

## **Kansas Farmers' Market Promotion Act; SB 120**

**SB 120** enacts the Kansas Farmers' Market Promotion Act. The bill establishes a central registration of farmers' markets in Kansas, maintained by the Kansas Department of Agriculture (KDA). The registration will be used to encourage and promote farmers' markets across Kansas and assist KDA in promoting Kansas agriculture by more efficiently connecting producers with consumers. The bill allows farmers' market operators to voluntarily register with the Secretary of Agriculture on forms provided by the Secretary. There will be no charge for registration. The bill requires the Secretary to maintain a list of all registered entities for dissemination to the public.

The bill also designates the Secretary as the registration authority for all farmers' markets in Kansas. The bill allows the Secretary to apply for any federal, state, local, or private grants or funding opportunities that will assist in the creation or promotion of farmers' markets in Kansas.

The bill also provides limited liability for farmers' markets by stating any participant will assume the inherent risk of attending, participating, or selling goods at a registered farmers' market, when the participant takes part in any activity in conjunction with the farmers' market. The bill allows a registered farmers' market to plead the affirmative defense of assumption of risk by the participant in any action for damages against the farmers' market. The bill will not prevent or limit the liability of a registered farmers' market operator if:

- The registered farmers' market operator injures the participant by intentional or willful misconduct; or
- The registered farmers' market operator has actual knowledge of a dangerous condition in the land, facilities, or equipment used in the farmers' market activity, or the dangerous propensity of a particular animal used in such activity, and does not make the dangerous condition known to the participant and the dangerous condition causes injuries to the participant.

In addition, the bill defines various terms used in the Act, including "department," "farmers' market," "farmers' market operator," "participant," and "secretary."