

1 AN ACT relating to agritourism and declaring an emergency.

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

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

5 **(1) Except as otherwise provided in this section, agritourism buildings as defined in**  
6 **Section 2 of this Act shall comply with the Kentucky Building Code.**

7 **(2) An agritourism building built prior to December 31, 2016, shall be exempt from**  
8 **the following requirements within the Kentucky Building Code:**

9 **(a) An agritourism building built prior to December 31, 2016, shall not be**  
10 **required to comply with the seismic requirements within the Kentucky**  
11 **Building Code; and**

12 **(b) If an agritourism building has a capacity of four hundred (400) persons or**  
13 **is six thousand (6,000) square feet or less, an agritourism building built**  
14 **prior to December 31, 2016 shall not require the services of an architect**  
15 **licensed by the Commonwealth of Kentucky.**

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

17 As used in KRS 247.800 to 247.810:

18 (1) "Agritourism" means the act of visiting:

19 (a) A farm or ranch; or

20 (b) Any agricultural, horticultural, or agribusiness operation;

21 for the purpose of enjoyment, education, or active involvement in the activities of  
22 the farm, ranch, or operation;

23 (2) "Agritourism activity" means any activity ~~that~~<sup>carried out on</sup>:

24 (a) **Is carried out on a farm, ranch, agricultural operation, horticultural**  
25 **operation, agribusiness operation, distillery, winery, or brewery; and**~~[A farm~~  
26 ~~or ranch; or]~~

27 (b) **Allows or invites participants to view or participate in activities for**

1 recreational, entertainment, or educational purposes. Qualifying activities  
 2 may include farming, ranching, historic, cultural, civic, or ceremonial  
 3 activities, including but not limited to weddings and ancillary events;  
 4 harvest-your-own operations; farmers' markets; or natural resource-based  
 5 activities. The activities may qualify as agritourism activities whether or not  
 6 a participant pays to view or to participate in the activity [Any agricultural,

7 horticultural, or agribusiness operation;

8 ~~— that allows or invites participants to view or participate in activities for~~  
 9 ~~recreational, entertainment, or educational purposes. The activities can include~~  
 10 ~~farming, ranching, historic or cultural agricultural activities, harvest your own~~  
 11 ~~operations, patronizing farmers' markets, or natural resource-based activities.~~  
 12 ~~An activity is an agritourism activity whether or not a participant pays to view~~  
 13 ~~or participate in the activity];~~

14 (3) "Agritourism building" means any building or structure or any portion thereof  
 15 that is used for one (1) or more agritourism activities;

16 (4) "Agritourism professional" means any person, including employees or authorized  
 17 agents acting on behalf of the agritourism professional, who is engaged in the  
 18 business of providing one (1) or more agritourism activities; ~~and~~

19 (5) ~~(4)~~ "Inherent risks of agritourism activity" means those dangers or conditions  
 20 that are an integral part of an agritourism activity, including certain hazards,  
 21 such as surface or subsurface conditions; natural conditions of land, vegetation,  
 22 or water; the behavior of wild or domestic animals; and the ordinary dangers of  
 23 structures or equipment used in farming and ranching operations; and

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

26 ➔ Section 3. KRS 219.011 is amended to read as follows:

27 As used in KRS 219.011 to 219.081:

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