

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 27, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

With this letter, I am vetoing and returning H. F. No. 264, Chapter No. 101, a bill prohibiting civil actions against certain persons for weight gain as a result of consuming certain foods.

As I informed the House author, I support the bill's expressed intent to hold individuals responsible for their own dietary choices. I could support legislation limited to that intention.

Unfortunately, this bill provides to companies that manufacture, distribute, or sell food and nonalcoholic beverages civil immunity, except for: "any other material violation of federal or state law applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the violation is knowing and willful...." That requirement of being "knowing and willful" creates too broad an exemption from liability, according to legal experts with whom I consulted.

I am told that the Senate Committee on Judiciary and Public Safety removed this provision in its passage of the bill, however, the full Senate reinstated the original House language. That is unfortunate, as it reportedly precluded bipartisan support for the bill.

Given these concerns, I cannot support this legislation in this form.

Sincerely,

MARK DAYTON

Governor

[NOTE: Pursuant to Joint Rule 3.02(c), the above vetoed bill, H. F. No. 264 (Chapter No. 101), which was returned to the House by the Governor with his objections, was laid on the table.]