

AN ACT concerning liability.

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

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

Section 5. Definitions. As used in this Act:

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

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

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

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

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

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

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

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

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

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

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

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