

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 486, Page 3, Section 135.1620, Line 75, by inserting immediately after all
2 of said line and section the following:

3
4 "537.530. 1. For purposes of this section, the term "perishable food product" shall mean a
5 food product of agriculture or aquaculture that is sold or distributed in a form that will perish or
6 decay beyond marketability within a limited period of time.

7 2. A person shall be liable as provided under subsection 3 of this section if:

8 (1) The person disseminates in any manner information relating to a perishable food product
9 to the public;

10 (2) The person knows the information is false; and

11 (3) The information states or implies that the perishable food product is not safe for
12 consumption by the public.

13 3. A person who is liable under subsection 2 of this section is liable to the producer of the
14 perishable food product for damages and any other appropriate relief arising from the person's
15 dissemination of the information.

16 4. In determining if the information is false, the trier of fact shall consider whether the
17 information was based on reasonable and reliable scientific inquiry, facts, or data.

18 5. No person shall be liable under this section for marketing or labeling any agricultural
19 product in a manner that indicates that the product:

20 (1) Was grown or produced by using or not using a chemical or drug;

21 (2) Was organically grown; or

22 (3) Was grown without the use of any synthetic additive.

23 6. Nothing in this section shall be construed to impose liability upon the following entities
24 solely as a result of content or information provided by another entity:

25 (1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2);

26 (2) A provider of public mobile services or private mobile radio services; or

27 (3) A telecommunications network or broadband provider, or a newspaper as qualified by chapter
28 493."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.

Action Taken _____ Date _____