



General Assembly

**Amendment**

February Session, 2024

LCO No. 5824



Offered by:  
REP. D'AGOSTINO, 91<sup>st</sup> Dist.

To: House Bill No. 5233

File No. 85

Cal. No. 88

**"AN ACT ESTABLISHING A TASK FORCE TO STUDY THE OPERATIONS OF THE DEPARTMENT OF CONSUMER PROTECTION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2024*) (a) As used in this section:

4 (1) "Participant" means any person who is engaged in any  
5 agritourism activity as a guest, patron, invitee or visitor at an  
6 agritourism operator's facility;

7 (2) "Agritourism activity" (A) means any activity which allows any  
8 participant to, for recreational, entertainment or educational purposes  
9 and regardless of whether such activity is provided in exchange for a  
10 fee or free of charge, view, participate in or enjoy any rural activity,  
11 including, but not limited to, (i) any farming activity, (ii) any ranching  
12 activity, (iii) any historic, cultural or natural attraction, (iv) any  
13 educational program, (v) any hospitality service, (vi) any guided or self-

14 guided tour, (vii) any bed and breakfast accommodation, (viii) any  
15 petting zoo, (ix) any farm festival, (x) any corn maze, (xi) any harvest-  
16 your-own operation, (xii) any hayride, (xiii) any barn party, (xiv) any  
17 horseback ride, or (xv) any fee fishing, and (B) does not include any  
18 activity in which the participant is paid to participate;

19 (3) "Agritourism operator" means any person who is engaged in the  
20 business of providing, whether for profit or not for profit, any  
21 agritourism activity; and

22 (4) "Risks inherent in agritourism activities" (A) means those dangers  
23 or conditions that are an integral part of any agritourism activity,  
24 including, but not limited to, (i) hazardous conditions such as surface  
25 and subsurface conditions, (ii) natural conditions of any land,  
26 vegetation or waters, (iii) the behavior of wild or domestic animals, and  
27 (iv) ordinary dangers of structures or equipment ordinarily used in  
28 farming or ranching operations, and (B) includes the potential that a  
29 participant may act in a negligent manner that may contribute to the  
30 participant's injury or the injury of any other person by, among other  
31 things, (i) failing to follow any instructions given by the agritourism  
32 operator or the agritourism operator's agents, employees or officers, or  
33 (ii) failing to exercise reasonable caution while engaging in the  
34 agritourism activity.

35 (b) (1) Except as provided in subdivision (2) of this subsection, each  
36 participant shall assume the risk for any injury to such participant's  
37 person arising out of the risks inherent in agritourism activities.

38 (2) The provisions of subdivision (1) of this subsection shall not be  
39 construed to affect the right of any person to maintain any action against  
40 an agritourism operator, or to limit the liability of an agritourism  
41 operator, who, in offering and operating any agritourism activity (A)  
42 commits any act or omission that constitutes negligence, (B)  
43 intentionally causes the injury of another person, (C) acts with disregard  
44 for the safety of the person injured, (D) fails to use a degree of care that  
45 an ordinarily careful prudent person would use under similar

46 circumstances, or (E) fails to conspicuously post warning signs  
47 disclosing the existence of a condition that is known to be dangerous in  
48 the context of the agritourism activity.

49 (c) A written contract entered into by an agritourism operator and a  
50 participant, or an agent, employee or officer of an agritourism operator  
51 and a participant, shall contain, in clearly readable print, a warning  
52 notice stating that each participant shall assume the risk for any injury  
53 to their person arising out of the risks inherent in agritourism activities."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section