

1 AN ACT relating to agritourism.

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

3 ➔Section 1. KRS 247.801 is amended to read as follows:

4 As used in KRS 247.800 to 247.810:

- 5 (1) "Agritourism" means the act of visiting:
- 6 (a) A farm or ranch; or
- 7 (b) Any agricultural, horticultural, or agribusiness operation;
- 8 for the purpose of enjoyment, education, or active involvement in the activities of
- 9 the farm, ranch, or operation;
- 10 (2) "Agritourism activity" means any activity that:
- 11 (a) Is carried out on a farm, ranch, agricultural operation, horticultural operation,
- 12 or agribusiness operation; and
- 13 (b) Allows or invites participants to view or participate in activities for
- 14 recreational, entertainment, or educational purposes. Qualifying activities may
- 15 include farming, ranching, historic, cultural, civic, or ceremonial activities,
- 16 including but not limited to weddings and ancillary events; harvest-your-own
- 17 operations; farmers' markets; horseback riding; horse-drawn carriage rides;
- 18 livestock or poultry shows; petting farms; rodeos; competitions; field trials;
- 19 horseracing;~~or~~ natural resource-based activities; or any activity that has
- 20 historically involved the utilization of working animals. The activities may
- 21 qualify as agritourism activities whether or not a participant pays to view or to
- 22 participate in the activity;
- 23 (3) "Agritourism building" means any building or structure or any portion thereof that
- 24 is used for one (1) or more agritourism activities;
- 25 (4) "Agritourism professional" means any person, including employees or authorized
- 26 agents acting on behalf of the agritourism professional, who is engaged in the
- 27 business of providing one (1) or more agritourism activities;

1 (5) "Inherent risks of agritourism activity" means those dangers or conditions that are
2 an integral part of an agritourism activity, including certain hazards, such as surface
3 or subsurface conditions; natural conditions of land, vegetation, or water; the
4 behavior of wild or domestic animals; and the ordinary dangers of structures or
5 equipment used in farming and ranching operations;~~and~~

6 (6) "Participant" means any person, other than the agritourism professional, who
7 engages in an agritourism activity; **and**

8 **(7) "Working animal" means the use of any animal for the purpose of performing a**
9 **specific duty or function in commerce or service, including but not limited to**
10 **animals in entertainment, transportation, education, exhibition, hunting, or**
11 **agritourism.**

12 ➔SECTION 2. A NEW SECTION OF KRS 247.800 TO 247.810 IS CREATED
13 TO READ AS FOLLOWS:

14 **(1) No city, town, county, or other political subdivision of the Commonwealth shall**
15 **adopt or continue to enforce any ordinance, resolution, rule, or regulation**
16 **restricting a person from engaging in an agritourism activity, or imposing an**
17 **undue burden on an agritourism activity that would make engagement in the**
18 **agritourism activity unreasonable or impractical, so long as the agritourism**
19 **activity complies with public health and safety and planning and zoning**
20 **requirements or any other existing law enforceable by the recognized police**
21 **powers of a local government. Local legislation in violation of this section shall**
22 **be void and unenforceable.**

23 **(2) An agritourism activity shall not include dog fighting as defined in KRS 525.125**
24 **or animal fighting as referenced in 21 U.S.C. sec. 2156.**