

SENATE BILL No. 120

By Committee on Agriculture

2-4

1 AN ACT concerning agriculture; enacting the Kansas farmers' market
2 promotion act.

3

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

5 Section 1. (a) The provisions of sections 1 through 4, and
6 amendments thereto, shall be known and may be cited as the Kansas
7 farmers' market promotion act.

8 Sec. 2. As used in this act:

9 (a) "Department" means the Kansas department of agriculture.

10 (b) "Farmers' market" means a common facility or area where
11 producers or growers gather on a regular, recurring basis to sell fresh
12 fruits, vegetables, meats and other farm products, ~~merchandise or crafts~~
13 directly to consumers. ~~Farmers' market~~ **"Farmers' market"** includes, but
14 is not limited to, short-term festivals, roadside stands or other agricultural
15 product sales or other locations or any market, sales event or other related
16 event, series of events or venue that advertises, promotes or uses the term
17 "farmers' market" or any derivative thereof, as a part of the name of such
18 market, sales event, or other related event or venue.

19 (c) "Farmers' market operator" means the person who promotes or
20 manages the activities at a farmers' market registered under this act.

21 (d) "Participant" means any person who attends a farmers' market or
22 who sells, purchases or consumes any products offered or sold at a
23 farmers' market.

24 (e) "Secretary" means the secretary of agriculture or the secretary's
25 authorized representative.

26 Sec. 3. (a) There is hereby established a central registration of
27 farmers' markets which shall be maintained by the department. Such
28 central registration of farmers' markets shall be for the purpose of
29 encouraging and promoting farmers' markets across the state and shall
30 assist the department in promoting Kansas agriculture by more efficiently
31 connecting producers with consumers. Any farmers' market ~~shall~~ **operator**
32 **may** register with the secretary on forms provided by the secretary. There
33 shall be no charge for registration. The secretary shall maintain a list of
34 such registered entities for dissemination to members of the public.

1 (b) The secretary shall be the registration authority for farmers'
2 markets in the state and may apply for any federal, state, local or private
3 grant programs or other funding opportunities as the secretary may
4 determine will assist in the creation or promotion of farmers' markets in
5 the state.

6 Sec. 4. (a) Any participant assumes the inherent risks of attending,
7 ~~participating~~ **buying** or selling goods at a farmers' market registered under
8 this act, ~~when such participant engages in such an activity in conjunction~~
9 ~~with a registered farmers' market. In any. If a participant brings an~~
10 action for damages arising from the operation of ~~an activity in conjunction~~
11 ~~with~~ a registered farmers' market, the registered farmers' market operator,
12 ~~pursuant to this act,~~ may plead an affirmative defense of assumption of
13 risk by the participant.

14 (b) Any limitation on legal liability afforded to a registered farmers'
15 market operator by this act shall be in addition to any other limitation of
16 legal liability otherwise provided by law.

17 (c) Nothing in this act shall prevent or limit the liability of a
18 registered farmers' market operator if:

19 (1) The registered farmers' market operator injures the participant by
20 intentional or willful misconduct; or

21 (2) the registered farmers' market operator has actual knowledge of a
22 dangerous condition in the land, facilities or equipment used in the
23 registered farmers' market activity or the dangerous propensity of a
24 particular animal used in such activity and does not make such dangerous
25 condition known to the participant and such dangerous condition causes
26 the participant to sustain injuries **or death**.

27 Sec. 5. This act shall take effect and be in force from and after its
28 publication in the statute book.