk of injury from or consenting to any tortious act of the agritourism business or its employees or agents or any risk of injury caused by a defective product.

Sec. 21. *1. Except as otherwise provided in subsection 3, an operator of a business engaged in agritourism is not liable for an injury, loss, damage or death to a participant or the personal property of a participant resulting from any inherent risk of an activity offered by the business if the warnings required pursuant to section 20 of this act are posted and the warnings and*

instructions are included in any contracts in accordance with the requirements of that section.

2. An operator of a business engaged in agritourism may claim as an affirmative defense that an injury, loss, damage or death to a participant or the personal property of a participant resulted exclusively from an inherent risk of an agritourism activity offered by the business and the warning was posted and instructions provided in accordance with the requirements of section 20 of this act.

3. Nothing in this section shall be construed to prevent or limit the liability of an operator of a business engaged in agritourism:

(a) If the operator:

(1) Commits or omits an act if the act or omission constitutes negligence or other tortious conduct and that act or omission was a legal cause of injury to a participant or the personal property of a participant;

(2) Has actual knowledge or reasonably should have known of a dangerous condition on the land, vegetation, water or structures of or equipment used at the site of the agritourism activity or the dangerous propensity of a particular animal located at the site of such agritourism activity and does not make the danger known to the participant in writing, as required by subsection 2 of section 20 of this act, and the danger proximately causes an injury, loss, damage or death to a participant or the personal property of a participant; or

(3) Fails to comply with any requirement set forth in section 20 of this act; or

(b) In an action based upon a claim of a defective product or an abnormally dangerous activity.

Sec. 22. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person who is an actual producer of farm products ***,*** other than any livestock, livestock product ***,*** ~~[or]~~ poultry ***or value-added farm products,*** must obtain certification as an actual producer of farm products ~~[.]~~ ***or value-added farm products.*** The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this State.

2. The Department may impose fees for the certification of a person as an actual producer of farm products ***or value-added farm products*** specified in subsection 1 and any inspections necessary for that certification. The fees must be set in an amount which

approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products ***or value-added farm products*** specified in subsection 1 for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of chapter 580 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products ***or value-added farm products*** specified in subsection 1 for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of chapter 580 of NRS relating to such a sale or offer to sell.

4. As used in this section, "value-added farm product" means a food item manufactured or prepared from a raw farm product that was grown in soil or in or on any other medium at a business engaged in agriculture, horticulture or viticulture. The term does not include alcoholic beverages or any product manufactured or prepared from livestock or poultry.

Sec. 23. 1. There is hereby appropriated from the State General Fund to the Commission on Tourism the sum of $50,000 for the grant program created by section 1 of this act to award grants to businesses engaged in or that wish to engage in agritourism.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 24. 1. There is hereby appropriated from the State General Fund to the State Department of Agriculture:

(a) The sum of $47,500 for:

(1) Developing opportunities, marketing campaigns and providing outreach and support relating to agritourism pursuant to section 18 of this act; and

(2) Membership in NAFDMA International Agritourism Association and to attend the convention held by NAFDMA International Agritourism Association.

(b) The sum of $173,760 for the salary and costs related to the employment of the qualified professional employed by the Director of the Department pursuant to section 18 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 25. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 18, inclusive, 23 and 24 of this act become effective on July 1, 2027.

3. Sections 19 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2028, for all other purposes.

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