

1st Sub. S.B. 214
PROHIBITION OF OBESITY LAWSUITS

Senator **Howard A. Stephenson** proposes the following amendments:

1. *Page 1, Lines 10 through 13:*

10 This bill:
11 ► provides manufacturers, packers, distributors, carriers, holders, sellers, marketers,
12 and advertisers of food with immunity from civil liability for obesity ~~[[,]]~~ and weight gain ~~[[,~~
13 and related health concerns]] claims ;

2. *Page 2, Lines 35 through 42:*

35 **78-27d-102. Definitions.**
36 As used in this chapter:
37 (1) "Claim" means any assertion by or on behalf of a natural person, as well as any
38 derivative claim arising from it, and asserted by or on behalf of any other person.
39 (2) "Food" ~~[[means]]~~ ;
40 (a) ~~[[articles used for internal consumption for man or other animals]]~~ 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 ;
41 (b) ~~[[chewing gum; and]]~~ 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.
42 ~~[[(c) articles used for components of Subsection (a) or (b).]]~~

3. *Page 2, Line 53 through Page 3, Line 60:*

53 **78-27d-103. Prevention of ~~[[frivolous]]~~ unfounded lawsuits -- Exemption.**
54 (1) Except as provided in Subsection (2), a manufacturer, packer, distributor, carrier,
55 holder, seller, marketer, advertiser of a food, or an association of one or more such entities,
56 may not be subject to civil liability arising under any state statute, rule, public policy, court or
57 administrative decision, municipal ordinance, or other action having the effect of law, for any
58 claim ~~[[for a condition]]~~ of obesity or weight gain resulting from ~~[[long term]]~~ the
consumption of food.

59 (2) Subsection (1) may not apply where the claim of ~~[[conditions]]~~ obesity or weight gain
[[resulting from
60 ~~long-term consumption of food]]~~ is based on: