

1                                   **PROHIBITION OF OBESITY LAWSUITS**  
2                                   **AGAINST RESTAURANTS**

3                                   2004 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Howard A. Stephenson**

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7   **LONG TITLE**

8   **General Description:**

9           This bill provides that an owner or operator of a restaurant is not liable for obesity.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ limits the liability of restaurant owners and operators from lawsuits by patrons who  
13 become obese from the consumption of food prepared or sold by restaurants.

14 **Monies Appropriated in this Bill:**

15       None

16 **Other Special Clauses:**

17       None

18 **Utah Code Sections Affected:**

19 ENACTS:

20       **78-27-65**, Utah Code Annotated 1953

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22 *Be it enacted by the Legislature of the state of Utah:*

23       Section 1. Section **78-27-65** is enacted to read:

24       **78-27-65. Limitation on liability of restaurant owners and operators.**

25       (1) As used in this section, "restaurant" includes any coffee shop, cafeteria,  
26 luncheonette, or fast-food service where food is prepared, served, and sold for immediate  
27 consumption.



28           (2) The owner or operator of a restaurant is not liable to any person who becomes  
29 obese as a result of the consumption of food prepared or sold by the restaurant.

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**Legislative Review Note**  
**as of 2-9-04 9:04 AM**

The Utah Constitution, Article I, Section 11, provides every person with open access to the courts for an injury done to his person, property, or reputation. If a court determined that a person's physical size could be attributed to their consumption of certain types of food served by a certain establishment, thereby causing them injury, this legislation might violate the Utah Supreme Court's interpretation of Article 1, Section 11, because it provides immunity to an owner or operator of a restaurant from suits by persons claiming that being obese is a consequence of dining at a certain establishment.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0214**

**Prohibition of Obesity Lawsuits Against Restaurants**

*11-Feb-04*

*12:07 PM*

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**State Impact**

No fiscal impact for implementation. However, this bill has a Legislative Review Note. There may be additional costs to the state if there is a challenge in the courts.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**