

BILL ANALYSIS

Senate Research Center
80R6263 CAE-D

S.B. 791
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent litigation and the threat of future litigation toward private business over liability associated with the business of oyster production and subsequent sale for human consumption has produced the need for statutory protection. Currently, there is no explicit protection for people in the oyster industry from lawsuits which are brought on behalf of plaintiffs who get sick or die as a result of eating oysters. Oysters are known to cause severe reactions in people with certain conditions; for example, *Vibrio Vulnificus*, a bacteria commonly found in oysters, is very dangerous to individuals with liver disease. Oysters are not listed as inherently unsafe products for personal consumption.

As proposed, S.B. 791 includes oysters in the list of inherently unsafe products for personal consumption in regard to a products liability action.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 82.004(a), Civil Practice and Remedies Code, as follows:

- (a) Includes oysters as an inherently unsafe common consumer product intended for personal consumption for which this subsection applies. Creates Subdivision (2)(A) from existing text.

SECTION 2. Makes application of Section 82.004(a), Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2007.