

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 19, 2005**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB107** by Van Arsdale (Relating to prohibiting actions brought against certain persons alleging injury relating to an individual's weight gain, obesity, or any health condition associated with weight gain or obesity.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Civil Practice and Remedies Code to prohibit certain civil actions in state court. The bill would bar suits against food manufacturers or sellers and livestock or agricultural producers relating to weight gain, obesity, and injuries or health conditions associated with an individual's weight gain or obesity. Suits for such injuries alleging statutory violation when such violation is the proximate cause of the person's injury or condition would not be barred by the bill. The bill would also expressly allow suits brought under the Texas Food, Drug, and Cosmetic Act and consumer protection restraining orders brought by the Office of the Attorney General under the Deceptive Trade Practices Act. The bill would take effect immediately if receiving a vote of two-thirds of all members of each house, or September 1, 2005.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SR, LB, VDS, AM