

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 75**

As Amended by House Committee on  
Judiciary

**Brief\***

SB 75 would provide immunity from civil lawsuits for manufacturers, producers, sellers, marketers, or advertisers of food based on claims arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally know condition allegedly caused by the long-term consumption of food. The term "food" does not include food additives.

No immunity is provided when a claim is based on adulteration or misbranding or any material violation of the federal Food, Drug, and Cosmetic Act or state law if the violation is knowing and wilful and the injury was proximately caused by the violation.

The bill is effective upon publication in the *Kansas Register*.

The Senate Committee added clarifying and technical amendments.

**Background**

The bill was supported by the Kansas Restaurant and Hospitality Association, the Kansas Beverage Association, the Kansas Chamber, the Petroleum Marketers and Convenience Store Association of Kansas, the Kansas Farm Bureau, the Kansas Livestock Association, the Kansas Cooperative Council, the National Federation of Independent Business, the Kansas Grain and Feed Association, and the Kansas Agribusiness Retailers Association.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill was opposed by a spokesman for the Kansas Trial Lawyer Association who said the bill was overbroad.

Proponents said 14 states had passed this type of legislation based on the National Restaurant Association model act.

The House Committee amendments would do the following:

- ! Delete the title of the bill, The Obesity Frivolous Lawsuit Act.
- ! Delete the civil procedure provisions regarding discovery and other proceedings.
- ! Add a technical change.

The bill has no fiscal impact on the state.