

78B-4-302 Definitions.

As used in this part:

- (1) "Claim" means any assertion by or on behalf of a natural person, as well as any derivative claim arising from it, and asserted by or on behalf of any other person.
- (2) "Food":
 - (a) means any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption;
 - (b) does not include:
 - (i) tobacco products;
 - (ii) alcohol products;
 - (iii) vitamins or dietary supplements;
 - (iv) illegal drugs; or
 - (v) prescription or over-the-counter drugs.
- (3) "Knowing and willful violation" means that the conduct constituting the violation was:
 - (a) committed with the intent to deceive or injure consumers or with actual knowledge that the conduct was injurious to consumers; and
 - (b) not required by regulation, order, rule, ordinance, or any statute administered by a federal, state, or local government agency.
- (4) "Condition resulting from long term consumption of food" means the cumulative effect of consumption of food, which includes weight gain, obesity, or other generally known health conditions allegedly caused by or likely to result from the consumption of food.

Renumbered and Amended by Chapter 3, 2008 General Session