

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;**~~for~~ 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) A city, town, county, or other political subdivision of the Commonwealth shall not  
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.