

CHAPTER 185

(HB 360)

AN ACT relating to agritourism and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in this section, an agritourism building as defined in Section 2 of this Act shall comply with the Kentucky Building Code.*
- (2) *An agritourism building built prior to December 31, 2016, shall be exempt from the following requirements within the Kentucky Building Code:*
 - (a) *An agritourism building built prior to December 31, 2016, shall not be required to comply with the seismic requirements within the Kentucky Building Code; and*
 - (b) *If an agritourism building has a capacity of four hundred (400) persons or is six thousand (6,000) square feet or less, an agritourism building built prior to December 31, 2016, shall not require the services of an architect licensed by the Commonwealth of Kentucky.*

➔Section 2. KRS 247.801 is amended to read as follows:

As used in KRS 247.800 to 247.810:

- (1) "Agritourism" means the act of visiting:
 - (a) A farm or ranch; or
 - (b) Any agricultural, horticultural, or agribusiness operation;
 for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation;
- (2) "Agritourism activity" means any activity ~~that~~~~carried out on~~:
 - (a) *Is carried out on a farm, ranch, agricultural operation, horticultural operation, or agribusiness operation; and*~~[A farm or ranch; or]~~
 - (b) *Allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Qualifying activities may include farming, ranching, historic, cultural, civic, or ceremonial activities, including but not limited to weddings and ancillary events; harvest-your-own operations; farmers' markets; or natural resource-based activities. The activities may qualify as agritourism activities whether or not a participant pays to view or to participate in the activity*~~[Any agricultural, horticultural, or agribusiness operation; that allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. The activities can include farming, ranching, historic or cultural agricultural activities, harvest-your-own operations, patronizing farmers' markets, or natural resource-based activities. An activity is an agritourism activity whether or not a participant pays to view or participate in the activity];~~
- (3) *"Agritourism building" means any building or structure or any portion thereof that is used for one (1) or more agritourism activities;*
- (4) "Agritourism professional" means any person, including employees or authorized agents acting on behalf of the agritourism professional, who is engaged in the business of providing one (1) or more agritourism activities;~~and~~
- (5)~~(4)~~ *"Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity, including certain hazards, such as surface or subsurface conditions; natural conditions of 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*

- (6) "Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.

➔Section 3. 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;
- (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 (1) 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 *Section 2 of this Act* ~~[KRS 247.800]~~.

Signed by Governor April 11, 2017.