

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. 264

January 31, 2011

Authored by Urdahl; Hamilton; Murphy, M.; McElfrick; Gunther and others
The bill was read for the first time and referred to the Committee on Civil Law

February 24, 2011

Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Agriculture and Rural Development Policy and Finance

April 18, 2011

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Judiciary Policy and Finance

May 4, 2011

Committee Recommendation and Adoption of Report:
To Pass
Read Second Time

May 20, 2011

Calendar For The Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to civil actions; prohibiting actions against certain persons for weight
1.3 gain as a result of consuming certain foods; proposing coding for new law in
1.4 Minnesota Statutes, chapter 604.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[604.191] PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION**
1.7 **ACT.**

1.8 Subdivision 1. **Title.** This act may be cited as the Personal Responsibility in Food
1.9 Consumption Act.

1.10 Subd. 2. **Definitions.** (a) For purposes of this section the following terms have
1.11 the meanings given.

1.12 (b) "Food" has the meaning given in United States Code, title 21, section 321(f),
1.13 but does not include a "dietary supplement" as defined in United States Code, title 21,
1.14 section 321(ff).

1.15 (c) "Long-term consumption" means the cumulative effect of the consumption of
1.16 food or nonalcoholic beverages, and not the effect of a single instance of consumption.

1.17 (d) "Party" means an individual, corporation, company, association, firm, partnership,
1.18 society, joint stock company, or any other entity, including any governmental entity.

1.19 Subd. 3. **Immunity from civil liability.** A producer, grower, manufacturer, packer,
1.20 distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended
1.21 for human consumption, or an association of one or more of such entities, must not be
1.22 subject to civil liability based on any individual's or group of individuals' purchase or
1.23 consumption of food or nonalcoholic beverages in cases where liability arises from weight
1.24 gain, obesity, or a health condition associated with weight gain or obesity and resulting

2.1 from the individual's or group of individuals' long-term purchase or consumption of a
2.2 food or nonalcoholic beverage.

2.3 Subd. 4. **Actions permitted.** Subdivision 3 does not apply to a claim of weight
2.4 gain or obesity that is based on:

2.5 (1) a material violation of an adulteration or misbranding requirement prescribed
2.6 by state or federal statute, rule, or regulation and the claimed injury was proximately
2.7 caused by the violation; or

2.8 (2) any other material violation of federal or state law applicable to the
2.9 manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the
2.10 violation is knowing and willful, and the claimed injury was proximately caused by the
2.11 violation.

2.12 Sec. 2. **EFFECTIVE DATE.**

2.13 Section 1 is effective the day following final enactment and applies to any action
2.14 brought by any party on or after the effective date.