

SENATE BILL REPORT

SSB 6601

As Passed Senate, February 17, 2004

Title: An act relating to obesity lawsuits.

Brief Description: Limiting obesity lawsuits.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Brandland, T. Sheldon, Stevens, Roach, Murray and Oke).

Brief History:

Committee Activity: Judiciary: 2/6/04 [DPS, DNP].

Passed Senate: 2/17/04, 41-8.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson and Roach.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Aldo Melchiori (786-7439)

Background: There have been a number of high profile cases in which plaintiffs have sued fast food distributors for obesity-related health problems. None of the plaintiffs have yet to prevail.

Summary of Bill: Manufacturers, packers, distributors, carriers, holders, sellers, marketers, or advertisers of food are not subject to liability arising out of weight gain, obesity, or other generally known conditions caused by or the result of long-term consumption of food. Liability remains, however, if the food is knowingly or willfully adulterated, misbranded, or manufactured, marketed, distributed, advertised, labeled, or sold in violation of applicable laws. Specific pleading requirements stating the alleged violation of applicable laws and statement of the facts are provided. Discovery and other proceedings are stayed unless the court finds that discovery is needed to preserve evidence or prevent undue prejudice to a party. The act applies to all pending and future claims.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is not about obesity, it is about frivolous lawsuits that waste court resources and the money of business. Nineteen states are considering similar legislation.

Testimony Against: Current court rules already provide for the early dismissal of frivolous cases and the award of attorney's fees. Washington is not in danger of becoming a haven for these suits because we have strong statutes already in place.

Testified: PRO: Stan Bauman, Washington Restaurant Assoc.; CON: Larry Shannon, WSTLA

House Amendment(s): The amendment provides that the immunity applies to actions by a private party, instead of actions for personal injury or wrongful death. Actions based on the long-term purchase (in addition to long-term consumption) of food or nonalcoholic beverages are precluded.