

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 claimed injury was proximately caused by the violation.

2.11 Sec. 2. **EFFECTIVE DATE.**

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