

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

3

HOUSE BILL 663*
Committee Substitute Favorable 5/14/13
Committee Substitute #2 Favorable 5/15/13

Short Title: Commodities Producer Protection.

(Public)

Sponsors:

Referred to:

April 10, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE BURDEN OF PROOF IN PRODUCT LIABILITY CASES
3 INVOLVING CERTAIN AGRICULTURAL COMMODITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 99B of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 99B-12. Burden of proof in certain cases.**

8 (a) A commodity producer who is certified by the United States Department of
9 Agriculture Agricultural Marketing Service Good Agricultural Practices and Good Handling
10 Practices Audit Verification Program shall be entitled to a rebuttable presumption that the
11 commodity producer was not negligent when death or injury is proximately caused by the
12 consumption of the producer's raw agricultural commodity. This presumption may be overcome
13 only by clear and convincing evidence.

14 (b) As used in this section:

15 (1) Commodity producer means a producer of raw agricultural commodities.

16 (2) Raw agricultural commodity means any food in its raw or natural state,
17 including all fruits that are washed, colored, or otherwise treated in their
18 unpeeled natural form prior to marketing, and which are covered by the
19 United States Department of Agriculture Agricultural Marketing Service
20 Good Agricultural Practices and Good Handling Practices Audit Verification
21 Program."

22 SECTION 2. This act becomes effective October 1, 2013, and applies to claims
23 arising on or after that date.



* H 6 6 3 - V - 3 *