

1-1 By: Williams S.B. No. 791
1-2 (In the Senate - Filed February 21, 2007; March 6, 2007,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 25, 2007, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 25, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to classifying oysters as an inherently unsafe product for
1-9 personal consumption.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 82.004, Civil Practice
1-12 and Remedies Code, is amended to read as follows:

1-13 (a) In a products liability action, a manufacturer or seller
1-14 shall not be liable if:

1-15 (1) the product is inherently unsafe and the product
1-16 is known to be unsafe by the ordinary consumer who consumes the
1-17 product with the ordinary knowledge common to the community; and

1-18 (2) the product is a common consumer product intended
1-19 for personal consumption, such as:

1-20 (A) sugar, castor oil, alcohol, tobacco, and
1-21 butter, as identified in Comment i to Section 402A of the
1-22 Restatement (Second) of Torts; or

1-23 (B) an oyster.

1-24 SECTION 2. Subsection (a), Section 82.004, Civil Practice
1-25 and Remedies Code, as amended by this Act, applies only to a cause
1-26 of action commenced on or after the effective date of this Act. A
1-27 cause of action commenced before the effective date of this Act is
1-28 governed by the law in effect at the time the action accrued, and
1-29 that law is continued in effect for that purpose.

1-30 SECTION 3. This Act takes effect September 1, 2007.

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