

Regular Session, 2003

HOUSE BILL NO. 518

BY REPRESENTATIVES JOHNS, CAZAYOUX, DAMICO, DOWNER, FLAVIN, FRITH, FRUGE, FUTRELL, KATZ, MORRISH, NEVERS, PITRE, POWELL, SCALISE, STELLY, STRAIN, THOMPSON, WALSWORTH, WINSTON, AND WOOTON AND SENATORS CHAISSON, GAUTREAUX, MICHOT, THEUNISSEN, AND HOYT

AN ACT

To enact R.S. 9:2799.6, relative to a limitation of liability for damages related to the consumption of certain products; to limit the liability of manufacturers, distributors, and sellers of food and nonalcoholic beverages; to define terms; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2799.6 is hereby enacted to read as follows:

§2799.6. Limitation of liability for damages from long-term consumption of food and nonalcoholic beverages

A. Any manufacturer, distributor, or seller of a food or nonalcoholic beverage intended for human consumption shall not be subject to civil liability for personal injury or wrongful death based on an individual's consumption of food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition related to weight gain or obesity and resulting from his long-term consumption of a food or nonalcoholic beverage.

B. For purposes of this Section, the term "long-term consumption" shall mean the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

Section 2. The provisions of this Act shall be applicable to all claims existing or actions pending or filed on or after its effective date, unless a trial or retrial with regard to the civil action has commenced as of the effective date of this Act.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_