

AN ACT

ENTITLED, An Act to prohibit recovery based on claims resulting from weight gain, obesity, or a health condition resulting from long-term consumption of a qualified product.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act mean:

- (1) "Livestock," cattle, bison, swine, sheep, goats, horses, ratites, and captive cervidae;
- (2) "Livestock producer," any producer of livestock;
- (3) "Long-term consumption," the cumulative effect of the consumption of any qualified product and not the effect of a single instance of consumption;
- (4) "Qualified product," any food or drink as defined in section 201(f) of the Federal Food Drug and Cosmetic Act (21 U.S.C. § 321(f)), in effect as of January 1, 2004, and specifically including meat and meat products from livestock;
- (5) "Seller," any person or entity lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product;
- (6) "Trade association," any association or business organization that is not operated for profit, if two or more members are manufacturers, marketers, distributors, livestock producers, advertisers, or sellers of a qualified product.

Section 2. No manufacturer, seller, trade association, livestock producer, or retailer of a qualified product is subject to civil liability for injury or death in any case in which liability is based on the individual's weight gain, obesity, or a health condition related to weight gain or obesity, and the weight gain, obesity, or health condition results from the individual's long-term consumption of a qualified product.

Section 3. Any civil action regarding a claim as set forth in section 2 of this Act that is governed by the laws of South Dakota and that is pending on the date of the enactment of this Act shall be

subject to the terms of this Act.

Section 4. This Act may be cited as the Commonsense Consumption Act.

An Act to prohibit recovery based on claims resulting from weight gain, obesity, or a health condition resulting from long-term consumption of a qualified product.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1282

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1282
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State