

April 18, 2007

H 1835. LIABILITY OF PURVEYORS OF FOOD FOR OBESITY. Filed 4/18/07. *TO PROHIBIT CIVIL ACTIONS AGAINST THE PURVEYORS OF FOOD ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR ANY OTHER KNOWN CONDITION RESULTING FROM LONG-TERM CONSUMPTION OF FOOD UNLESS THE CIVIL ACTIONS RELATE TO STATE OR FEDERAL ADULTERATION OR MISBRANDING LAWS OR RELATE TO STATE OR FEDERAL LAWS REGARDING THE MANUFACTURING, MARKETING, DISTRIBUTION, ADVERTISING, LABELING, OR SALE OF FOOD, AND TO ADD REQUIREMENTS TO THESE ACTIONS.*

Enacts new Article 5 of GS Chapter 99E as title indicates. Provides pleading requirements for certain lawsuits against purveyors of food that are allowed under new GS 99E-41 regarding civil actions related to federal or state adulteration or misbranding laws or laws regarding the manufacturing, marketing, labeling, distribution, or sale of food. Directs that the pleading requirements are to be considered part of the substantive law of NC rather than procedural requirements. GS 99E-44 provides guidelines as to a stay of any party or nonparty's obligation to make disclosures pending a motion to dismiss. GS 99E-45 states that nothing in the act is to be construed to create any new claim, right of action, or civil liability under NC law or to interfere with any state or federal agency's jurisdiction to find or declare violations of an adulteration or misbranding statute, rule, or regulation. Effective October 1, 2007, and applies to actions filed on or after that date and to actions pending on that date.

Intro. by Daughtridge, Hill, Crawford, GS 99E
Brubaker.

May 14, 2007

H 1835. LIABILITY OF PURVEYORS OF FOOD FOR OBESITY. Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 99E-40 to: (1) remove the definition of *other person* and (2) rename the term *knowing and willful violation of federal or state law* as *violation of federal or state law*, while clarifying in the definition that the violation is a knowing and willful violation. Modifies proposed GS 99E-41 to include a trade association (was, association) in those entities that are immune to civil actions and excludes the listed entities from liability (previous language provided that these entities were only not subject to any civil action). Modifies proposed GS 99E-43 to remove the provision deeming the pleading requirements part of the state's substantive law. Modifies proposed 99E-44 to provide that in an action allowed under GS 99E-42, the obligation of parties to make disclosures or respond to discovery requests of any kind under the rules of civil procedure is stayed while any motion to dismiss the action is pending (was, stayed prior to the time a motion to dismiss is filed and while the motion is pending). Amends the effective date to remove the provision that the act applies to actions pending on the effective date. Makes technical changes.