1   A bill to be entitled

2   An act relating to immunity from civil liability; creating

3   s. 768.37, F.S.; providing to certain entities immunity

4   from civil liability for personal injury or wrongful death

5   based upon long-term consumption of certain foods or

6   nonalcoholic beverages under certain circumstances;

7   providing application; providing a limitation on immunity;

8   providing an effective date.

9

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

11

12   Section 1. Section 768.37, Florida Statutes, is created to

13   read:

14   768.37 Limitation on civil liability arising from long-

15   term consumption of food and nonalcoholic beverages.--No

16   manufacturer, distributor, or seller of foods or nonalcoholic

17   beverages intended for human consumption shall be subject to

18   civil liability for personal injury or wrongful death to the

19   extent such liability is premised upon a person's weight gain or

20   obesity, or a health condition related to weight gain or

21   obesity, resulting from the person's long-term consumption of

22   such foods or nonalcoholic beverages. For purposes of this

23   section, the term "long-term" means the cumulative effect of

24   multiple instances over a period of time and not the effect of a

25   single or isolated instance. Such limitation on civil liability

26   shall not bar a claim for damages if otherwise available under

27   any other provision of law against a manufacturer, distributor,

28   or seller of foods or nonalcoholic beverages if such

29 manufacturer, distributor, or seller has failed to provide

30 nutritional content information as required by any applicable

31 state or federal statute or regulation, or has provided

32 materially false or misleading information to the public.

33   Section 2. This act shall take effect upon becoming a law

34 and shall apply to all claims filed on or after the effective

35 date.