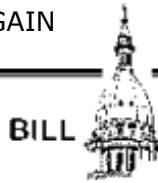




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

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House Bill 5809 (Substitute H-2 as reported without amendment)

Sponsor: Representative David Palsrok

House Committee: Commerce

Senate Committee: Commerce and Labor

CONTENT

The bill would amend the Revised Judicature Act to provide immunity from civil liability to certain entities involved in the manufacture, distribution, and marketing of food, for injury or death arising out of weight gain or obesity, except under circumstances involving adulteration, misbranding, or a willful violation of law. The bill would apply to all actions pending on and all actions filed after its effective date, regardless of when the claim accrued.

Specifically, a food manufacturer, packer, distributor, carrier, holder, seller, marketer, promoter, or advertiser, or an association that included one or more of those entities, would not be subject to civil liability for personal injury or death arising out of weight gain, obesity, or a health condition associated with weight gain or obesity.

This provision, however, would not preclude civil liability for personal injury or death based on a material violation of an adulteration or misbranding requirement or a knowing and willful material violation that applied to food manufacturing, marketing, distribution, advertising, labeling, or sale. The bill specifies requirements that would apply to a complaint filed in such an action. The bill also contains requirements concerning discovery and other proceedings.

The bill would prohibit a political subdivision of the State from filing, prosecuting, or joining a civil action allowed under the bill, on its own behalf or on behalf of its citizens or another class of persons.

Proposed MCL 600.2974

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill would limit the number of civil liability suits filed in Michigan courts, it could prevent additional costs for the judicial branch.

Date Completed: 9-17-04

Fiscal Analyst: Bethany Wicksall