

By the Committee on Health, Aging, and Long-Term Care; and
Senator Smith

317-1975-04

1 A bill to be entitled
2 An act relating to immunity from civil
3 liability; creating s. 768.37, F.S.; providing
4 to certain entities immunity from civil
5 liability for personal injury or wrongful death
6 based upon long-term consumption of certain
7 foods or nonalcoholic beverages under certain
8 circumstances; providing applicability;
9 providing a limitation on immunity; providing
10 an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 768.37, Florida Statutes, is
15 created to read:

16 768.37 Limitation on civil liability arising from
17 long-term consumption of food and nonalcoholic beverages.--A
18 manufacturer, distributor, or seller of foods or nonalcoholic
19 beverages intended for human consumption is not subject to
20 civil liability for personal injury or wrongful death to the
21 extent that such liability is premised upon a person's weight
22 gain or obesity, or a health condition related to weight gain
23 or obesity, resulting from the person's long-term consumption
24 of such foods or nonalcoholic beverages. For the purposes of
25 this section, the term "long-term" means the cumulative effect
26 of multiple instances over a period of time and not the effect
27 of a single or isolated instance. Such a limitation on civil
28 liability does not bar a claim under any other provision of
29 law against a manufacturer, distributor, or seller of foods or
30 nonalcoholic beverages if the manufacturer, distributor, or
31 seller has failed to provide nutritional content information

1 as required by an applicable state or federal statute or
2 regulation, or has provided materially false or misleading
3 information to the public in any form.

4 Section 2. This act shall take effect upon becoming a
5 law and shall apply to all claims filed on or after that date.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 1394

10 The committee substitute expands the bar on claims for damages
11 arising from personal injury or wrongful death against a
12 retail seller of foods or nonalcoholic beverages if the claim
13 is premised upon a person's weight gain or obesity, or a
14 health condition related to weight gain or obesity, resulting
15 from long-term consumption of such foods or nonalcoholic
16 beverages, to also prohibit such claims against a manufacturer
17 or distributor of such foods or nonalcoholic beverages. The
18 bill provides that such a limitation does not bar a claim
19 under any other provision of law against a manufacturer,
20 distributor, or seller of foods or nonalcoholic beverages if
21 such a person has failed to provide nutritional content
22 information as required by any applicable state or federal law
23 or has provided materially false or misleading information to
24 the public.
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