

CHAPTER 57

(HB 128)

AN ACT relating to bed and breakfast establishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 219.011 is amended to read as follows:

As used in KRS 219.011 to 219.081:

- (1) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (2) "Cabinet" means the Cabinet for Health and Family Services or its designee;
- (3) "Hotel" means every building or structure kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are furnished to the public, and includes motels, tourist homes, and similar establishments, but excludes boarding houses and rooming houses;~~and~~
- (4) "Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity owning or operating a hotel;
- (5) ***"Bed and breakfast establishment" means a one-family dwelling unit, but which also has guest rooms or suites used, rented, or hired out for occupancy or which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. The building shall be known as either a bed and breakfast home or a bed and breakfast inn;***
- (6) ***"Bed and breakfast home" means a bed and breakfast establishment:***
 - (a) *Having five (5) or fewer guest rooms or suites for occupancy;*
 - (b) *In which breakfast and other meals may be served to guests; and*
 - (c) *Whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy;*
- (7) ***"Bed and breakfast inn" means a private inn or other unique residential facility:***
 - (a) *Having six (6) or more guest rooms or suites for occupancy;*
 - (b) *In which breakfast and other meals may be served to the guests; and*
 - (c) *Whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy; and*
- (8) ***"Farmstay" means a bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.800.***

➔Section 2. KRS 247.4015 is amended to read as follows:

As used in KRS 247.401 to 247.4029, unless the context requires otherwise:

- (1) "Engages in a farm animal activity" means leading, showing, exhibiting, riding, training, providing, or assisting in providing medical treatment of, grooming, driving, or being a passenger upon a farm animal, whether mounted or unmounted; visiting, touring, or utilizing a farm animal facility as part of an organized event or activity; or assisting a participant or show management in farm animal activities. The term does not include being a spectator at a farm animal activity, except in cases where the spectator voluntarily places himself or herself in immediate proximity to the activity;
- (2) "Farm animal" means one or more of the following domesticated animals: cattle, oxen, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, ratites (ostrich, rhea, emu), and poultry;
- (3) "Farm animal activity" means:
 - (a) Shows, fairs, exhibits, competitions, performances, or parades that involve farm animals;
 - (b) Training or teaching activities, or both, involving farm animals;
 - (c) Boarding farm animals, including normal daily care;

- (d) Rides, trips, shows, clinics, hunts, parades, games, exhibitions, or other activities of any type, however informal or impromptu, that are sponsored by a farm animal activity sponsor or other person;
 - (e) Testing, riding, inspecting, or evaluating a farm animal belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the farm animal or is permitting a prospective purchaser of the farm animal to ride, inspect, or evaluate the farm animal;
 - (f) Placing or repairing horseshoes, trimming the hooves on a farm animal, or otherwise providing farrier services; or
 - (g) Examining or administering medical treatment to a farm animal by a veterinarian;
- (4) "Farm animal activity sponsor" means an individual, group, club, partnership, corporation, or other legally constituted entity, whether the sponsor is operating for profit or nonprofit, which sponsors, organizes, allows, or provides the facilities for a farm animal activity, including, but not limited to: pony clubs, 4-H clubs, hunt clubs, riding clubs, polo clubs, school and college sponsored classes, programs, activities, and therapeutic riding programs, and operators, instructors, and promoters of farm animal facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, exhibitions, *farmstays*, and arenas at which the activity is held;
- (5) "Farm animal facility" means any areas used for any farm animal activity, including, but not limited to, farms, ranches, riding arenas, training stables or barns, pastures, riding trails, show rings, polo fields, and other areas or facilities used or provided by farm animal activity sponsors or where participants engage in farm animal activities;
- (6) "Farm animal professional" means a person engaged for compensation in any of the following:
- (a) Instructing a participant or renting to a participant a farm animal for the purpose of riding, driving, or being a passenger upon the farm animal;
 - (b) Providing daily care of farm animals boarded at a farm animal facility;
 - (c) Renting equipment or tack to a participant in a farm animal activity;
 - (d) Training a farm animal;
 - (e) Examining or administering medical treatment to a farm animal as a veterinarian; or
 - (f) Providing farrier services to a farm animal;
- (7) *"Farmstay" has the same meaning as in Section 1 of this Act;*
- (8) "Horse racing activities" means the conduct of horse racing activities within the confines of any horse racing facility licensed and regulated by KRS 230.070 to 230.990, but shall not include harness racing at county fairs;
- ~~(9)~~~~(8)~~ "Inherent risks of farm animal activities" means dangers or conditions which are an integral part of farm animal activities, including, but not limited to:
- (a) The propensity of a farm animal to behave in ways that may result in injury, harm, or death to persons around them;
 - (b) The unpredictability of the reaction of a farm animal to sounds, sudden movement, and unfamiliar objects, persons, or other animals;
 - (c) Certain hazards such as surface and subsurface conditions;
 - (d) Collisions with other farm animals or objects; and
 - (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over a farm animal or not acting within his or her ability;
- ~~(10)~~~~(9)~~ "Participant" means any individual, whether amateur or professional, who engages in a farm animal activity, whether or not a fee is paid to participate in the farm animal activity; and
- ~~(11)~~~~(10)~~ "Person" means any individual, corporation, association, or other legally constituted entity that owns or controls one or more farm animals.

Signed by Governor April 11, 2012.