

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 303

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PRODUCT LIABILITY; AMENDING CHAPTER 14, TITLE 6, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 6-1411, IDAHO CODE, TO ESTABLISH PROVI-
3 SIONS REGARDING SATISFACTION OF A WARNING TO CONSUMERS OR THE PUBLIC;
4 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 14, Title 6, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 6-1411, Idaho Code, and to read as follows:

10 6-1411. SATISFACTION OF A WARNING TO CONSUMERS OR THE PUBLIC. (1) The
11 common law duty of a United States manufacturer or seller of a product that
12 is used in growing food or fiber to warn a consumer or the public about the
13 risks associated with the use of the product shall be presumed to be satis-
14 fied when:

15 (a) An Idaho or federal statute, rule, regulation, or government order
16 issued thereunder requires a manufacturer or seller to provide a warn-
17 ing to accompany the sale or use of a product;

18 (b) The authority requiring such warning provides or approves a spe-
19 cific warning that is based on scientific evaluation of the risks of us-
20 ing that product; and

21 (c) Such warning is actually given as required by statute, rule, or reg-
22 ulation.

23 (2) (a) Such presumption can be rebutted only by a showing that:

24 (i) The clear weight of scientific evidence does not support the
25 scientific basis on which the required warning is based; and

26 (ii) The manufacturer or seller knows or should have known at the
27 time the product was sold that the required warning was not sup-
28 ported by the clear weight of scientific evidence.

29 (b) At minimum, evidence that the warning provided is not adequate
30 shall be academically peer reviewed, published in a recognized academic
31 journal, capable of replication, and reflect a reliable application of
32 scientific principles and methods to the risks associated with the use
33 of the product.

34 SECTION 2. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2025.