



General Assembly

**Amendment**

February Session, 2024

LCO No. 5978



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 engages in any agritourism  
5 activity as a guest, patron, invitee or visitor at an agritourism operator's  
6 facility;

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

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

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

21 (4) "Risks inherent in agritourism activities" means those dangers or  
22 conditions that are an integral part of any agritourism activity.

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

26 (2) The provisions of subdivision (1) of this subsection shall not be  
27 construed to affect the right of any person to maintain any action against  
28 an agritourism operator, or to limit the liability of an agritourism  
29 operator, who, in offering and operating any agritourism activity (A)  
30 commits any act or omission that constitutes negligence, (B)  
31 intentionally causes the injury of another person, (C) acts with disregard  
32 for the safety of the person injured, (D) fails to use a degree of care that  
33 an ordinarily careful prudent person would use under similar  
34 circumstances, or (E) fails to conspicuously post warning signs  
35 disclosing the existence of a condition that is known to be dangerous in  
36 the context of the agritourism activity.

37 (c) A written contract entered into by an agritourism operator and a  
38 participant, or an agent, employee or officer of an agritourism operator  
39 and a participant, shall contain, in clearly readable print, a warning  
40 notice stating that each participant shall assume the risk for any injury  
41 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:

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Section 1	<i>October 1, 2024</i>	New section
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