

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 663\*  
Committee Substitute Favorable 5/14/13

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 July 1, 2013, and applies to claims arising  
23 on or after that date.

