

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;

(5) "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; and

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

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

(1) A city, town, county, or other political subdivision of the Commonwealth shall not adopt or continue to enforce any ordinance, resolution, rule, or regulation restricting a person from engaging in an agritourism activity, or imposing an undue burden on an agritourism activity that would make engagement in the agritourism activity unreasonable or impractical, so long as the agritourism activity complies with public health and safety and planning and zoning requirements or any other existing law enforceable by the recognized police powers of a local government. Local legislation in violation of this section shall be void and unenforceable.

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