

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 645

S.P. 200

In Senate, February 8, 2005

An Act To Promote the Commonsense Consumption of Food

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TURNER of Cumberland.
Cosponsored by Representative McKENNEY of Cumberland and
Senators: DAVIS of Piscataquis, DIAMOND of Cumberland, MARTIN of Aroostook,
SAVAGE of Knox.

2 **Be it enacted by the People of the State of Maine as follows:**

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

6 **§170. Consumption of food**

8 **1. Defense.** A person or business entity that serves food
10 is not liable for the obesity or excessive weight gain of a
customer as a result of the customer's long-term consumption of
food from that person or entity.

12 **2. Exceptions.** This section does not apply when a person
14 or business entity that serves food alters or misbrands a food
product in violation of state or federal law or knowingly and
16 willfully violates state or federal law relating to the
manufacture, marketing, distribution, advertising, labeling or
18 sale of food and the violation is a proximate cause of a
customer's obesity or excessive weight gain. For purposes of
20 this subsection, "knowingly and willfully" means the conduct is
committed with the intent to deceive or injure consumers or with
22 actual knowledge that the conduct is injurious to consumers and
is not required by a local, state or federal governmental law or
24 agency.

26 **SUMMARY**

28 This bill creates a defense for a person or business entity
30 that serves food from claims of obesity of or excessive weight
32 gain by consumers as a result of their long-term consumption of
34 food from that person or entity. Exceptions to this defense are
instances in which food items are altered or misbranded and
certain cases of other knowing and willful violations of state or
federal law.