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States' Agritourism Statutes:

Kentucky



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Ky. Rev. Stat. Ann. § 247.800 to 247.810

Current through laws effective July 1, 2022 and the Nov. 3, 2020 election.

247.800 Agritourism program; purposes

The Department of Agriculture, in conjunction with the Tourism, Arts and Heritage Cabinet, shall create an interagency agritourism program to be housed in the Office of Agricultural Marketing in the Department of Agriculture. It shall be the purpose of the agritourism program to:

- (1) Promote agritourism in Kentucky to potential visitors, both national and international; and
- (2) Assist in sustaining the viability and growth of the agritourism industry in Kentucky.

247.801 Definitions for KRS 247.800 to 247.810

As used in KRS 247.800 to 247.810:

- (1) “Agritourism” means the act of visiting:
 - (a) A farm or ranch; or
 - (b) Any agricultural, horticultural, or agribusiness operation;
for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation;
- (2) “Agritourism activity” means any activity that:
 - (a) Is carried out on a farm, ranch, agricultural operation, horticultural operation, or agribusiness operation; and
 - (b) Allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Qualifying activities may include farming, ranching, historic, cultural, civic, or ceremonial activities, including but not limited to weddings and ancillary events; harvest-your-own operations; farmers' markets; or natural resource-based activities. The



activities may qualify as agritourism activities whether or not a participant pays to view or to participate in the activity;

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

(4) “Agritourism professional” means any person, including employees or authorized agents acting on behalf of the agritourism professional, who is engaged in the 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.

247.802 Duties of Office of Agritourism

The Office of Agritourism shall perform all duties necessary to carry out the purposes of KRS 247.800 to 247.810, including but not limited to:

(1) Within the first year of its creation, developing a statewide master plan for implementation of KRS 247.800 and this section. The Office of Agritourism shall report on the plan to the Agritourism Advisory Council at the request of the council;

(2) Developing a unified Kentucky agritourism marketing strategy between the Department of Agriculture and the Tourism, Arts and Heritage Cabinet to promote Kentucky agritourism. The strategy shall include but not be limited to promotion of Kentucky agritourism through the creation of an agritourism Web site and advertisement through various media outlets;

(3) Coordinating efforts to educate the general public about the importance of Kentucky's agricultural heritage and industry;

(4) Developing regional agritourism development plans for each of the nine (9) tourism regions as follows:

(a) Bluegrass;

(b) Cave;

(c) Green River;



- (d) Eastern Highlands-North;
- (e) Eastern Highlands-South;
- (f) Louisville-Lincoln;
- (g) Northern Kentucky;
- (h) Southern Lakes and Rivers; and
- (i) Western Lakes and Rivers;

(5) Providing support, education, and resource materials for all interested persons, to include but not be limited to existing Kentucky agritourism businesses, displaced tobacco farmers and others engaged in agribusiness within the state, and other Kentuckians with the intent of developing an agritourism business. The agritourism office shall provide this assistance in the following areas, to include but not be limited to:

- (a) Agritourism opportunities, networks, product development, and entrepreneurship;
 - (b) Agritourism funding opportunities, including but not limited to grants, loans, and partnerships; and
 - (c) Insurance and infrastructure concerns of the agritourism industry;
- (6) Working and partnering with federal, state, and local organizations to carry out the purposes of KRS 247.800 to 247.810;
- (7) Reporting to the Agritourism Advisory Council, as created in KRS 247.804, annually or at the request of the chair, and in accordance with subsection (1) of this section; and
- (8) Considering the recommendations of the Agritourism Advisory Council, in accordance with KRS 247.806(2).

247.804 Agritourism Advisory Council; membership

An Agritourism Advisory Council shall be established within the Department of Agriculture to advise and assist the Office of Agritourism. The Agritourism Advisory Council shall be composed of:

- (1) One (1) representative from each of the following entities:



- (a) Department of Agriculture, appointed by the Commissioner of Agriculture;
 - (b) Tourism, Arts and Heritage Cabinet, appointed by the secretary of the cabinet;
 - (c) Education and Workforce Development Cabinet, appointed by the secretary of the cabinet;
 - (d) Department of Fish and Wildlife Resources Commission, appointed by the commissioner of the department;
 - (e) University of Kentucky Cooperative Extension Service;
 - (f) Kentucky Tourism Council;
 - (g) Kentucky Farm Bureau;
 - (h) Kentucky Association of Fairs and Horse Shows;
 - (i) Southern and Eastern Kentucky Tourism Development Association;
 - (j) Licking River Valley Resource Conservation and Development Council;
 - (k) Buffalo Trace Covered Bridge Authority;
 - (l) Kentucky Chamber of Commerce;
 - (m) Kentucky Council of Area Development Districts; and
 - (n) Jackson Purchase Resource Conservation and Development Foundation, Inc.;
- (2) The Governor, or a designee;
- (3) Two (2) members of the General Assembly who hold an interest in agriculture, one (1) appointed by the President of the Senate and one (1) appointed by the Speaker of the House of Representatives; and
- (4) Nine (9) representatives of agriculture or the agritourism industry, appointed by the Commissioner of Agriculture from a list of candidates compiled by the tourism regions as set forth in KRS 247.802(4). Each tourism region shall submit three (3) candidates with a business interest in agritourism who reside within that region, and the Commissioner shall appoint one (1) candidate from each region from those names submitted.



247.806 Duties of Agritourism Advisory Council

The duties of the Agritourism Advisory Council shall include but not be limited to the following:

- (1) Review and make recommendations on the development of the statewide master plan, based upon the report from the Office of Agritourism in accordance with KRS 247.802(1); and
- (2) Make recommendations to redirect the duties of the Office of Agritourism as necessary, in keeping with the office's purposes stated in KRS 247.800.

247.808 Appointment of members of Agritourism Advisory Council; chair; meetings; vacancies; compensation

- (1) Members of the Agritourism Advisory Council shall be appointed for four (4) year terms. Sitting members shall be eligible for reappointment.
- (2) The Agritourism Advisory Council shall elect a chair and vice chair from its membership.
- (3) The Agritourism Advisory Council shall meet annually or at the request of the chair. A quorum of the council shall consist of fourteen (14) members, and a majority of members present at any duly called meeting may act upon any matter before it for consideration.
- (4) In the event of a vacancy, the appropriate appointing entity may appoint a replacement member who shall hold office during the remainder of the term so vacated.
- (5) Members of the Agritourism Advisory Council shall serve without compensation.

247.809 Liability of agritourism professionals; protection; defenses; damages

- 1) Except as provided in subsection (2) of this section:
 - (a) An agritourism professional is not liable for injury to or death of a participant resulting exclusively from the inherent risks of agritourism activities, so long as:
 1. The warning contained in KRS 247.8091 is posted as required; or
 2. The agritourism professional has a signed release from the participant indicating that the participant has received written notice of the warning contained in KRS 247.8091; and



(b) No participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activities, the agritourism professional shall plead the affirmative defense of assumption of the risk of agritourism activities by the participant.

(2) Nothing in subsection (1) of this section prevents or limits the liability of an agritourism professional if the agritourism professional:

(a) Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, loss, damage, or death to the participant; or

(b) Has actual knowledge or reasonably should have known of:

1. A dangerous condition on the land, facilities, or equipment used in the activity;
or

2. The dangerous propensity of a particular animal used in the activity;

and does not make the danger known to the participant, and the danger proximately causes injury, loss, damage, or death to the participant.

(3) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

247.8091 Warning notices to be posted where agritourism activities are conducted

(1) Every agritourism professional shall post and maintain signs that contain the warning notice specified in subsection (2) of this section. The signs shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice shall consist of a sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by an agritourism professional for the provision of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The signs and contracts described in subsection (1) of this section shall contain the following notice of warning:



“WARNING

Under Kentucky law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if the injury or death results exclusively from the inherent risks of the agritourism activity and in the absence of negligence. You are assuming the risk of participating in this agritourism activity.”

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an agritourism professional from invoking the privileges of immunity provided by KRS 247.809.

247.810 Administrative regulations relating to KRS 247.800 to 247.810

The Commissioner of Agriculture and the secretary of the Tourism, Arts and Heritage Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A, as necessary to implement the provisions of KRS 247.800 to 247.810.

