

April 18, 2005

**H 1245. CIVIL ACTIONS REGARDING FOOD PRODUCTS. AN ACT TO PREVENT FRIVOLOUS LAWSUITS AGAINST MANUFACTURERS, PACKERS, DISTRIBUTORS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS.**

Makes food purveyors (including manufacturers, distributors, sellers, and advertisers, and their associations) immune from liability in any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or another generally known condition caused by or likely to result from the long-term consumption of food. Provides exceptions for claims involving an injury proximately caused by a material violation of state or federal laws regarding adulteration or misbranding, or an injury proximately caused by a knowing and willful material violation of a state or federal law regarding the manufacturing, marketing, distribution, advertising, labeling, or sale of food. Specifies pleading requirements for claims falling within the exceptions. Provides that, in these claims, discovery and other proceedings are stayed while any motion to dismiss is pending, unless the court finds that particularized discovery is necessary to preserve evidence or prevent undue prejudice to a party.

**Intro. by Hill, Culp, Daughtridge, Gibson.**

Ref. to Judiciary I

GS 99E