

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 118

**DATE:** February 14, 2005

**Version:** As Introduced

**Authors:** Urdahl and others

**Subject:** Responsible Food Consumption Act

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### Section

**1**      **Actions alleging weight gain or obesity from food consumption.** A new section of law limits the recovery of damages from food manufacturers or sellers because of weight gain, obesity, or certain other health conditions.

**Subd. 1. Actions prohibited.** Prohibits the bringing of an action against a food manufacturer or seller or a trade association on the basis of a claim that consuming food caused injury because of weight gain or obesity.

**Subd. 2. Actions permitted.** Claims and actions are not prohibited in a situation where a manufacturer or seller willfully violated a state law and the violation was the proximate cause of a person's weight gain or obesity, or where there is a breach of an express contract or warranty.

**Subd. 3. Pleadings.** If a claim is made under an exception created by subdivision 2, the complaint must specify the statute violated and facts about the injury suffered.

**Subd. 4. Discovery in certain actions.** Discovery and other proceedings must be stayed during a motion to dismiss except if the court finds that discovery is necessary to preserve evidence. During a stay created by a motion to dismiss, parties must preserve evidence under their control.

**2**      **Effective date.** Section 1 applies to actions commenced on or after August 1, 2005.