

1 AN ACT concerning liability.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Commonsense Consumption Act.

6 Section 5. Definitions. As used in this Act:

7 "Engaged in the business" means a person who sells a
8 qualified product in the person's regular course of trade or
9 business.

10 "Person" means an individual, corporation, company,
11 association, firm, partnership, society, joint stock company,
12 or any other entity, including any governmental entity.

13 "Qualified product" means a food (as defined in Section
14 201(f) of the Federal Food Drug and Cosmetic Act (21 U.S.C.
15 321(f)).

16 "Qualified civil liability action" means a civil action
17 brought by any person against a seller of a qualified product,
18 for damages or injunctive relief based on a claim of injury
19 resulting from a person's weight gain, obesity, or any health
20 condition that is related to weight gain or obesity.

21 "Seller" means, with respect to a qualified product, a
22 person lawfully engaged in the business of selling a qualified
23 product.

24 Section 10. Limited liability. No person shall bring a
25 qualified civil liability action in State court against any
26 seller of a qualified product.

27 Section 15. Exceptions. A qualified civil liability action
28 shall not include:

29 (a) an action in which a seller of a qualified product
30 knowingly and willfully violated a federal or State statute

1 applicable to the marketing, distribution, advertisement,
2 labeling, or sale of the product, and the violation was a
3 proximate cause of the claim of injury resulting from a
4 person's weight gain, obesity, or health condition related to
5 weight gain or obesity;

6 (b) an action for breach of contract or express warranty in
7 connection with the purchase of a qualified product; or

8 (c) an action regarding the sale of a qualified product
9 which is adulterated (as described in Section 402 of the
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342)).

11 Section 20. Dismissal of pending actions. A qualified
12 civil liability action that is pending on the effective date of
13 this Act shall be dismissed immediately by the court in which
14 the action was brought or is currently pending.