

HOUSE BILL NO. HB0170

Commonsense consumption act.

Sponsored by: Representative(s) Hammons, McOmie and Quarberg and Senator(s) Aullman and Geis

A BILL

for

1 AN ACT relating to livestock products; prohibiting civil
2 liability based on long term consumption of qualified
3 products as specified; providing an exception; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 11-46-101 through 11-46-103 are
9 created to read:

10

11

CHAPTER 46

12

COMMONSENSE CONSUMPTION ACT

13

14

11-46-101. Short title.

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1 This chapter is known and may be cited as the "Wyoming
2 Commonsense Consumption Act".

3

4 **11-46-102. Definitions.**

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6 (a) As used in this act:

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8 (i) "Livestock" means as defined in W.S.
9 11-39-101(a)(vi);

10

11 (ii) "Agricultural producer" means any producer
12 of livestock, crops for food or fiber, dairy products and
13 any other product for human consumption from an
14 agricultural operation;

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16 (iii) "Long term consumption" means the
17 cumulative effect of the consumption of any qualified
18 product and not the effect of a single instance of
19 consumption;

20

21 (iv) "Qualified product" means any food or drink
22 as defined in section 201(f) of the Federal Food Drug and
23 Cosmetic Act (21 U.S.C. § 321(f)), and specifically
24 includes meat and meat products from livestock, food,

1 fiber, dairy products and any other product for human
2 consumption from an agricultural operation;

3

4 (v) "Seller" means any person or entity lawfully
5 engaged in the business of marketing, distributing,
6 advertising or selling a qualified product;

7

8 (vi) "Trade association" means any association
9 or business organization that is not operated for profit,
10 if two (2) or more members are manufacturers, marketers,
11 distributors, agricultural producers, advertisers or
12 sellers of a qualified product;

13

14 (vii) "Public aid organization" means any
15 organization which provides food or drink to members of the
16 public at a free or reduced charge. Public aid
17 organizations include, but are not limited to,
18 organizations such as homeless shelters, soup kitchens and
19 food banks;

20

21 (viii) "This act" means W.S. 11-46-101 through
22 11-46-103.

23

1 **11-46-103. Limitation on liability for long term**
2 **consumption.**

3

4 (a) No manufacturer, seller, trade association,
5 agricultural producer, wholesaler, broker or retailer of a
6 qualified product or hospital, senior citizen center,
7 nursing home or public aid organization is subject to civil
8 liability for injury or death in any case in which
9 liability is based on the individual's weight gain, obesity
10 or a health condition related to weight gain or obesity,
11 and the weight gain, obesity or health condition results
12 from the individual's long term consumption of a qualified
13 product.

14

15 (b) Subsection (a) of this section shall not preclude
16 civil liability if:

17

18 (i) The claim of injury or death is based on a
19 material violation of a composition, branding or labeling
20 standard prescribed by state or federal law; and

21

22 (A) The claimed injury or death was
23 actually and proximately caused by that violation; and

24

1 (B) The violation was committed with intent
2 to deceive or injure consumers or with actual knowledge
3 that the violation was injurious to consumers.

4

5 **Section 2.** This act applies to any action commenced
6 on or after the effective date of this act.

7

8 **Section 3.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13

(END)