

Senate File 362 - Introduced

SENATE FILE 362
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 210)

A BILL FOR

1 An Act barring claims against fairs for damages arising out of
2 the transmission of pathogens from certain animals housed on
3 the fairgrounds.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 673.1, Code 2017, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Domesticated animal pathogen*"
4 or "*pathogen*" means a microorganism, biological agent, or
5 toxin causing disease, illness, or death to a human, if
6 the microorganism, biological agent, or toxin is primarily
7 transmitted by human contact with a domesticated animal, manure
8 from a domesticated animal, or other excretions or body fluids
9 from a domesticated animal.

10 NEW SUBSECTION. 5B. "*Domesticated animal premises*" or
11 "*premises*" means a location under the management or control of a
12 domesticated animal activity sponsor where domesticated animals
13 are regularly kept for three or more consecutive hours.

14 NEW SUBSECTION. 6A. "*Fair authority*" means the Iowa state
15 fair authority established in section 173.1 or a fair as
16 defined in section 174.1.

17 NEW SUBSECTION. 6B. "*Fairgrounds*" mean real estate under
18 the management or control of a fair authority, including land,
19 buildings, and improvements, and which includes but is not
20 limited to areas reserved for domesticated animal events or
21 domesticated animal activities.

22 Sec. 2. NEW SECTION. **673.4 Fairs — domesticated animal**
23 **premises — liability.**

24 1. A fair authority is not liable for damages arising
25 from a claim by a participant or spectator alleging injury or
26 death caused by a domesticated animal pathogen transmitted at
27 a domesticated animal premises located on its fairgrounds.
28 This subsection applies regardless of whether a domesticated
29 animal is present on the domesticated animal premises, when
30 the domesticated animal pathogen is transmitted, or whether a
31 domesticated animal present on the domesticated animal premises
32 is engaged in a domesticated animal activity.

33 2. Subsection 1 does not apply to the extent that the
34 participant or spectator proves that the fair authority
35 failed to post a warning sign at a conspicuous place at the

1 domesticated animal premises as required in section 673.5.

2 Sec. 3. NEW SECTION. 673.5 Warning sign — notice.

3 A fair authority shall post a warning sign at a conspicuous
4 place on any domesticated animal premises located on the
5 fairgrounds. The warning sign shall be clearly visible to a
6 person visiting the premises for the first time. The sign
7 shall have a white background and the sign's notice shall be
8 printed in black letters a minimum of one inch high in the
9 following form:

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WARNING

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DOMESTICATED ANIMAL PREMISES

12 Under Iowa Code chapter 673, the fair is not liable for a
13 domesticated animal pathogen transmitted from this domesticated
14 animal premises. Take necessary sanitary precautions including
15 by not touching your face or consuming food or water until
16 thoroughly cleansing and drying your hands after your visit.
17 As soon as possible after your visit, thoroughly cleanse your
18 hands using an appropriate soap and water and thoroughly dry
19 them after cleansing.

20

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

23 GENERAL. This bill provides that the state fair or a county
24 or district fair is not liable for damages sought by a person
25 who alleges an injury or death caused by a pathogen transmitted
26 from a location at a fair where an animal is kept for more than
27 three hours.

28 TERMS. An animal is limited to livestock, domesticated
29 deer, llamas, and rabbits and is referred to as a "domesticated
30 animal". A pathogen is a microorganism, biological agent,
31 or toxin causing disease, illness, or death, carried by a
32 domesticated animal, and is referred to as a "domesticated
33 animal pathogen". The location where the domesticated animal
34 is kept is referred to as a "domesticated animal premises".

35 REQUIREMENTS. The bill requires a fair to post a

1 conspicuously placed warning sign notifying participants and
2 spectators that they must use necessary sanitary precautions
3 during and after the visit. The bill also provides that a
4 fair's failure to post the sign does not constitute proof of
5 the fair's liability.

6 BACKGROUND. The bill amends Code chapter 673, which limits
7 the liability of a person termed a "domesticated animal
8 activity sponsor", including the state fair or a county or
9 district fair, from being liable to a spectator for assuming
10 inherent risks of physical injury or death caused by a
11 domesticated animal while engaged in an activity normally
12 associated with that animal (e.g., horseback riding), and
13 referred to as a "domesticated animal activity".