

Senate Substitute for HOUSE BILL No. 2111

By Committee on Agriculture and Natural Resources

3-16

1 AN ACT concerning agriculture; relating to the agritourism promotion act;
2 exempting certain registered agritourism operations from local code
3 and regulation enforcement; amending K.S.A. 2025 Supp. 32-1432 and
4 repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) No city or county shall enforce any building code
8 or any other ordinance or resolution regulating the use of a nonpublic
9 registered agritourism location, including, but not limited to, regulations
10 related to health and safety, property maintenance, facility usage or
11 requirements for permits, licenses or fees.

12 (b) (1) As used in this section, "nonpublic registered agritourism
13 location" means a registered agritourism location on which agricultural
14 activity as defined in K.S.A. 2-3203, and amendments thereto, is the only
15 activity conducted on such location and members of the general public are
16 permitted on such location by specific invitation only.

17 (2) "Nonpublic registered agritourism location" does not include:

18 (A) Except for goods that are processed off site from agricultural
19 commodities produced through agricultural activity conducted on such
20 location, any registered agritourism location where goods or services are
21 sold or otherwise provided that are not produced through agricultural
22 activity conducted on such location or are unrelated to such agricultural
23 activity, including, but not limited to, the sale of merchandise not produced
24 on such location and the rental of space for private events where the
25 purpose of such event is not directly related to the agritourism activity at
26 such location; or

27 (B) any registered agritourism location where members of the general
28 public are permitted on the property without being specifically invited by
29 the registered agritourism operator.

30 (c) This section shall be a part of and supplemental to the agritourism
31 protection act.

32 Sec. 2. K.S.A. 2025 Supp. 32-1432 is hereby amended to read as
33 follows: 32-1432. As used in K.S.A. 32-1430 through 32-1438, and
34 amendments thereto:

35 (a) "Agritourism activity" means any activity—~~which~~ *that* allows
36 members of the general public, for recreational, entertainment or

1 educational purposes, to view or enjoy rural activities, including, but not
2 limited to, farming activities, ranching activities or historic, cultural or
3 natural attractions. An activity may be an agritourism activity: *(1) Whether*
4 *or not the participant pays to participate in the activity; or (2) if such*
5 *activity is made accessible to members of the public only by specific*
6 *invitation by the registered agritourism operator.* An activity is not an
7 agritourism activity if the participant is paid to participate in the activity.

8 (b) "Inherent risks of a registered agritourism activity" means those
9 dangers or conditions which are an integral part of such agritourism
10 activity including, but not limited to, certain hazards such as surface and
11 subsurface conditions; natural conditions of land, vegetation, and waters;
12 the behavior of wild or domestic animals; and ordinary dangers of
13 structures or equipment ordinarily used in farming or ranching operations.
14 "Inherent risks of a registered agritourism activity" also includes the
15 potential of a participant to act in a negligent manner that may contribute
16 to injury to the participant or others, such as failing to follow instructions
17 given by the registered agritourism operator or failing to exercise
18 reasonable caution while engaging in the registered agritourism activity.

19 (c) "Participant" means any person who engages in a registered
20 agritourism activity.

21 (d) "Registered agritourism activity" means any agritourism activity
22 registered with the secretary pursuant to K.S.A. 32-1433, and amendments
23 thereto.

24 (e) "Registered agritourism location" means a specific parcel of land
25 which is registered with the secretary pursuant to K.S.A. 32-1433, and
26 amendments thereto, and where a registered agritourism operator engages
27 in registered agritourism activities.

28 (f) "Registered agritourism operator" means any person who is
29 engaged in the business of providing one or more agritourism activities
30 and is registered with the secretary pursuant to K.S.A. 32-1433, and
31 amendments thereto.

32 (g) "Secretary" means the secretary of commerce.

33 Sec. 3. K.S.A. 2025 Supp. 32-1432 is hereby repealed.

34 Sec. 4. This act shall take effect and be in force from and after its
35 publication in the statute book.