

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 160

(SENATE AUTHORS: HANN, Scheid, Magnus, Limmer and Gimse)

DATE	D-PG	OFFICIAL STATUS
01/31/2011	130	Introduction and first reading Referred to Judiciary and Public Safety
04/18/2011	1382a	Comm report: To pass as amended
	1385	Second reading
05/21/2011	3045	HF substituted on General Orders HF264

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

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

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

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

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

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

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

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

Subd. 3. Immunity from civil liability. A producer, grower, manufacturer, packer,
distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended
for human consumption, or an association of one or more of such entities, must not be
subject to civil liability based on any individual's or group of individuals' purchase or
consumption of food or nonalcoholic beverages in cases where liability arises from weight
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 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.