

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 200, L.D. 645, Bill, "An Act To Promote the Commonsense Consumption of Food"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 14 MRSA §170 is enacted to read:

§170. Consumption of food

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Food product" means any product that is grown, prepared, manufactured, provided, served or sold and that is primarily intended for human consumption and nourishment.

B. "Long-term" means consisting of multiple instances over a period of time and not a single or isolated instance.

2. Liability limited. Except as provided in subsection 3, a manufacturer, distributor or seller of a food product, or an association of one or more such entities, is not liable for personal injury or death to the extent the liability is based

2 upon a person's weight gain or obesity resulting from the
person's long-term consumption of the food product.

4 3. Exception. Subsection 2 does not bar a claim for
damages if otherwise available under any other provision of law
against a manufacturer or distributor of food products if the
manufacturer or distributor has failed to provide nutritional
content information as required by any applicable state or
federal statute, rule or regulation or has provided materially
10 false or misleading information to the public.'

12
14 **SUMMARY**

16 This amendment replaces the bill. It simplifies the
immunity provided to state that the manufacturer, distributor or
18 seller of a food product is not liable for personal injury or
death to the extent the liability is based on the person's weight
20 gain or obesity resulting from the person's long-term consumption
of the food product.

22 This amendment provides no immunity for a manufacturer or
distributor for claims that are otherwise available under other
24 law if the manufacturer or distributor failed to comply with
labeling or disclosure requirements under state or federal laws,
26 rules or regulations. It also does not provide immunity for a
manufacturer or distributor that provided materially false or
28 misleading information to the public.