1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	1st Session of the 56th Legislature (2017)
4	ENGROSSED SENATE
5	BILL NO. 595 By: Jech of the Senate
6	and
7	Hilbert of the House
8	
9	An Act relating to farmers markets; creating the Farmers Market Liability Limitation Act; defining
10	terms; limiting liability of farmers market under certain circumstances; providing for codification; and providing an effective date.
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14	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
15	SECTION 1. NEW LAW A new section of law to be codified
16	in the Oklahoma Statutes as Section 5-18 of Title 2, unless there is
17	created a duplication in numbering, reads as follows:
18	This act shall be known and may be cited as the "Farmers Market
19	Liability Limitation Act".
20	SECTION 2. NEW LAW A new section of law to be codified
21	in the Oklahoma Statutes as Section 5-19 of Title 2, unless there is
22	created a duplication in numbering, reads as follows:
23	As used in the Farmers Market Liability Limitation Act:
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- 1. "Farmers market" means a market that is registered with the Oklahoma Department of Agriculture, Food, and Forestry;
- 2. "Farmers Market Operator" means the person who promotes or manages the activities at a farmers market registered with the Department; and
- 3. "Participant" means any person who attends a farmers market or who sells, purchases or consumes any products offered or sold at a farmers market.
- SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-20 of Title 2, unless there is created a duplication in numbering, reads as follows:
- A. Any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. If a participant brings an action for damages arising from the operation of a registered farmers market, the registered farmers market operator may plead an affirmative defense of assumption of risk by the participant.
- B. Any limitation on legal liability afforded to a registered farmers market operator by this act shall be in addition to any other limitation of legal liability otherwise provided by law.
- C. Nothing in this act shall prevent or limit the liability of a registered farmers market operator if:

1. The registered farmers market operator injures the
participant by intentional or willful misconduct; or
2. The registered farmers market operator has actual knowledge
of a dangerous condition in the land, facilities or equipment used
in the registered farmers market activity or the dangerous
propensity of a particular animal used in such activity and does not
make the dangerous condition known to the participant and the
dangerous condition causes the participant to sustain injuries or
death.
SECTION 4. This act shall become effective November 1, 2017.
COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT, dated 04/04/2017 - DO PASS.
dated 04/04/2017 D0 1ADS.