Last year, 2.3 million people attended Iowa’s 105 volunteer-driven, youth-oriented county and regional fairs. That means a lot of people in close contact with farm animals — and, as a result, the chance for outbreaks of zoonotic disease. “I see fair officials doing due diligence to reduce the risk of visitors getting sick,” notes Iowa Sen. Dan Zumbach, who, like many farmers, has been a 4-H leader and is active on his county board.

But even if the proper precautions are taken (for example, proper handling of animal waste, posting signs and promoting hand washing among participants), outbreaks can and do happen, as evidenced by occurrences in the Midwest. According to the International Association of Fairs and Expos, county fairs in Minnesota, North Dakota, Ohio and Wisconsin have had known cases of E. coli O157:H7 outbreaks since 2000.

One concern of Zumbach’s has been the legal liability of county fairs when these incidences occur. His response: Last year’s introduction of SF 362, which received near-unanimous approval in the Legislature. Now a new state law, the measure explicitly states that no fair authority in Iowa (state, local or regional) is liable for injuries or deaths “caused by a domesticated animal pathogen transmitted at a domesticated animal premises located on its fairgrounds.”

However, those liability protections only apply if the fair meets a new statutory obligation to post a warning sign “at a conspicuous place” where the animals are being kept. The sign must note the fair’s lack of liability for pathogen transmissions and also urge visitors to protect against disease by washing their hands.

“Iowa’s recreational use statute protected the county, volunteers and exhibitors from the obvious [animal] bite or kick,” Zumbach says, “but we felt that new legislation was needed for liability protection from zoonotic diseases.” He suggests that lawmakers in other states examine their existing statutes related to animal pathogens and the liability of county fairs.

In some states, existing laws on agricultural tourism might already extend legal protections to county fairs. According to The National Agricultural Law Center, Indiana, Kansas, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin are among the states with agritourism statutes of some kind. These laws typically include language on immunity and the “inherent risks” of agritourism activity. But in the Midwest, only Ohio’s statute explicitly includes as one of those risks “the possibility of contracting illness ... from physical contact with animals, animal feed, waste or contaminated surfaces.”

Every state also has a recreational use statute, which provides legal protections to property owners who open their lands for recreational activities. Whether these laws extend immunity to county fairs, and specifically to cases involving disease outbreaks, may depend on the statute’s wording as well as judicial interpretations.

In Wisconsin, in a case involving a 2-year-old girl’s E. coli infection and injuries suffered from it, the owners and operators of the county fair where the infection occurred were granted recreational immunity. However, courts in Indiana and Nebraska have said their states’ recreational use laws do not apply to fairs.
Under new Iowa law, county fairs get legal protections related to animal-human diseases

In Iowa, county fairs are facing potential legal challenges related to animal-human diseases.

Policy Area: Agriculture

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