

AN ACT

relating to classifying oysters as an inherently unsafe product for personal consumption.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 82.004, Civil Practice and Remedies Code, is amended to read as follows:

(a) In a products liability action, a manufacturer or seller shall not be liable if:

(1) the product is inherently unsafe and the product is known to be unsafe by the ordinary consumer who consumes the product with the ordinary knowledge common to the community; and

(2) the product is a common consumer product intended for personal consumption, such as:

(A) sugar, castor oil, alcohol, tobacco, and butter, as identified in Comment i to Section 402A of the Restatement (Second) of Torts; or

(B) an oyster.

SECTION 2. Subsection (a), Section 82.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action commenced on or after the effective date of this Act. A cause of action commenced before the effective date of this Act is governed by the law in effect at the time the action accrued, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 791 passed the Senate on May 3, 2007, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 791 passed the House on May 23, 2007, by the following vote: Yeas 142, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor