

SENATE BILL REPORT

SB 5996

AS OF JANUARY 20, 1994

Brief Description: Creating a legal claim for disparagement of agricultural food products.

SPONSORS: Senator Erwin

SENATE COMMITTEE ON AGRICULTURE

Staff: Diane Smith (786-7410)

Hearing Dates: January 27, 1994

BACKGROUND:

Concern has been expressed about false claims made against agricultural products and practices of this state. In general, a person injured in his or her business, trade, or profession by the publication of a disparaging and false or defamatory and false statement may bring a defamation or disparagement action to recover damages.

SUMMARY:

If a producer of a food product suffers damage from another person's dissemination of certain false information to the public regarding the product, the producer may bring a court action for damages. The action may be brought if: (1) the information disseminated is false information regarding the application of an agricultural chemical or process to the product and not based on reliable scientific data; (2) the person who disseminated such information knows or should know that the information is false; and (3) the information causes the consuming public to doubt the safety of the product. The action for damages must be commenced within three years.

In a case where such damages are awarded, the court shall award the plaintiff all costs of the litigation including reasonable attorneys' fees, investigation costs, and court costs. The court shall also impose on any liable party a civil fine of not more than \$100,000 to be paid to the plaintiff.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.