



# — FROM THE LAND OF — KANSAS™

## Liability protection information

### Frequently asked questions about liability protection under the Kansas Farmers' Market Promotion Act (KFMPA), K.S.A. 2-3801 et seq.

**Q: What does the liability protection provided in the KFMPA cover for a farmers' market?**

A: The KFMPA provides that a participant at a farmers' market assumes the inherent risks of attending, buying, or selling goods at a registered farmers' market, and provides liability protection in the event of injury to a participant arising out of operation of a registered farmers' market. A "participant" is any person who attends a farmers' market, or who sells, purchases, or consumes any product offered or sold at a farmers' market.

**Q: Should we still have insurance as a market if we are registered? If so, what types?**

A: The KFMPA does not necessarily negate the need for insurance coverage. Farmers' markets should consider the need for insurance coverage even if they are registered with KDA. Farmers' markets should discuss the type and amount of such insurance with an independent legal advisor and/or an insurance company to determine what is appropriate for their business.

**Q: Does the liability protection cover vendors and their booths/products?**

A: The bill affords liability protection to a farmers' market operator, which is defined as the person who promotes or manages the activities at a farmers' market registered under this act.

**Q: Does the liability protection cover the market manager and/or the farmers' market board?**

A: The KFMPA provides that the limitation of liability is afforded to the farmers' market operator. The farmers' market operator is defined as the person who promotes or manages the activities at a farmers' market registered with the KDA. This could include an individual, board, or other legal entity. The determination will depend on the facts of each case.

**Q: What documentation do I need to provide my current underwriters and/or property owners to prove I have liability protection?**

A: The KDA provides a certificate of registration to each farmers' market, certifying registration with the KDA. This is the only documentation provided by the KDA to show registration under the KFMPA. Any other documentation required by third parties would need to be discussed with those entities.

**Q: Am I required to post any information about liability protection? Do I need to provide documentation to my vendors or consumers attending the market?**

A: The KFMPA does not require that information regarding liability protection be posted. Farmers' markets should review any proposed signage with legal counsel. The KDA provides a certificate of registration that may be posted on the premises, in addition to a sample notice containing language from the KFMPA. However, posting is not required by statute.

Farmersmarkets@kda.ks.gov ★ 785-296-0362



## Liability protection frequently asked questions (con't.)

**Q: How long does the liability protection last?**

A: The liability protection afforded to a farmers' market operator under the KFMPA continues for as long as the farmers' market is registered under the central registration for farmers' markets. Markets will be asked to renew their information once a year, which will be 12 months after the initial registration.

**Q: Who should we talk to about the additional coverage we need for our markets?**

A: Farmers' markets should contact an independent legal advisor and/or an insurance company with questions about coverage.

**Q: Does liability protection cover indoor and outdoor farmers' markets?**

A: The KFMPA does not distinguish between indoor and outdoor farmers' markets for purposes of the central registration for farmers' markets.

**Q: Where can I find farmers' market resources?**

A: Farmers' market resources are available online at the [FromtheLandofKansas.com](http://FromtheLandofKansas.com) website. Resources include the Food Safety for Kansas Farmers Market Vendors: Regulations and Best Practices.

The direct link is: [FromtheLandofKansas.com/farmers-market-resources](http://FromtheLandofKansas.com/farmers-market-resources)

**\*The above frequently asked questions are for informational purposes only and are not intended as legal advice. If you have legal questions regarding your specific market's needs, please contact legal counsel.\***

For more information or additional questions, contact:  
Kansas Department of Agriculture  
Annarose Hart, *From the Land of Kansas* specialist  
109 SW 9th Street 4th Floor, Topeka, Kansas 66612-1280  
785-296-0362, [annarose.hart@kda.ks.gov](mailto:annarose.hart@kda.ks.gov)  
[FromtheLandofKansas.com](http://FromtheLandofKansas.com)

Farmersmarkets@kda.ks.gov ★ 785-296-0362