

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 649*

Short Title: Commodities Producer Protection. (Public)

Sponsors: Senators Jackson, Rabon, Brock (Primary Sponsors); Cook, Jenkins, McLaurin, Tillman, and Walters.

Referred to: Judiciary I.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY
3 PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR
4 PRODUCTS, ONCE THOSE PRODUCTS HAVE BEEN ACCEPTED BY A
5 PROCESSOR OR RESELLER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 106 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 57B.

10 "Civil Liability for Certified Commodity Producers and Commodity Purchasers.

11 **"§ 106-706.1. Definitions.**

12 The following definitions apply in this Article:

13 (1) Certified. – The commodity producer (i) complies with good agricultural
14 practices as defined by the United States Department of Agriculture,
15 Agricultural Marketing Service and (ii) is audited by a third-party designee
16 certified by the United States Department of Agriculture.

17 (2) Commodity producer. – A producer of fruits, vegetables, or other
18 agricultural products.

19 **"§ 106-706.2 Limitation on liability: rebuttable presumption.**

20 A commodity producer who is certified as defined in this Article shall be entitled to a
21 rebuttable presumption that the commodity producer was not negligent when death or injury is
22 proximately caused by consumption of the producer's commodity.

23 **"§ 106-706.3 Limitation on liability.**

24 The liability of a certified, adequately insured producer of commodities for death or injury
25 proximately caused by consumption of the commodity shall not exceed five hundred thousand
26 dollars (\$500,000)."

27 **SECTION 2.** This act becomes effective July 1, 2013, and applies to claims arising
28 on or after that date.

