

1 **SENATE FLOOR VERSION**

2 February 14, 2017

3 SENATE BILL NO. 595

By: Jech

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6 An Act relating to farmers markets; creating the
7 Farmers Market Liability Limitation Act; defining
8 terms; limiting liability of farmers market under
9 certain circumstances; providing for codification;
10 and providing an effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 5-18 of Title 2, unless there is
14 created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Farmers Market
16 Liability Limitation Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-19 of Title 2, unless there is
19 created a duplication in numbering, reads as follows:

20 As used in the Farmers Market Liability Limitation Act:

21 1. "Farmers market" means a market that is registered with the
22 Oklahoma Department of Agriculture, Food, and Forestry;

1 2. "Farmers Market Operator" means the person who promotes or
2 manages the activities at a farmers market registered with the
3 Department; and

4 3. "Participant" means any person who attends a farmers market
5 or who sells, purchases or consumes any products offered or sold at
6 a farmers market.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 5-20 of Title 2, unless there is
9 created a duplication in numbering, reads as follows:

10 A. Any participant assumes the inherent risk of attending,
11 buying or selling goods at a farmers market registered with the
12 Oklahoma Department of Agriculture, Food, and Forestry. If a
13 participant brings an action for damages arising from the operation
14 of a registered farmers market, the registered farmers market
15 operator may plead an affirmative defense of assumption of risk by
16 the participant.

17 B. Any limitation on legal liability afforded to a registered
18 farmers market operator by this act shall be in addition to any
19 other limitation of legal liability otherwise provided by law.

20 C. Nothing in this act shall prevent or limit the liability of
21 a registered farmers market operator if:

22 1. The registered farmers market operator injures the
23 participant by intentional or willful misconduct; or

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1 2. The registered farmers market operator has actual knowledge
2 of a dangerous condition in the land, facilities or equipment used
3 in the registered farmers market activity or the dangerous
4 propensity of a particular animal used in such activity and does not
5 make the dangerous condition known to the participant and the
6 dangerous condition causes the participant to sustain injuries or
7 death.

8 SECTION 4. This act shall become effective November 1, 2017.

9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
10 February 14, 2017 - DO PASS

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