

FILED FEB 06 2006

JUDICIARY

SENATE FILE 2153
BY BRUNKHORST

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act limiting the liability of a manufacturer, packer,
2 distributor, carrier, holder, seller, marketer, or advertiser
3 of a food product intended for human consumption.

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

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SF 2153

1 Section 1. NEW SECTION. 668.12A MANUFACTURERS, PACKERS,
2 DISTRIBUTORS, CARRIERS, HOLDERS, SELLERS, MARKETERS, AND
3 ADVERTISERS OF FOOD PRODUCTS -- LIMITATION OF LIABILITY.

4 The manufacturer, packer, distributor, carrier, holder,
5 seller, marketer, or advertiser of a food product intended for
6 human consumption shall not be subject to civil liability,
7 whether based on breach of contract, breach of warranty,
8 negligence, strict liability, or tort, arising out of weight
9 gain, obesity, a health condition associated with weight gain
10 or obesity, or any other condition allegedly caused by or
11 allegedly likely to result from the consumption of the food
12 product, unless the plaintiff proves that at the time of sale,
13 the food product was not in compliance with applicable federal
14 or state statutory and regulatory requirements.

15 EXPLANATION

16 This bill limits the liability of a manufacturer, packer,
17 distributor, carrier, holder, seller, marketer, or advertiser
18 of a food product intended for human consumption.

19 The bill provides that a manufacturer, packer, distributor,
20 carrier, holder, seller, marketer, or advertiser of a food
21 product intended for human consumption shall not be subject to
22 civil liability, whether based on breach of contract, breach
23 of warranty, negligence, strict liability, or tort, arising
24 out of weight gain, obesity, a health condition associated
25 with weight gain or obesity, or any other condition allegedly
26 caused by or allegedly likely to result from the consumption
27 of the food product, unless the plaintiff proves that at the
28 time of sale, the food product was not in compliance with
29 applicable federal or state statutory and regulatory
30 requirements.

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